LEGISLATIVE COUNCIL

Tuesday 8 November 2005

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

The Clerk of the Parliaments offered the Prayers.

The PRESIDENT: I acknowledge that we are meeting on Eora land.

ASSENT TO BILLS

Assent to the following bills reported:

Confiscation of Proceeds of Crime Amendment Bill
Crimes Amendment (Road Accidents) (Brendan's Law) Bill
Criminal Procedure Amendment (Prosecutions) Bill
Civil Liability Amendment (Offender Damages Trust Fund) Bill
Defamation Bill
Gaming Machines Amendment Bill
Residential Tenancies Amendment (Social Housing) Bill
State Emergency and Rescue Management Amendment Bill

INDIA BOMBINGS

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council and the people of New South Wales I have sent a message of condolence to the Consul-General of India expressing sympathy to the relatives and friends of the people of India who were killed or injured in the bombings on Saturday 29 October 2005. I ask all honourable members and officers of the House to stand in their places as a mark of respect.

Members and officers of the House stood in their places.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, the annual report for the year ended 30 June 2005.

Ordered to be printed.

CHILD DEATH REVIEW TEAM

Report

The President announced the receipt, pursuant to the Commission for Children and Young People Act 1988, of the annual report for the year ended 31 December 2004.

Ordered to be printed.

OFFICE OF THE CHILDREN'S GUARDIAN

Report

The President announced the receipt, pursuant to the Children and Young Persons (Care and Protection) Act 1998 of the annual report for the year ended 30 June 2005.

Ordered to be printed.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

The President announced the receipt, pursuant to the Commission for Children and Young People Act 1998, of the annual report for the year ended 30 June 2005, together with two children's versions of the report entitled "Feedback 2005".

Ordered to be printed.

POLICE INTEGRITY COMMISSION

Report

The President announced the receipt, pursuant to the Police Integrity Commission Act 1996, of the annual report for the year ended 30 June 2005.

Ordered to be printed.

TABLING OF PAPERS NOT ORDERED TO BE PRINTED

The Hon. Eric Roozendaal tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed.

The following paper was ordered to be printed:

Police Integrity Commission Act 1996—Report of the Police Integrity Commission entitled "Operation Abelia", volumes 1 to 4, dated September 2005.

TABLING OF PAPERS

The Hon. Eric Roozendaal tabled the following papers:

Annual Reports (Statutory Bodies) Act 1984—Reports for the year ended 30 June 2005:

Audit Office of New South Wales
Cancer Institute NSW
Dams Safety Committee
Dumaresq-Barwon Border Rivers Commission
Hawkesbury Nepean Catchment Management Authority
Health Foundation
Hunter-Central Rivers Catchment Management Authority
Mine Subsidence Board
Sydney Metropolitan Catchment Management Authority

Report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting period July-September 2005", dated October 2005.

Rural Lands Protection Act 1998—Report of the Rural Lands Protection Boards for the year ended 31 December 2004.

Ordered to be printed.

YANGA STATION, BALRANALD

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 12 October 2005, documents relating to the purchase of Yanga Station, received on 26 October 2005 from the Director General of the Premier's Department, together with an indexed list of the documents.

Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

ROADS AND TRAFFIC AUTHORITY AND CROSS CITY TUNNEL CONSORTIUM CONTRACT DOCUMENTS

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 18 October 2005, documents relating to a further order regarding the cross-city tunnel, received on 27 October 2005 from the Office of the Minister for Roads, together with an indexed list of documents, and documents received on 1 November 2005 from the Minister for Roads and from the Director General of the Premier's Department, together with indexes for both sets of documents.

Claim of Privilege

The Clerk tabled returns identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Recruitment and Training of Teachers

The Clerk announced the receipt, pursuant to standing orders, of report No. 35, entitled "Recruitment and Training of Teachers", dated October 2005, together with transcripts of evidence, tabled documents, submissions and correspondence.

The Clerk announced further that, pursuant to standing orders, it had been authorised that the report be printed.

The Hon. JAN BURNSWOODS [2.43 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Jan Burnswoods.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a report of the Auditor-General entitled "Financial Audits: Volume Three 2005: Total State Sector Accounts", dated October 2005.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to the Legislation Review Act 1987, of a report entitled "Legislation Review Digest No. 13 of 2005", dated 7 November 2005.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Membership

The PRESIDENT: I inform the House that on 20 October 2005 Ms Sylvia Hale was nominated by crossbench members as a member of General Purpose Standing Committee No. 2 in place of Reverend the Hon. Dr Gordon Moyes.

PETITIONS

Freedom of Religion

Petition praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Reverend the Hon. Fred Nile**.

Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Reverend the Hon. Dr Gordon Moyes**.

Breast Screening Funding

Petition requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **the Hon. Robyn Parker**.

Desalination and Sustainable Water Supply

Petition opposing construction of a desalination plant in Sydney, and requesting a sustainable water supply through harvesting and recycling of water, and water efficiency, received from **Ms Sylvia Hale**.

Same-sex Marriage Legislation

Petition opposing same-sex marriage legislation, received from **Reverend the Hon. Fred Nile**.

Anti-Discrimination Legislation

Petition requesting support for the Anti-Discrimination Amendment (Equality in Education and Employment) Bill and the Anti-Discrimination Amendment (Sexuality and Gender Diversity) Bill, received from **Ms Lee Rhiannon**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Business of the House Notice of Motion No. 1 withdrawn by the Hon. Greg Pearce.

LOCAL GOVERNMENT ACT: DISALLOWANCE OF LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005

Debate resumed from 20 October 2005.

The Hon. JON JENKINS [2.54 p.m.]: I will seek leave to withdraw the motion. I have consulted extensively with the Government and I have been given assurances that it will issue guidelines to remedy the situation. To reiterate, the guidelines for primitive camping sites specify a maximum camping density of two tents per hectare. This was stopping all sorts of groups—church groups, social groups, boy scouts and family groups—from camping together and enjoying the communal benefits that flow from that arrangement. The guidelines were enforced rigorously by the letter rather than the intent of the law but the Department of Local Government has assured me that it will issue a guideline to stop such action.

Motion, by leave, withdrawn.

NATIONAL PARKS AND WILDLIFE AMENDMENT (JENOLAN CAVES RESERVES) BILL

In Committee

Clauses 1 to 4 agreed to.

Mr IAN COHEN [2.57 p.m.], by leave: I move Greens amendments Nos 1, 2 and 8 in globo:

No. 1 Page 3, schedule 1 [6], proposed section 29 (2) (b), line 30. Omit "8". Insert instead "9".

No. 2 Page 4, schedule 1 [6], proposed section 29 (3). Insert after line 2:

(a) one is to be a person who is a member of a regional advisory committee for a region that, in the opinion of the Minister, contains significant areas of karst, and

No. 8 Page 15, schedule 1 [25], proposed clause 8 of schedule 4, line 20. Omit "5". Insert instead "6".

These amendments seek to add another member to the statewide Karst Management Advisory Committee. This additional member is to be selected by the Minister for the Environment from one of 19 regional advisory committees. This will add a local perspective, which is important for providing local, on-the-ground input. Amendment No. 8 is a consequential amendment that changes the quorum for meetings of the Karst Management Advisory Committee. I commend the amendments to the Committee.

The Hon. RICK COLLESS [2.58 p.m.]: The Coalition does not oppose the Greens amendments but we have some questions about them. What exactly do the Greens mean by "regional advisory committees"? The Greens have not specified what they are. In addition, the bill provides that members of the Karst Management Advisory Committee shall have karst management qualifications, so why are the Greens seeking to add another person with similar expertise?

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [2.59 p.m.]: The amendments proposed by the Greens reflect and build upon the Government's objectives and ensure that the priceless assets involved are managed appropriately. An additional member of the Karst Management Advisory Committee from a regional committee will, in the Government's view, enhance the committee's capabilities with the addition of practical hands-on experience of day-to-day issues confronting the management of karst areas. The amendments ensure that appropriate environmental performance indicators are included in the plans of management and that leases and licences of the karst conservation reserves explicitly define the Government's intention of closely monitoring and regulating activities, and these environments, thus ensuring that only sustainable practices are followed. For those reasons the Government will support these amendments.

Mr IAN COHEN [3.00 p.m.]: I appreciate the support of the Government and the acknowledgement of the Opposition of these amendments. As I understand it, the Regional Advisory Committees essentially comprise people from specific local areas who add a local perspective to the weight of experience on the committees. To give people in the local area a say in the running of these advisory committees is a very simple but significant input into the decision-making process.

Amendments agreed to.

The Hon. JON JENKINS [3.01 p.m.]: I move Outdoor Recreation Party amendment No. 1:

No. 1 Page 4, schedule 1 [6] (proposed section 29 (3) (h)), lines 16-18. Omit "and" on line 16 and all words on lines 17 and 18.

It is extraordinary that on the one hand the Government has agreed to add another person to a committee but it has foreshadowed it will not support my amendment No. 2, which is almost identical. I remind honourable members of what the Minister said on 20 October in relation to this amendment, as reported in *Hansard:*

> The Outdoor Recreation Party has proposed two additional amendments to remove one of the conservation representatives on the proposed committee whilst increasing certain regional advisory committees to 18.
>
> There is nothing to be gained from removing a nature conservation representative from the proposed Karst Advisory Committee, and I do not accept increasing already overflowing regional advisory committees of 17 community representatives to a whopping 18. Whilst the Government will not support the Hon. Jon Jenkins' proposed amendments, we will seek, on his suggestion, to include an appropriate person with karst knowledge and experience on existing regional advisory committees when casual vacancies from existing members become available.

The National Parks and Wildlife Service advisory committees remind me of the cold war Soviet Union. In that era every community committee had to have on it a reserved place for a NKVD or KGB or Stasi representative. National Parks and Wildlife Service committees are not dissimilar in that they have to have their National Parks Association of New South Wales [NPA] and Nature Conservation Council [NCC] representative embedded in the committee. There is no specification of any scientific or academic qualifications for these positions, nor is there any end user or even stakeholder status proclaimed for the NCC. The web site of the NCC is particularly relevant in that it states:

> Main focus areas
>
> * Native Vegetation Policy
> * Healthy Soils and Sustainable Agriculture
> * Regional Vegetation Management Plans
> * Land Clearing
> * Private Native Forestry

* Economic Incentives for Native Vegetation Conservation
* Land Degradation
* Native Vegetation Advisory Council
* Salinity
* Threatened Species and Ecological Communities

Almost none of those apply to the management of a karst system, nor could anyone possibly argue that the NPA or the NCC represent a vast section of the community. In fact, their combined membership is dwarfed by several orders of magnitude by just one of the mainstream recreational club-based systems. All that the NCC brings to the table is an ideology, and in conjunction with several other so-called conservation groups provides the necessary numbers to stack the committees so that they always toe the party line. Further, the NCC says it represents one of its larger members, the NPA, yet the NPA is also on the advisory committee. So does that mean that the NPA gets two votes on the committee? Of course it does. What else would it be? These reserved positions have nothing to do with good science, community representation or even expert skills but are just reserved as part of the payback deal for Greens preferences. How hypocritical for the Government on the one hand to say there are too many members of the regional committee and it will not put an expert in karst systems onto the regional committee but it will leave a completely unnecessary and superfluous appointee on the caves committee. The arrogance of the Minister to even say that in the same sentence!

I would not mind so much if the Government were clean and open about how these deals work. It works something like this: the Government provides administrative funding for the so-called conservation organisations; it appoints its people to the senior executive of the department; it stacks the advisory committees and panels so that the overarching ideology always wins when it comes to a vote, and it does that in return for some preferences at the ballot box and the passage of legislation and so on. To my way of thinking that is plain and simple corruption. That is a backroom deal, and if it were done in full view of the public and supported by the public, it would be fine, but it is not. I am sure the Minister and the Greens have a different view.

This is a chance for the Minister to tell us the reason why there are designated positions on every National Parks and Wildlife Service advisory committee for the representatives of the NPA and the NCC. The Minister should say if it is part of a deal. There is no reason for an NCC and National Parks and Wildlife Service advisory person to be on this Karst Conservation Advisory Committee. This is a highly specific and targeted committee that is designated with the specific task of looking after the karst system. I have not asked for the removal of the NPA because I realise it is one of the key stakeholders—

Mr Ian Cohen: Thank you for that.

The Hon. JON JENKINS: I have acknowledged that it has a stakeholder interest in this, and I acknowledge the comment of Mr Ian Cohen, but there is absolutely no reason, based on the information from the web site of the NCC or from what has been said in this debate, why it has a designated, hard-coded position on this committee.

Mr IAN COHEN [3.07 p.m.]: The Greens oppose this amendment, which seeks to remove the Native Conservation Council [NCC] representative from the Karst Conservation Advisory Committee. The NCC is the peak conservation body in New South Wales with extensive experience in environmental issues. Its opinions on environmental issues are well respected not only in the environment movement but in the community generally. It is entirely appropriate that the NCC should have a representative on the Karst Conservation Advisory Committee. I was interested when the Hon. Jon Jenkins somehow likened conservation groups to the KGB. I am certainly interested in hearing more from the Minister about—

The Hon. Jon Jenkins: I am not the first person to make that observation either.

[*Interruption*]

Mr IAN COHEN: We used to run in the same direction, but since he has gained power—if what is said about the KGB also happens to the Minister—somehow we have parted ways on many issues. But that is the nature of power, I suppose. The suggestion of KGB-style embedding in committees really shows that the Hon. Jon Jenkins is way out of his depth. He does not have the backing of a substantial number of people in the community but has become a member of the Legislative Council under a misappropriation of aimless votes under an old system.

The Hon. Jon Jenkins: Point of order: First, this is not relevant to the discussion on this amendment at all. Second, it is well outside the leave of anything to do with this bill. Third, Mr Ian Cohen has denigrated me without any substantial motion.

Mr Ian Cohen: To the point of order: I think that it is germane to the accusations that were raised by the Hon. Jon Jenkins. The Hon. Jon Jenkins, lacking any other reputation in the House, has a significant reputation of making accusations against myself and other members of the Greens in the House on a continuing basis. It is important to recognise that the Hon. Jon Jenkins is impugning peak environment groups, slurring them in terms of their association with some sort of post-Soviet-style politics, and making accusations that are completely unfounded. I merely say that those accusations are made by a member of the Legislative Council who was elected by virtue of a voting system that is now defunct by legislation.

The CHAIR: Order! I remind Mr Ian Cohen that he cannot raise imputations against individual members unless by way of substantive motion. If he bears that in mind, he may proceed.

Mr IAN COHEN: As the previous speaker to the amendment stated, the Nature Conservation Council deals with various areas, ranging from vegetation policy to eco-communities. What is the karst if it is not, in great part, an eco-community of various species, threatened and endangered—I refer to a number of bat species—that are listed as such? The proponent of the amendment has shown a superficial understanding of these issues, and some of his comments referred to an ideological agenda. Now that we have heard his significant diatribe on the new-age equivalent of Reds under the bed, is it now Greens under the rock? That is in keeping with his superficial interpretation of the importance of the peak conservation bodies in New South Wales. The Government and the Opposition—the major parties—have acknowledged that the bill will benefit the karst conservation areas, which are exquisite parts of the New South Wales ecosystem, but some members have raised arguments that have denigrated the quality of the debate. When we hear the superficial interpretation by the proponent—

The Hon. Jon Jenkins: And moron.

Mr IAN COHEN: I acknowledge the interjection by the honourable member calling me a moron. I would like it noted that while he is thin-skinned during debate, he is also committed to superficial denigration. The Hon. Jon Jenkins' accusations of corruption and of our doing a deal, as part of his contribution to debate on his amendment No. 1, are specious. That is a bit rich when the Government and the conservation movement are working together—and there is too little of that in this House—quite free of any corruption and any deals, for the benefit of the concerns that are held in high regard by the Greens. I agree that the Government supports the issue, which relegates the member's amendment to something so utterly superficial and short-sighted that it reflects on his support in the community.

The Hon. JON JENKINS [3.13 p.m.]: Not once did Mr Ian Cohen attack what I said in my contribution, which was simply that this place on the committee was designated for a person who is a member of a particular group, a person who has no significant qualifications, has made no scientific contributions, and has no experience or ability, but who is a member of the Nature Conservation Council. Pay your $10, become a member, and you can be on this karst council. That says it all. Mr Ian Cohen acknowledged my interjection, which I will deal with. I was recounting to him all the names he has called me during my very short time in this place, from stamp licker to moron to bovine, and a dozen other personal attacks. I have never and I will never—

Mr Ian Cohen: I have not called you a moron.

The Hon. JON JENKINS: You have.

Mr Ian Cohen: Point of order: He has said I have called him a moron, but I do not think I have called him a moron. I have called him many things, but not a moron.

[*Interruption*]

He called me a moron and I was defending the situation. I do not use that word. There are plenty of words I have used, but I do not use that word.

The CHAIR: Order! The member knows full well that that is not a point of order.

The Hon. JON JENKINS: He may not have used "moron", but he has used "stamp licker", "bovine" and a dozen other terms.

Mr Ian Cohen: It must have been someone else, not me.

The Hon. JON JENKINS: I have them recorded. I have not responded. I will not attack him and I have no intention of doing so. I reiterate what I said previously. This person will not make one contribution to the committee. There is no reason for this person to be on the committee, apart from the fact that this person is a member of a particular group.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.16 p.m.]: The Government does not support the amendment moved by the Hon. Jon Jenkins, for the reason that has been canvassed fairly widely: The removal or the omission of the Nature Conservation Council representative from the proposed karst conservation committee would serve no purpose other than to potentially limit the representation of an appropriate person on the committee, representing a very important stakeholder, who has both karst and general conservation objectives. Accordingly, the Government does not support amendment No. 1 moved by the Hon. Jon Jenkins.

Numerous stakeholders from appropriate backgrounds are represented on all regional advisory committees across the State. Over many years amendments have been moved to increase representation on these committees, so that today there are up to 17 representatives on many of them. Many committees are costly to convene and sitting times are difficult to organise. In addition, because of the number of members it is more difficult for such large groups to reach a consensus, which is time-consuming and sometimes impossible. Increasing many of these committees to 18 representatives, as suggested in the amendment, will only further complicate already large committees and burden the limited resources of committees that have to convene on a regular basis. Although the Government does not support the amendment to increase regional advisory committees to 18 members, for future appointments of casual vacancies an appropriate level of karst knowledge would be appropriate. A committee will seek to have representatives with an appropriate level of karst knowledge. I do not think that will satisfy the Hon. Jon Jenkins, but I make the observation that the Government does not take a Soviet-style approach to these regional advisory committees.

Mr Ian Cohen: Not in this case.

The Hon. JOHN DELLA BOSCA: Not at all. The Government would have made appointments to these kinds of committees that Mr Ian Cohen, his political colleagues and some of his colleagues would be quite critical of and the Hon. Jon Jenkins probably would find were satisfactory and appropriate. There are opinions in the community on these matters that have to be balanced. We think the structure is appropriate for this particular organisation. Honourable members can be assured that my colleague the Minister for the Environment will continue to make appropriately balanced appointments.

The Hon. JON JENKINS [3.18 p.m.]: The Minister addressed the second of my amendments in the second part of his contribution. Is it appropriate that I acknowledge that and address it now, or should I wait until that amendment is moved?

The CHAIR: No, wait until you move the amendment.

Amendment negatived.

Mr IAN COHEN [3.18 p.m.]: I move Greens amendment No. 3:

No. 3 Page 5, schedule 1. Insert after line 24:

[10] Section 72AA Objectives and content of plans of management

Insert after section 72AA (5):

(5A) A plan of management for a karst conservation reserve is to include environmental performance standards and indicators for the purposes of sections 151 (4A) and 151B (10A) that ensure the environmental values of the reserve are conserved or restored.

The amendment seeks to make it a requirement that a plan of management for a karst conservation reserve where a lease or licence is proposed to be issued must include environmental performance indicators and standards. These indicators and standards are to spell out how the values of the reserve are to be conserved or restored. I commend Greens amendment No.3 to the Committee.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.19 p.m.]: The Government supports Greens amendment No. 3.

The Hon. RICK COLLESS [3.19 p.m.]: The Opposition also supports Greens amendment No. 3.

Amendment agreed to.

Mr IAN COHEN [3.19 p.m.]: I move Greens amendment No. 4:

No. 4 Page 6, schedule 1 [16], proposed section 151 (4A), lines 14-18. Omit all words on those lines. Insert instead:

a condition requiring:

(c) the lessee or licensee (in relation to the lands leased or licensed) to comply with the relevant environmental performance standards set out in the plan of management for the reserve, and

(d) the environmental performance of the lessee or licensee (in relation to the lands leased or licensed) to be measured against the relevant environmental performance indicators set out in that plan of management.

This amendment removes the discretion of the Minister for the Environment in applying the environmental performance indicators and standards to leases and licences under section 151 of the National Parks and Wildlife Act. If a plan of management specifies that a certain indicator or standard should be applied, then the lease or licences must include a condition to that effect. It is important for the application of the indicators and standards to be mandatory. Environmental performance standards will be added to a lease or licences by the amendments. Indicators are used to measure performance whereas standards specify what element is to be complied with. It is important that the success of the environmental management system in karst areas include both elements—indicators for reporting, and standards for compliance. I commend Greens amendment No. 4 to the Committee.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.20 p.m.]: The Government supports Greens amendment No. 4.

The Hon. RICK COLLESS [3.20 p.m.]: The Opposition also supports Greens amendment No. 4.

Amendment agreed to.

Mr IAN COHEN [3.20 p.m.]: I move Greens amendment No. 5:

No. 5 Page 6, schedule 1 [16], proposed section 151 (4B), lines 21-24. Omit all words on those lines. Insert instead:

(a) to monitor:

(i) the lessee's or licensee's compliance with the relevant environmental performance standards set out in the relevant plan of management, and

(ii) the lessee's or licensee's environmental performance as measured against the relevant environmental performance indicators set out in that plan of management, and

This amendment adds environmental performance standards to the reporting regime. Standards are an important addition to the environmental management system to complement the indicators that are already included in the bill. I commend Greens amendment No. 5 to the Committee.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.21 p.m.]: The Government supports Greens amendment No. 5.

The Hon. RICK COLLESS [3.21 p.m.]: The Opposition also supports Greens amendment No. 5.

Amendment agreed to.

Mr IAN COHEN [3.21 p.m.]: I move Greens amendment No. 6:

No. 6 Pages 6 and 7, schedule 1 [17], proposed section 151B (10A), line 33 on page 6 to line 2 on page 7. Omit all words on those lines. Insert instead:

(10A) The Minister is to include in every lease of lands within a karst conservation reserve granted under this section a condition requiring:

(a) the lessee (in relation to the lands leased) to comply with the relevant environmental performance standards set out in the plan of management for the reserve, and

(b) the environmental performance of the lessee (in relation to the lands leased) to be measured against the relevant environmental performance indicators set out in that plan of management.

This amendment mirrors the changes to clause 16 in amendment No. 4. However, the amendment applies to the leasing provision of section 151B of the National Parks and Wildlife Act. I commend Greens amendment No. 6 to the Committee.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.22 p.m.]: The Government supports Greens amendment No. 6.

The Hon. RICK COLLESS [3.22 p.m.]: The Opposition also supports Greens amendment No. 6.

Amendment agreed to.

Mr IAN COHEN [3.22 p.m.]: I move Greens amendment No. 7:

No. 7 Page 7, schedule 1 [17], proposed section 151B (10B), lines 5-7. Omit all words on those lines. Insert instead:

(a) to monitor:

(i) the lessee's compliance with the relevant environmental performance standards set out in the relevant plan of management, and

(ii) the lessee's environmental performance as measured against the relevant environmental performance indicators set out in that plan of management, and

This amendment mirrors the changes to clause 16 in amendment No. 5, but the amendment applies to the leasing provision of section 151B of the National Parks and Wildlife Act. I commend Greens amendment No. 7 to the Committee.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.22 p.m.]: The Government supports Greens amendment No. 7.

The Hon. RICK COLLESS [3.22 p.m.]: The Opposition also supports Greens amendment No. 7.

Amendment agreed to.

The Hon. JON JENKINS [3.23 p.m.]: I move Outdoor Recreation Party amendment No. 2:

No. 2 page 16, schedule 1. Insert after line 25:

[27] Schedule 8 Advisory committees

Insert at the end of clause 1 (2):

In the case of a regional advisory committee that includes a karst conservation reserve, the members of the committee are to include a person with expertise and experience in karst conservation issues (and for that purpose the committee may consist of not more than 18 members despite subclause (1)).

I am incredulous at the first amendment when the Government, for various reasons, put the position that it is unnecessary to remove a member from the committee because it would not contribute anything by not removing a member, which is a double negative. I will move an amendment which will provide for a specialist in karst conservation to be a member of the committee—not someone who is a member of a four-wheel-drive association or a member of a fishing group or any particular group, but a specialist in karst conservation. I want such a person to be admitted to the local regional advisory committee that has overall control of the Jenolan Caves area as part of its responsibilities. The amendment will provide for the inclusion of a specialist in karst conservation in the membership of the regional committee.

While the Government on one hand says that members cannot be removed from the committee, on the other hand it says that people cannot be added to the committee either because there are too many members on the committee. The views expressed by the Government are quite extraordinary. Briefly, I think the amendment serves a good cause. There is no procedure for feedback from the specialist advisory committee to the regional committee, which has overall control of the whole Blue Mountains area, including areas of special significance, and should have a specialist in karst conservation in its membership.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.24 p.m.]: I have already addressed in general terms the implications of the amendment moved by the Hon. Jon Jenkins. I simply restate that the Government believes in a balanced membership of committees. We believe in appointing people with appropriate expertise from time to time as the occasion arises and when appropriate appointments can be made. I make the point that there is a limit to the size and scale of a committee, but more particularly there is nothing to suggest that the expertise of a specialist karst conservationist would not be available to the decision makers in any respect. Though appreciating that there is some merit in the arguments of the Hon. Jon Jenkins, the Government does not support the amendment.

Mr IAN COHEN [3.25 p.m.]: The Greens do not support the amendment for a number of reasons, including the fact that the size of regional advisory committees, with 17 members, is somewhat unwieldy. To increase some of the committees to 18 members would make them unworkable. Adding a karst expert to every regional advisory committee with a karst conservation area, regardless of how small the area is, will mean overrepresentation in the committees of karst interests. There is already karst expertise provided to any regional advisory committee through the new Karst Management Advisory Committee by virtue of the bill. This amendment does not improve the representation of karst expertise on regional committees in the most efficient way. The Greens would support an undertaking by the Government that karst experts be placed on relevant committees using one of the existing categories of representatives. Having said that, I reiterate that the Greens do not support Outdoor Recreation Party amendment No. 2.

The Hon. JON JENKINS [3.26 p.m.]: I briefly acknowledge Mr Ian Cohen's contribution. I would be very happy to accept his amendment to remove either the National Parks Association or the Nature Conservation Council, which are doubly represented on the regional advisory committee, and replace them with an expert in karst conservation.

Amendment negatived.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Title agreed to.

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

NATIONAL PARK ESTATE (RESERVATIONS) BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [3.30 p.m.]: I move:

That this bill be now read a second time.

As the speech is lengthy and has been delivered in the other place, I seek leave to have it incorporated in *Hansard*.

Leave granted.

I am pleased to introduce this bill, which builds on the Government's substantial achievements in forest conservation and timber industry reforms on the South Coast. In 2000, following a three-year comprehensive regional assessment, it increased the reserve system in the southern region of New South Wales by about 325,000 hectares and added a further 60,000 hectares to protected

areas of State forest. Those 385,000 hectares helped to create a continuous corridor of national parks and reserves stretching 350 kilometres from the Victorian border to Macquarie Pass, north of Nowra, with important links from the coast to the escarpment. They gave permanent protection to areas such as Tallaganda on the southern tablelands, Murramarang, Conjola, the five lakes area south of Ulladulla, Deua, Gulaga and Monga. At the same time, we were able to deliver security to the timber industry—and the families reliant upon it—with 20-year agreements providing certainty of annual supply.

The outcomes of the comprehensive regional assessment were well received both by peak conservation groups and by the timber industry. It was generally recognised that this outcome for the southern forests met key targets for reserve design and for the protection of ecosystems and species habitat, while at the same time enabling a restructured timber industry to operate sustainably in the region. The 2000 decision of this Government was a balanced decision: it brought certainty and assurance to timber communities, it supported regional jobs in both the timber and tourism industries, and it brought the total area of reserves in the southern region—which takes in Kosciuszko National Park—to more than 1.3 million hectares. That is an outcome this Government is very proud of, and it is an outcome with which it would not wish to tamper.

This bill does not alter in any fundamental way that 2000 decision. It does not affect regional forest agreements or the timber volumes allocated to industry. They stay the same. What the bill does is provide for some final finishing touches to that decision. It adds a further 5,500 hectares of new national parks and more than 1,000 hectares of new State conservation areas to the reserve system, with zero impact on timber supply. It provides for additions to Monga National Park to protect under target old-growth, rainforest and other forest ecosystems. It gives additional protection of the upper catchment of the Mongarlowe River. Additions to Deua National Park will now fully protect the upper Deua River catchment, while additions to Murramarang National Park will protect a significant stand of old-growth spotted gum. The incorporation of a section of South Brooman State Forest into the Murramarang National Park will mean the last remaining timber production compartment east of the Princes Highway between Ulladulla and Batemans Bay is protected with a reserve.

The reason the Government is able to make these additions without an impact on the committed regional forest assessment [RFA] timber supplies is because of changes to the Integrated Forestry Operations Approvals [IFOAs], which govern the way timber can be harvested in State forests. Following amendments to the IFOAs introduced in 2003, an assessment was undertaken to determine if the amendments could, when applied to the southern region, increase timber yields, thereby allowing conservation "offsets". This assessment had three steps: first, determining whether it was appropriate to extend the application of the amended Integrated Forestry Operations Approval [IFOA] rules for "buffer on buffer" to the South Coast without adverse environmental impact; second, quantifying the additional timber which might become available through any such amendments to the relevant IFOA; and, third, subject to the above, identifying potential conservation gains up to the limit allowed by the additional timber.

In order to ensure that the assessment was done in an open and transparent manner, the Government sought input and involvement from key stakeholder groups, including the Nature Conservation Council and the Forest Products Association. State agencies involved in this process include Forests New South Wales and the Department of Environment and Conservation. The assessment was co-ordinated by the Department of Infrastructure, Planning and Natural Resources [DIPNR]. The results of the assessment indicate that a number of important areas could be added to the reserve system in the southern RFA region without impacting on timber supply. However, the assessment also showed that it is not possible to reserve any areas nominated for reservation from the Eden RFA region without impacting on timber commitments. Therefore, this bill contains no changes to the near 250,000 hectares of national parks and reserves in the Eden region. In the southern region, however, the bill adds another 5,563 hectares of new national parks and 1,181 hectares of new State conservation areas to the reserve system.

These 6,744 hectares include areas in parts of Monga State Forest, South Brooman State Forest, and Dampier State Forest, regarded by some conservation groups as icon areas. An additional 2, 264 hectares of non-harvestable areas of State forest in Forest Management Zones [FMZ] 2 and 3a will be vested in the Minister for the Environment, with the possibility for eventual transfer to the reserve system. I shall explain these elements of the bill further when I turn to the details of the schedules. The bill also creates special management zones in State forests in the Eden region and the South Coast and Tumut sub-regions, giving further protection to areas that were formerly FMZ 2 and 3a. The extensive network of high quality parks and reserves which we achieved through the Eden and southern region assessments is widely recognised as a tremendous outcome, and one of which the Government and stakeholders who participated in developing it can be justly proud.

I deal now with the specific detail of the bill. The object of the bill is to transfer certain State forest land to the national park estate. The bill is divided into three parts, which I shall outline to the House. The first part is the preliminary section, which, among other things, provides for the commencement of the proposed Act on 1 July 2005. Part 2 deals with land transfers, including the necessary revocations and reservations. The descriptions of the land to which part 2 applies are in schedules 1, 2, 3 and 4. I draw attention to clause 10, which enables the Director-General of the Department of Environment and Conservation to adjust the descriptions of land in schedules 1, 2, 3 or 4.

These adjustments must be in order to alter the boundaries of the land for the purposes of the more effective management of national park estate land and State forest land, and to adjust boundaries to public roads. Any such adjustment must not result in any significant reduction in the size or value of any such land, and can be made only up to dates specified in the bill. Adjustments are also authorised in connection with easements. The director-general must have the agreement of relevant Ministers to make any changes. Part 3 covers a number of miscellaneous matters giving effect to the provisions of the bill. Clause 15 amends the Native Title (New South Wales) Act 1994 to preserve native title rights and interests in respect of a reservation, or vesting of, or declaration over, land or waters by the operation of the proposed Act.

I now turn to the schedules in the bill. Schedule 1 deals with State forest land to be revoked and reserved as either national park or State conservation area. Schedule 2 deals with a small area of Crown land to be reserved as Tallaganda State Conservation Area. Schedule 3 sets out the land whose dedication as State forest is revoked and is vested in the Minister administering the National Parks and Wildlife Act 1974 for the purposes of part 11 of that Act. If I may explain this schedule, the proposed additions to the reserve system may be augmented through the eventual transfer of FMZ 2 and 3a areas of State forests which were not included in the reserve system in 2000 because of their mineral potential.

However, the recently created category of "State conservation area" [SCA] will allow mining and exploration while protecting important conservation values, subject to consideration of the views of the Department of Primary Industries on the

appropriateness of the SCA category in each case. At present, leases are held over some of the areas. Accordingly, this vests it in the Minister for the Environment with a view to reserving those areas at such a time that leases over them can be purchased. Schedule 4 sets out the land whose dedication as State forest is revoked and is vested in the Crown as Crown land subject to the Crown Lands Act 1989. As part of the assessment of areas suitable for addition to the reserve system, a number of areas of non-productive State forest were considered but found to be unsuitable either for addition to the national park estate or for timber production. They, a total of 1,369 hectares, are therefore to revert to Crown land.

Schedule 5 deals with areas in State forests in the Eden and southern region declared as special management zones under the Forestry Act 1916. Schedule 6 makes ancillary and special provisions with respect to transferred land. They include the exclusion of freehold and certain leasehold interests from the provisions of the bill. Schedule 6 also deals with existing interests and gives the Minister administering the National Parks and Wildlife Act the administration of interests where land is transferred to the management of the National Parks and Wildlife Service. Schedule 6 also contains special provisions with regard to access roads within national parks, nature reserves, and other reserves to ensure that right of access through the new national parks can continue and be formalised where it is necessary to do so, such as where the access road leads to a private landholding or to timber resources available for logging.

The aim of this Government's forest policy, introduced nearly a decade ago now, has been to create a reserve system that is comprehensive, adequate, and representative, and protects and conserves the biodiversity of the State's forests, while at the same time maintaining viable and ecologically sustainable forest industries. I am proud to introduce the bill, which builds on the great achievements of a decade and demonstrates our dual commitment to the forests of New South Wales and to the communities that live and work within them.

In conclusion, Madam President, I note the acknowledgments expressed by my colleague in another place in recognising the efforts of people such as, particularly, the former Minister for Forests, Kim Yeadon, and people in the bureaucracy, such as Rex Bowen, who almost single-handedly crafted one of the great pieces of conservation and economic production legislation, working in twin to produce one of the great outcomes for one of the great parts of this planet, the southern regions of the forests of New South Wales.

I commend the bill to the House.

The Hon. RICK COLLESS [3.31 p.m.]: The Opposition will not support the National Park Estate (Reservations) Bill, on a number of grounds. Firstly, the Government has utterly disregarded the regional forest agreement [RFA] that was entered into between the States and the Commonwealth a number of years ago. The agreement, which sets aside land for forestry and national parks, provides for no penalties whatsoever. The purpose of the bill is to add a further 10,379 hectares of new national parks and State conservation areas to the reserve system in the south of the State, with some of that area zoned as "special management" in State forests in the Eden region and the southern coast and Tumut sub-regions.

The Government continually seeks to turn the State's productive forests into national parks. It has removed 10,379 hectares from productive logging, with a royalty cost in the vicinity of $200,000 per year and a value added cost of $2.5 million to $3 million each year. With the multiplier effect there will be a loss of economic activity of approximately $15 million per annum. Many of these forests have been logged for more than 100 years, and they are still in sufficiently good condition to be turned into national parks. The National Parks and Wildlife Service, the green groups and others tell us that because of a management plan that ensured a sustainable logging regime in those forests, the land has been kept in such pristine condition that it is now capable of being turned into a national park. Native flora and fauna have been preserved in those reserves to such an extent that the areas have become, in green terms, icon areas.

As a result of the bill, more than 6,000 hectares of productive native forest in the State's south-east will become national park; that is a replication of what happened on the North Coast and more recently in the Brigalow Belt South bioregion. I remind the House that the Bongil Bongil National Park, which was formerly the Pine Creek State Forest, was the most productive forest in New South Wales, with its regrowth and plantation timber, but it is now locked up forever as a national park. Even the flooded gum in that State forest is planted row upon row. The Coalition begged the Government to release that timber so it could be harvested. We asked the Government to keep the national park status and allow the forest to regenerate to native forest over a number of years—we can now add the Brigalow Belt South bioregion to that estate.

Hansard shows that in 2002 the Coalition voiced the same concerns in debate on an earlier southern regions reservations bill as those expressed during the Brigalow debate: arguments such as the level of accurate detail contained in the relevant maps. No-one could work out the maps or the precise areas affected by the bill. When the Brigalow and Nandewar Community Conservation Area Bill was introduced, the map featured in the bill placed two towns in the wrong locations. That is an indication of the lack of detail provided by those who drafted that bill.

This bill is the finalisation of the promise made by the Premier to the Greens. The honourable member for Monaro in another place would well remember media releases issued by the Greens saying to the Premier,

"If you don't sign off on these, if you don't give us these reserves in the south-east, we will not give our preferences to the member for Monaro." The State forests of New South Wales have been proud producers for the economy of this State, and they have provided not only jobs but also dividends to the State. For the first time since State forests came into effect—around 1909—they will run at a $17 million loss this year.

At a time when there is an absolute demand for timber—hardwood, softwood and cypress pine—State forests will run at a loss because the resource that has been there for years, a renewable resource that has been logged between a 60- and 80-year rotation on a 1 per cent yield, has been locked up. What are those areas doing for us? I ask honourable members to consider the Brigalow Belt South bioregion, which, in effect, should be a man-made forest because of land management. It is now locked up in a national park. Via media releases and discussions by the National Parks and Wildlife Service, representing the Government, we are discovering that there will no longer be any jobs in thinning those forests. What happens if the forests are not thinned?

The Brigalow is an example of a well-managed State forest, but it will now be a national park, and eventually will burn with a ferocity we have never seen. We all remember the fires in the Kosciuszko, on the North Coast, and in the Pilliga region in the 1980s and again in 1997. Fires cannot be stopped in national parks because of the undergrowth, the lantana, the blackberry and all the rubbish that is allowed to grow in them—rubbish that feeds a fire into a frenzy. When the fire gets into the crown of a forest it incinerates everything within its path. Honourable members would remember that a couple of years ago there were very savage fires between Grafton and Tenterfield. For months afterwards one could drive up the Gibraltar Range or the Bruxner Highway and see only a moonscape of dead trees and smell the stench of rotting animals that were killed by the fires. That devastation remained for a long time.

If that is the result of conservation, it clearly shows that this Government has absolutely no idea of what is required to manage native vegetation. It is high time we accepted that this country has changed substantially in the 200-plus years since European settlement. We have farmed and we have altered river banks, valleys and forests. They all now need to be managed, because we cannot undo that alteration. We do not need a lockup and lockout mentality, because that will destroy the ecology and the biodiversity—the word that is used by environmentalists. The environmental outcome is important, rather than the thick, black line that exists between national parks, State forests, and agricultural land. That black line does not provide for good environmental outcomes. We need to soften the boundaries between agricultural land and national parks. We need education and awareness programs that make all landowners and users more responsible for the biodiversity on their land. The lock-it-up mentality only widens the rift—it only thickens the black line—between agriculturalists and extreme environmentalists, with the true ecologists and environmentalists understanding the nexus between biodiversity and productivity.

The extremists continually embark upon attempted shock tactics. Recently the Wilderness Society delivered koala dolls to parliamentary offices as an objection to logging. They were implying that logging results in the death of koalas. Nothing could be further from the truth. We all know from experience, from visiting places such as the Brigalow Belt South bioregion and the forests of the Pilliga, that koalas live in areas that have been logged. Anyone who has been in the forests would know that koalas live in areas that have been logged and properly managed. Following the lockup, the bushfires come and the koalas, along with all the biodiversity, are incinerated in the process. Perhaps the Wilderness Society could advise the House of the number of koalas that were incinerated a few years ago on the North Coast, or on the eastern fall of the Northern Tablelands, or in the recent fires in the Kosciuszko National Park. What was the total of the biodiversity lost in those fires?

The Hon. Jon Jenkins: Everything.

The Hon. RICK COLLESS: Everything. Absolutely everything was incinerated. The heat was so intense in the 2003 Canberra fires that the aluminium road signs and Armco railings melted, as did the pipes holding up the signs. When one sees that sort of devastation from a fire, one realises that the management of these forests under this Government over the past 10 years is amateurish, to say the least. One realises that the deals done by the armchair Greens in Sydney are so poor that the ecology and the biodiversity of this State will be utterly destroyed under this regime. Obviously sufficient resources must be allocated to properly manage feral animals, weeds, the threat of bushfires and other critical aspects of land management. However, a lack of such resources puts the objective of national parks in jeopardy.

Regrettably, this year the management of the national park estate, in a time of severe drought and serious risk of bushfires, is not only challenged but also compromised. The bill will affect many people who still

hold permissive occupancy permits. Core breeding stock will be seriously under threat at this time of serious drought, yet at the same time thousands upon thousands of hectares of land are being locked up, even though land in the southern forests historically has been used for grazing purposes. Grazing is good for that land.

As I said, this is all about biodiversity outcomes. The inclusion of large grazing animals on that land will improve its biodiversity, not destroy it. The Government and the department do not seem to understand that under certain conditions grazing selected areas can be beneficial not only to the area of national park estate but also to the diversity of species and so on. I suggest that a significant portion of the total area that was hazard-reduced over the past year was hazard-reduced by grazing animals.

Grazing is an effective passive hazard-reduction tool that has been used for centuries. It not only supports biodiversity but also significantly reduces the risk of bushfires. If this bill is passed and these land revocations are effective immediately that passive hazard-reduction process will stop. Back in 2002 members of The Nationals voiced their concern about the ongoing process of national park declarations by stealth—little by little right across the State. Back then we even predicted that the Government was toying with a proposal to lock up the Pilliga.

Back then members of The Nationals raised concerns that these lockups had the potential to open the door to wilderness declarations. The Brigalow decision is now history and all our fears are coming to fruition. We are now faced with a new threat as the New South Wales Government recently purchased Yanga Station, a highly productive Riverina property. The takeover of the red gum forestry industries has begun. The State Government spent up to $40 million on its latest acquisition—an extraordinary expenditure in the wake of recent revelations about the state of New South Wales' finances.

The Government spent the money buying one of the most productive farming, grazing and private native forestry properties in the south-west of the State, forever removing it from creating future wealth for New South Wales and Australia. Yanga Station comprises 80,000 hectares in total and includes 17,000 hectares of prime red gum forest, producing red gum sawlogs, firewood, and high value furniture timber valued at over $750,000 per annum at the farm gate each year.

Mr Ian Cohen: Point of order: The honourable member is straying from the bill, which deals with the southern forests. It is reasonable to allow certain latitude but we are debating the southern forests. The honourable member spent quite some time talking about Brigalow and he is now talking about Yanga Station and the Murray River red gums—a debate that this House should have at some stage. I ask that he be directed back to the substance of this debate.

The Hon. Jon Jenkins: To the point of order. The title of the bill reads:

> A Bill for
>
> An Act to transfer certain State forest lands to the national park estate; and for other purposes.

It is my contention that the honourable member is totally within the leave of the bill.

The Hon. John Ryan: To the point of order. The bill is entitled the National Park Estate (Reservations) Bill. The object of the bill is to transfer certain lands to the national park estate. The honourable member is speaking about the transfer of other lands to the national park estate as an illustration of Government policy, which forms a part of this bill. During a second reading debate members are able to debate issues widely. I believe the honourable member to be well within the scope of a second reading debate.

The Hon. Patricia Forsythe: To the point of order: The honourable member contended that national parks should be properly managed by the National Parks and Wildlife Service, and he is demonstrating the degree to which that national park estate has expanded. He also said this would add to the budgetary difficulties of national parks, and demonstrated that by referring to other areas that have been incorporated. The honourable member is within the leave of the bill.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! Traditionally, a degree of latitude is extended to members when speaking to bills. The Hon. Rick Colless maintains that he is referring to matters specifically relevant to the national estate and other legislation. I do not uphold the point of order, but I remind the member that any such references should be relevant to the bill.

The Hon. RICK COLLESS: Thank you, Madam Deputy-President. I will ensure that my examples are applicable to this bill. Yanga Station includes some of the best soft red farming country in south-western New South Wales. It has generated wealth for the Balranald community, jobs for some 200 people in Balranald,

and contributed significantly to the New South Wales and Australian export economy, only to become a victim of ineffectual State Premiers and environment Ministers in their quest to shut down the timber industry.

That has happened in all the national park takeovers of good forestry land right across New South Wales. That is what is happening in the south-east forests. An additional 10,000 hectares will be tied up and managed in the same vein as the Brigalow and Yanga Station. It will probably take a national parks staff of 15 to 20 to look after Yanga Station properly. So it will be an annual burden of at least $2 million to $3 million on top of the $40 million takeover costs. I had an opportunity to question Minister Debus on his intentions in the red gum forests of the Riverina, and he replied:

> There are no specific intentions from me. That is to say the Government still has under consideration the way it might go about making some assessment of how, in the long term, we should deal with red gum forests that are in public ownership. But there is no decision at all at the moment.

Does that not sound like the rhetoric we heard about the Brigalow decision for three or four years prior to the disastrous decision to lock up that area? The Greens and their supporters want all evidence of white man obliterated from the historical and cultural maps of New South Wales. The wilderness declaration process that is again being brought into play will cause further nominations by those who give no thought to anything other than locking up our countryside, only to see it devastated by feral animals and weeds proliferating out of control creating an ongoing and increased threat of bushfires and mismanagement. That is because the Government does not fund the management of public lands to the extent that it should.

Anyone who looks at the manpower available for land management of various areas would know that. Some people are in charge of doing specific jobs on hundreds of thousands of hectares of land and there is ample evidence that the management of those areas for fire, feral animals and noxious weeds deteriorates once they are transferred to the control of the National Parks and Wildlife Service. Evidence of that has been noted time and again. The cause is a lack of government resources. For a long time the Opposition has called for sufficient resources to be allocated to the National Parks and Wildlife Service but the Government has failed repeatedly to come through with essential extra staff, resources and funding to ensure that that land is properly managed.

Feral animals do untold damage in many parks simply because the resources are not there to control them. I suggest also that the commitment is not there to properly manage them. Many parks are filling up with flammable material. The track record in bushfire hazard reduction in the National Parks and Wildlife Service is not on a par with that of State Forests. State Forests carries out hazard reduction of the order of 11 to 12 per cent of its land each year because it regards timber in the forest as a valuable renewable resource that needs to be protected and looked after. On the other hand the National Parks and Wildlife Service has a lock-it-up mentality. Fires in the parks are moving and gathering in intensity and speed because of the high level of flammable material therein. The bill will prevent logging in areas that were open and available for all forms of recreation: areas that were well managed by State Forests and that had timber, a renewable resource, providing valuable jobs and money for depressed economies.

Although the timber industry may have agreed to the legislation, so far as the Coalition is concerned it is unacceptable. It is unacceptable because it breaches the regional forest agreement [RFA] that, in reality, is not worth the paper it is written on. It is unacceptable because it supports a green movement that is making grabs for more estates. The bill is not acceptable because on the North Coast alone we are overreserved by up to 2,000 per cent above what the RFA process was supposed to provide. This is because the original agreement with the Federal Government was not adhered to. Unfortunately, there are no penalties under the regional forest agreement process; it was a gentleman's agreement to set aside lands for conservation and forestry.

I am at a loss to understand how this legislation protects the environment. Excepting a change in the environment, we have a renewable resource in our State forests that can be maintained for generations to come. If these forests were managed so well for the past 200 years that they ended up being nominated as icon areas, to be preserved as national park, they should continue to be managed as State forests, not national parks. As I said earlier, it is about conservation and biodiversity outcomes; it is not about thick black lines that separate different types of land.

This Government is painting future governments of this State into a corner. They will eventually have to log national parks selectively or there will not be enough timber to meet future needs. Future governments will have to take out the plantation timber that has been locked up, take out the regrowth and the Gympie messmate—a Queensland tree that is now growing in Pine Creek national park—and provide the timber that

will be needed desperately in New South Wales for industries, commercial use and for building domestic dwellings. Instead of overseeing the decimation of the forest industry and our country towns, our new Premier should be out in the community reaffirming that New South Wales has a sustainable forest industry and that, by maintaining our sustainable forest industry at a profit to the taxpayer and the State, we will be helping to save forests in Asia, Malaysia and South America that are being butchered.

This bill and legislation passed by Parliament in the past 10 years have sounded the death knell for ecology, biodiversity and the forestry industry in New South Wales. This Government will go down in history as the Government that caused 10 years of irreversible environmental vandalism. I repeat: The Opposition will not support the bill.

Reverend the Hon. Dr GORDON MOYES [3.52 p.m.]: The purpose of the National Park Estate (Reservations) Bill is to transfer certain lands, primarily in the southern region of the State, to the national park estate. I appreciated the Hon. Rick Colless's clear and concise presentation of many of the issues involved. An inevitable conflict always seems to exist between preserving our forests for this and future generations and using our forests to generate resources and employment. We need our forests and all the wondrous species found within them yet we also need timber that can be sourced by people who are willing to work that resource in our forests. A delicate balance exists, and will always exist, in this context.

I am particularly concerned about the lock-up of timber in the Pilliga area. In 1992 the Federal and State governments developed the National Forest Policy Statement in order to resolve forestry land-use conflicts. The National Forest Policy Statement proposed the establishment of a comprehensive, adequate and representative [CAR] system of forest reserves across Australia. The purpose of the CAR system is to safeguard biodiversity, old growth, wilderness and other natural and cultural values of forests and to identify the preferred use and management of forest areas outside the CAR reserve system.

In June 1995 the New South Wales Government introduced its forest reform policy, modelled largely on the National Forest Policy Statement. The aim of that policy is to maintain a sustainable native timber industry and protect forests with high conservation value as part of the CAR system. The policy was oversighted by the Resource and Conservation Assessment Council, comprising representatives from stakeholder groups, such as government agencies, timber getters, the mining industry, unions, conservation groups and the indigenous community. Implementation of the New South Wales forest policy began in early 1996 with the interim forest assessment process. This was a scientific assessment of forests initially in eastern New South Wales and then, as we can see from this bill, in southern New South Wales. The Federal Government also outlined a set of assessment criteria by which the interim forest assessment process was to be conducted.

In 2000, following a three-year comprehensive regional assessment, the reserve system was increased in the southern region of New South Wales by about 325,000 hectares and a further 60,000 hectares were added to protected areas of State forest. As the Hon. Rick Colless said, this helped to create a continuous corridor of national parks and reserves from the Victorian border to Macquarie Pass. The Government has stated that this bill does not alter the initial 2000 decision and that regional forest agreements or timber volumes allocated to industry will not change. The second reading speech states that the bill "provides for some finishing touches to the 2000 decision". How can areas be added to the reserve system without having any impact on timber harvesting? For example, in the southern region the bill adds another 5,500 hectares of new national parks and 1,100 hectares of new State conservation areas to the reserve system but it is said that there is "zero impact on timber supply".

The Minister has indicated that these additions may be made because of changes to the integrated forestry operations approvals that govern the way that timber may be harvested in State forests. Additional timber may be harvested so long as there is a suitable conservation offset. The legal aspects of this bill are straightforward. The intention is for State forest land to be transferred to the national park estate. The areas of land concerned are delineated in the schedules to the bill. An important feature of the bill is clause 10, which enables the director general of the Department of Environment and Conservation to adjust the land described in the schedules. It is stated that adjustments may be made in order to:

> … alter the boundaries of the land for the purposes of the more effective management of national park estate land and State forest land, and to adjust boundaries to public roads.

Adjustments must not result in a significant reduction in the size or value of the land. However, it is not clear what is meant by "significant". The director general must have the agreement of all relevant Ministers in order to make any changes. The Christian Democratic Party looks forward to the bill being read a second time.

Mr IAN COHEN [3.57 p.m.]: The Greens welcome the reservation of parcels of land under the National Park Estate (Reservations) Bill. However, I stress emphatically that this protection does not go far enough and that much more forest should be reserved. Before the 2003 State election the Government was approached about protecting the last icon forests in the southern region. About 25,000 hectares of icon areas were recognised. A series of negotiations took place after the election but there was little involvement from non-government organisations. These negotiations finished in November 2003. The environment groups were dissatisfied with the outcome but continued to campaign until December last year, when an announcement was made that about 6,000 hectares of the 25,000 hectares identified as icon areas would be protected. The Government announced its intention to protect 6,115 hectares of the New South Wales southern forests in the form of national parks. Under this bill, the actual amount to be protected is 5,530 hectares of the 25,000 hectares on the agenda as having iconic status.

With this bill the State Government seems insistent upon consigning the southern forests to wood chippers. Protecting a little over 25 per cent of icon forests and allowing logging in the remainder is quite inadequate. Approximately 19,000 hectares of forest are still not covered by the legislation. Of 12 icon areas, five are being logged at present. The area proposed for protection is small in comparison with the 65,000 hectares of northeast forest reserve announced by the Carr Government in March 2003.

I congratulate the Government on that wise decision. It went a significant way to protect those icon forests for the future, something for which the Carr Government will be remembered, not unlike the way the Wran Government is remembered for saving the rainforests in 1982. At the time I was an activist and proud to be part of that process. I congratulate the Government on that landmark decision as well as the icons in northern New South Wales in March 2003.

The decision did not affect any regional forest agreements and provides no extra reserves for the Eden region. Those created in the southern region came at a very high price—no reduction in woodchip volumes overall and increased timber yields. This sends an alarming signal about the fate of the remaining forests outside the reserve system—greater intensity and/or more frequent logging—and it foreshadows Eden-style intensive logging for the South Coast. There is potential to create many more reserves, as well as to find options that do not affect timber supply. The Government should also look at long-term solutions that reduce reliance on native forests, and use renewable plantations.

There would be no need to intensify logging if the Government used the plantation estate effectively. It is time to step out of the Dark Ages and address the forest conflict that has existed in the region for the past 30 years. The New South Wales Government has finally recognised the importance of some of the iconic areas in the southern forests, but the remaining forest icons still need to be protected. Native forests should not be logged for woodchips and no logging of old-growth forests or high conservation value forests should occur. The southern forest that stretches from Nowra down to the Victorian border contains some of the most spectacular—

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

CROSS-CITY TUNNEL CONTRACT

The Hon. MICHAEL GALLACHER: My question is directed to the Minister for Finance. Was the Minister aware of the amending deed to the cross-city tunnel contract during his term as Minister for Roads? If so, why did the Minister not tell Minister Joe Tripodi about it? Why did the Minister not make the amending deed public at the expiration of the 90-day period?

The Hon. MICHAEL COSTA: I refer to my public comments on this matter.

NSW HEALTH COUNTER DISASTER UNIT

The Hon. JAN BURNSWOODS: My question is addressed to the Minister for Health. What is the latest information on the counter disaster and terrorism preparedness of NSW Health?

The Hon. JOHN HATZISTERGOS: I thank the honourable member for this timely question, particularly in light of criticisms on the weekend by the Royal Australian College of Surgeons. In February

2003, the New South Wales Government announced the allocation of $17.3 million over five years to upgrade the capacity of NSW Health to deal with major incidents and possible terrorist attacks. As a result, the NSW Health Counter Disaster Unit was created and located within the Ambulance Service. Under the co-ordination of the State Health Services Functional Area Co-ordinator, the unit is responsible for the planning of responses and recovery actions for all aspects of disaster medicine, including the provision of appropriately trained medical, public health and mental health teams.

Co-location of the Counter Disaster Unit within the Ambulance Service provides significant synergy through integrating expertise in ambulance primary response and incident management, with specialised treatment and consequence management by the broader health system. Additional benefits have also been realised through combining specialised equipment acquisitions and training services. Today, New South Wales is at the forefront of the States and Territories in its health counter-disaster preparedness. The NSW Health Counter Disaster Unit has had considerable disaster deployment experience, including bush fires, Bali, the Waterfall train crash, and most recently the Asian tsunami disaster. The State's preparedness capacity has been significantly increased under the $17.3 million plan over five years to bolster the capacity of NSW Health to counter the consequences of terrorism and disasters. The implementation of capacity improvements is progressing within planned time frames and budget. This includes the recent establishment of a co-ordinated network of major trauma centres in Sydney and Newcastle.

Such an integrated trauma care system enhances our ability to manage an acute disaster or terrorist event. Should a terrorist event occur in New South Wales, patient distribution is enhanced by ensuring the most severely injured survivors are preferentially distributed to one of our nine adult trauma centres and two paediatric trauma centres. Strategies will include recalling staff, reallocating operating theatre time, distributing casualties to a number of hospitals, mobilising clinical networks such as the burns network, and transferring less serious patients to other hospitals. Results of planning exercises and capacity studies indicate that appropriate trauma resources, including intensive care unit and high-dependency beds can be made rapidly available in the health system.

Other important advances in preparedness in the NSW Health system include the upgrade of five extra hospitals with decontamination units—Sydney, St Vincent's, Gosford, John Hunter and Wollongong. These sites are in addition to the seven sites that were upgraded prior to the Olympics. They also include the availability of mobile decontamination equipment that can be rapidly deployed to other sites should the need arise. Further funds are earmarked to upgrade rural emergency departments this financial year. Further important advances include the distribution of personal protective equipment for chemical emergencies across the State, in addition to the current stockpile purchased pre-Olympics. Special operations pods have been purchased and stocked with personal protective equipment for rapid deployment. Stores of antidotes against chemical attack are in place, and the Ambulance Service also has a number of fully operational multipurpose vehicles that may be deployed to incidents involving a chemical attack.

Major incident support vehicles are also fully stocked with life-saving trauma equipment for rapid deployment to a disaster site. Back-up supplies are also warehoused in the event of the deployment of the urban search and rescue task force, which includes paramedics and doctors with specialist training and skills. A stockpile of equipment has been purchased and is in place for a bio-terrorism emergency. In addition to equipment purchases and upgrades, the NSW Health bio-surveillance system was established in 2003. The system is designed to increase the chance of early detection of a disease arising from a biological weapon. Planning is well advanced in the construction of a high-security laboratory that will improve forensic capability in the event of a terrorist attack The Government does not underestimate the substantial challenges that would transpire should terrorism occur in New South Wales. But I am confident that NSW Health and the Ambulance Service would mount a well-planned and capable response in such an event.

DEPARTMENT OF PRIMARY INDUSTRIES RESEARCH

The Hon. DUNCAN GAY: My question is directed to the Minister for Primary Industries. Given the Minister's newly found support for agricultural research—he condemned reports the CSIRO may reduce its agricultural research efforts—when will the Government redress budget, staff and research cuts to the State's Department of Primary Industries? Are the Minister's comments a tad hypocritical given that he closed and sold Shannon Vale field station, and threatened to sell, and indeed sold, parcels of land at Deniliquin, Temora, Wollembar and Gosford agricultural research stations, when Grafton, Gosford, Temora and Deniliquin agricultural research stations will only remain open with private investment and when Trangie Agricultural Research Station has only been given a three year stay of execution? Will the Minister explain his hypocrisy?

The Hon. IAN MACDONALD: That is a good try by the honourable member, who obviously has no real appreciation of the facts of the matter. I will straighten him out. Shannon Vale and the property near Glen Innes were not research stations. They were properties that were used for various parts of research and were totally surplus to the research needs of the department. If the honourable member thinks that the Department of Primary Industries has to keep every piece of land that it and the Department of Agriculture have accumulated since 1981, he has another think coming. That shows the honourable member's total inability to grasp what is needed in our research efforts.

In fact, every report I have seen—and I will send a copy of the Hassells report and some others to the honourable member—has referred to the need for consolidation of our research effort, that is, to put our research together as much as possible to build a critical mass, and that is what we are trying to do. We sold a property that was virtually not used for research, and has nothing to do with the research effort. In fact, in recent times the Government has set a record more than $40 million in private investment in its research.

The Hon. Duncan Gay: How much of your money?

The Hon. IAN MACDONALD: Much higher than that. In fact, well over $100 million is directed towards research by the department of agriculture. It is a fantastic contribution showing that over the past 50 years the department has been able to secure productivity increases in the order of 1½ per cent due to the good research that is done. To say that to sell a few surplus properties pulls backs the Government's effort is complete and utter nonsense. In relation to the CSIRO, it was not to sell a few surplus properties that probably were not being used for research; it was about cutting whole sectors of agriculture. We are not cutting any sectors of agriculture.

The Hon. Duncan Gay: Yes, you are.

The Hon. IAN MACDONALD: We are not. If the honourable member cannot see the difference he will have to do a lot more education work on the modern needs of research. Farmers right across the State want to be involved in agricultural research. In fact, there are 43,000 plots of research activity across the State. We have ample land in partnership with farmers who want to be involved, plus heaps of land as our researchers do all the research that is necessary to support the research and development effort of the New South Wales Government for world's best practice in agriculture.

ANTI-TERRORISM LAWS

The Hon. PETER BREEN: My question without notice is directed to the Minister for Ports and Waterways, representing the Minister for Police. Is he aware that charges relating to membership of a proscribed organisation under existing law appear to have been laid against up to eight people in New South Wales following dawn raids in Sydney this morning? Will the Minister explain how Prime Minister John Howard's public announcement about the investigation affected the operation, and what difference would Mr Howard's anti-terrorism laws have made to the investigation? Is it a fact that the proposed anti-terrorism laws are unnecessary?

The Hon. ERIC ROOZENDAAL: I will refer the question to the Minister for Police for an appropriate answer.

PREMIER'S CHRISTMAS CONCERTS

The Hon. AMANDA FAZIO: I direct my question to the Minister for Ageing. What action is the Government taking to acknowledge and celebrate the contributions of older people in New South Wales at Christmas time?

The Hon. JOHN DELLA BOSCA: As part of its ongoing commitment to acknowledge and celebrate the contributions of older people in New South Wales, the Government continues to hold the Premier's Christmas concerts in December each year. Now in their twenty-fourth year, three Premier's Christmas concerts will be held on 5 and 6 December at the Sydney Entertainment Centre. The concerts aim to promote and celebrate the diversity of older people in our communities, provide an enjoyable opportunity for getting together with older people and across the generations, and provide a creative high-quality entertaining concert event for seniors. All tickets for seniors are free of charge. One concert caters for people from aged care facilities, nursing homes, seniors hostels and seniors groups. Metropolitan groups can take up to 20 tickets, while regional groups

can take up to 40 tickets. It is a mammoth task to assist and move 30,000 older people and people with a disability for three concerts in 30 hours. Careful planning and co-ordination between government agencies ensures that there is minimal disruption around the city, and this year extra transport services will be provided.

The Department of Ageing, Disability and Home Care [DADHC] will again provide the opportunity to all metropolitan-based organisations attending the group concert to travel free of charge on buses paid for by DADHC and arranged through the State Transit Authority and the Bus and Coach Association of New South Wales. As an indication of the popularity of the Premier's Christmas concerts, when the concert line opened at 8.00 a.m. on 4 October more than 1,500 calls were received in the first 45 minutes. All concerts are now completely booked out, and most seniors will have received their tickets already. Additionally, to ensure that people from across the State have an opportunity to attend one of the Premier's Christmas gala concerts, all members of Parliament were able to request an allocation of approximately 20 tickets per concert to distribute to constituents as a thank you for their contribution to the local community.

This offer will be available again for the Premier's Seniors Week Concerts in April next year. The line-up of artists includes Dannielle Gaha, Angela Toohey, Rodney Dobson, Jeannie Little, the St Andrews Cathedral Choir, and many other talented performers. I am sure that the 30,000 seniors who attend these concerts will enjoy them as much as they have always been enjoyed, and that the concerts in Seniors Week 2006 will be as much of a success.

PUBLIC SCHOOLS SCIENCE CURRICULUM

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I direct my question without notice to the Special Minister of State, representing the Minister for Education and Training. Does the Minister acknowledge and support the separation of church and State in the school curriculum? Will the Minister guarantee that science taught in New South Wales schools will represent the curriculum of accepted facts and reasonable scientific inquiry as expressed by a consensus of the scientific community and its peer review literature? Will the Minister guarantee that creationism rebadged as intelligent design will not be taught in any scientific context in New South Wales public schools, and will be confined to theological classes? Will the Minister further guarantee that this teaching will be kept separate from scientific teaching in private schools?

The Hon. JOHN DELLA BOSCA: I believe the honourable member is directing his question to me as a representative of the Premier, because the Minister for Health represents the Minister for Education and Training in this House. I will refer the question to the Minister for Education and Training for an answer. As pointed out by way of interjection, there is no formal constitutional separation of church and State in New South Wales, which is a point of longstanding history. Unfortunately, part of the question is not based on objective fact. However, the honourable member has raised an important issue. As someone who thinks there is a place for religious education and a place for scientific education, I believe there is obviously an issue to be determined. I look forward to providing the honourable member with an answer from the Minister for Education and Training.

BOARDING HOUSE LICENCE CONDITIONS

The Hon. JOHN RYAN: My question without notice is directed to the Minister for Disability Services. Did the New South Wales Government fund a research paper called "Opening these Doors, The Boarders and Lodgers Project Report", dated September 2003? Did that report confirm that there were up to 200 potential home and community care clients living in 97 unlicensed boarding houses in the Marrickville local government area? Why has the Minister not enforced the Youth and Community Services Act, which requires all boarding houses that contain two or more people with disabilities to have a licence?

The Hon. JOHN DELLA BOSCA: I point out, as I have on a number of occasions in response to a line of public questioning the honourable member has persisted with on boarding houses and disability services, that the Carr and Iemma governments have invested a significant amount of money, more than $24 million, in ensuring that residents of boarding houses with disabilities, especially those with severe disabilities who need support, are transferred out of boarding houses into more appropriate accommodation. It is a substantial commitment that has been capable of delivering quite good outcomes for those with needs that cannot be met appropriately in a boarding house environment.

On a number of occasions the honourable member has asserted a series of points about boarding houses, particularly in relation to disability services and regulation. I repeat as a general point that the

Government takes the view that boarding house accommodation is preferable to people with a disability living on the street. Some of the simplistic solutions the honourable member has proffered may make him or someone else feel good for a few hours, but they would result in many more people, including those with a disability, living on the street. It is important that alternative accommodation models be found and identified for people who cannot accommodate themselves appropriately or properly in boarding house facilities. However, it is also important to understand that many people, including some with mild disabilities, choose to live in a boarding house environment.

The boarding house reform program commenced in 1998 with the objective of improving the standard of accommodation and support to residents of licensed residential centres or licensed boarding houses, as the honourable member referred to them. The program aimed to relocate residents who had high support needs into more appropriate community-based accommodation and provide support services to residents who remained in the centres.

This financial year some $48 million will be spent through the boarding house program, including over $42 million on community-based accommodation support services for former residents of boarding houses who have high support needs, including, as I said, an additional $1.5 million in expansion funds, $4.2 million in support services to assist people remaining in licensed residential centres, and $2 million in recurrent expansion funding for the relocation to more appropriate accommodation of residents who are affected by boarding house closures. In addition, $2 million in capital is available for the purchase of accommodation options. Boarding house residents also will receive personal care services through the Home and Community Care Program that are valued at approximately $1.4 million.

Over 460 people with high support needs already have been provided with new community-based accommodation and support through this reform program. One of the aims of the programs is to improve the conditions in residential centres and boarding houses and address the issue of industry viability by easing pressures on centre operators. The provision of a range of targeted personal care, health care and community access services has enabled residents who are living in these centres to have an improved quality of life and better access to the community.

The Hon. JOHN RYAN: I ask a supplementary question. Will the Minister elucidate upon which part of his answer, if any at all, referred to the enforcement of the law with regard to unlicensed boarding houses in Sydney's inner west, in particular the Marrickville local government area? Almost all of the Minister's comments related to licensed boarding houses.

The Hon. JOHN DELLA BOSCA: I referred in my answer to licensed boarding houses and described the reform program. If the Hon. John Ryan wants further details about particular boarding houses that are operating in the Marrickville area, I will be happy to provide that for him on any occasion.

The PRESIDENT: Order! I call the Hon. John Ryan to order for the first time.

[*Interruption*]

The PRESIDENT: Order! I call the Hon. John Ryan to order for the second time.

NEWCASTLE COAL EXPORTS

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Ports and Waterways. With coal exports booming, will he provide the latest information on the successes of the Port of Newcastle?

The Hon. ERIC ROOZENDAAL: I thank the Hon. Kayee Griffin for her question in relation to this important issue. Once again, Newcastle has set a global record for the exportation of coal. The city has cemented its enviable reputation as the world's largest coal exportation port. Last month, 7.65 million tonnes of coal were exported from the Port of Newcastle. This record is one of which the Hunter Valley community is rightly proud. The Port of Newcastle broke its own previous record, which was set in January, by 105,000 tonnes of coal. The new record is a tribute to the coal chain in the Hunter Valley and shows that Newcastle is meeting world demand. The new monthly record follows closely on the heels of a new annual exportation record. In 2004-05, 77.72 million tonnes of coal were exported through the Port of Newcastle. A total of 936 coal ships visited Newcastle in the last financial year. The benefit to the national, State and regional economies is enormous.

[*Interruption*]

I hear the Hon. Patricia Forsythe in the twilight zone as she wiles away the last days of her career. In 2004-05 the Newcastle coal trade was valued at $4.8 billion. The industry is one of the powerhouses of the New South Wales economy but, more importantly, we are getting on with the job as the worldwide demand for coal increases.

The Hon. Michael Gallacher: Smile now.

The Hon. ERIC ROOZENDAAL: The Leader of the Opposition had an opportunity at a shipping luncheon to say something about ports or shipping, and he said nothing.

The Hon. Michael Gallacher: You did not even turn up.

The Hon. ERIC ROOZENDAAL: I would like to hear the Leader of the Opposition's opinion on something concerning ports occasionally. He would be lucky to read a question. In August I announced construction of a third coal loader for the Port of Newcastle. Newcastle is already the world's largest and most efficient coal port. The $530 million new coal loader is about keeping Newcastle No. 1. The Newcastle Coal Infrastructure Group estimates that the project will create approximately 2,000 direct and indirect jobs in the Hunter Valley. I am advised that the facility will be operational in 2009 and will comprise a coal loading facility that will be able to handle 30 million tonnes of coal every year. There will also be two additional coal loading berths and a new rail line on Kooragang Island. The port's hard work is paying off.

In July the Government announced that Sensation Yachts, which is one of the world's top 10 luxury yacht manufacturers, had entered a 20-year lease in Newcastle's port. The company expects to employ 400 people in the first 10 years of its operations. Port Waratah Coal Services is investing $170 million in the construction of a new stacking machine and stockpile system at its Kooragang terminal. That will increase its overall annual coal exportation capacity from 89 million tonnes to 102 million tonnes within two years.

We have a great team at the Newcastle Port Corporation and the team receives terrific support from local members of Parliament, the business chamber, unions and local government. The Hunter Valley coal chain logistics team has worked well to produce a record coal result. The team pools the resources of the Newcastle Port Corporation, Port Waratah Coal Services, Pacific National, Queensland Rail, the Australian Rail Track Corporation and RailCorp into one logistics team.

[*Interruption*]

If the Deputy Leader of the Opposition listens, he may learn something. The team was set up to improve the movement of coal from Hunter Valley mines to the port's coal loaders and from there to markets across the globe. It has quickly gained wide recognition for its work, as infrastructure and logistics continue to be an item on the national agenda. I congratulate the Hunter Valley coal chain (logistics team) on its outstanding work in setting this new coal exportation record for the Port of Newcastle. [*Time expired.*]

NATIONAL PARKS AND WILDLIFE AMENDMENT LEGISLATION PROVISIONS

Mr IAN COHEN: My question without notice is directed to the Special Minister of State, representing the Minister for the Environment. Can he explain to the House why numerous items in schedule 1 and items [1] to [9] in schedule 3 of the National Parks and Wildlife Amendment Bill 2001 remain to be enacted, despite being assented to by the Parliament on 19 December 2001? What does the Minister intend to do about the destruction of Aboriginal cultural heritage statewide in the absence of adequate offence provisions in the National Parks and Wildlife Act due to the almost four-year delay in enacting these amendments?

The Hon. JOHN DELLA BOSCA: I thank Mr Ian Cohen for his question. I will happily refer the matter to the Minister for the Environment in the other place. I will obtain an answer and make it available to Mr Ian Cohen on the earliest possible occasion.

MINISTER FOR FINANCE MINISTERIAL SHAREHOLDING RESPONSIBILITIES

The Hon. GREG PEARCE: My question without notice is directed to the Minister for Finance. At the Legislative Council's budget estimates hearings on 21 September 2005, he said:

> In the role of Minister for Finance I will have a shareholding Minister's role in relation to a number of State-owned corporations...

At that stage, he did not know what State-owned corporations were involved. Since then has he been able to find out the State-owned corporations in which he will have a shareholding role? If so, what are they? When does he expect to know the State-owned corporations in which he will have a shareholding Minister's role?

The Hon. MICHAEL COSTA: That is in the Government Gazette. I suggest that the Hon. Greg Pearce consult the Government Gazette.

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the first time.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY

The Hon. PETER PRIMROSE: My question is addressed to the Minister for Industrial Relations. Will New South Wales be providing a submission to the Senate committee that is inquiring into the Commonwealth Government's extreme industrial relations proposals?

The Hon. JOHN DELLA BOSCA: I thank the Hon. Peter Primrose for his question. First, I am sure that members are aware that, after a prolonged, wasteful and I think probably corrupt Liberal Party propaganda campaign using Federal funds, the Federal Government has finally released its WorkChoices legislation. The detail has proved worse than the television, radio, newspaper—not to mention the hundreds of thousands of booklets, sadly not all of which were pulped—and Internet advertising or any extreme assessments led us to believe that it would be. It is little wonder that John Howard and Kevin Andrews want to ram the legislation through the Federal Parliament as quickly as possible. Even a cursory glance at the 687-page bill—which was meant to simplify industrial relations—and the supplementary explanatory memorandum of almost equal length, as well as the unknown length of associated regulations to the bill, reveals that the radical package sounds the death knell for fair and equitable industrial arrangements.

The PRESIDENT: I call the Deputy Leader of the Opposition to order for the first time.

The Hon. JOHN DELLA BOSCA: Simplicity and accessibility will disappear. Employers should brace themselves for a bumpy ride, driven by confusion and complexity. Small businesses will do well to recall the sharp spike in paperwork in the wake of the introduction of the goods and services tax and tax reform. Contrary to the rhetoric, and despite the expensive reprint, the new legislation will deliver less choice and less fairness. What it will deliver for the average Australian worker is reduced take-home pay, conditions and job security, and a deterioration of the lifestyle and living standards that Australians have held dear for generations. For employers, the legislation will deliver increased complexity and red tape—not the productivity gains and economic prosperity they had been promised would follow. Honourable members need only turn to the New Zealand example to know the truth of that assertion.

The lengths to which the Federal Government will go to stymie legitimate and necessary public debate on the bill was never more evident than when the Minister for Employment and Workplace Relations formally tabled the bill and distributed just two copies of it to the Opposition and Independent members of the Commonwealth Parliament. In another undisguised attempt to make life unnecessarily difficult for those struggling to understand the 1,272-page document, the Federal Government did not provide even a table of contents. Interested parties have been given a totally unreasonable time frame to grasp the intricacies of the bill and provide comment. Submissions to the Senate inquiry are due tomorrow, only seven days after the bill was tabled.

In an equally massive undertaking, the Senate will consider public submissions—now numbering well over 3,000—in just two weeks. That is an arrogant and outrageous abuse of power. In spite of the obstacles and obvious time pressures, the New South Wales Government, in a collaborative effort with other States and Territories, has prepared a comprehensive submission in response to the Commonwealth's proposed changes. Among the most important points—and members on all sides of this Parliament should be aware of this—is that industrial relations as conceived by the Commonwealth Constitution is a shared responsibility of State and Federal governments, and remains so. Further, the true purpose of the corporations power underpinning this legislation is to regulate and limit the power of corporations—not to regulate and limit the power of people to contend with corporations.

The submission highlights that the economic justification for radical change is non-existent: there is no proof; there is no analysis. Most importantly, our submission made it abundantly clear that the successful

passage of the bill will result in unfair outcomes for employees and their families, particularly vulnerable workers, including the low paid, especially women and young people and those in the regions. I am happy to announce that I will be joined by my interstate ministerial colleagues next week as we personally take our States' message to the Senate committee on behalf of New South Wales employees, small businesses and families across the State. These are wrong choices for New South Wales and the Iemma Government will resist this arrogant and divisive power grab. [*Time expired*.]

FERGUSON LODGE, LIDCOMBE

Ms SYLVIA HALE: I direct my question without notice to the Minister for Disability Services. Given that residents of Ferguson Lodge, at Lidcombe, have voted unanimously to resist attempts to close their home and sell the site to Australand, and that ParaQuad New South Wales, the leaseholder-operator of the lodge, has indicated its desire to move residents off site, has the Department of Ageing, Disability and Home Care contemplated transferring management of the centre to an operator that is more responsive to the needs and wishes of Ferguson Lodge residents? If the department were to receive a request to transfer the lease from ParaQuad to another lessee, would the department consider it? If not, why not? What is the department doing to ensure that Ferguson Lodge, suitably upgraded, continues as a residential home for people with disabilities now and into the future?

The Hon. JOHN DELLA BOSCA: The matters in relation to Ferguson Lodge are complex and need to be addressed with some empathy for the residents and also with some concern about the future of the facility. Ferguson Lodge, which is operated by ParaQuad New South Wales, provides 24-hour accommodation support for people with quadriplegia, paraplegia and spinal cord injury. It receives operational funding from the Department of Ageing, Disability and Home Care. The facility is located on a section of Crown land that is the subject of sale and redevelopment for residential housing. I am advised that the current buildings would require substantial capital expenditure to improve their conditions. The Government has assisted ParaQuad to explore alternative options for the location of the service. The Government acknowledges that ParaQuad has committed to supporting existing residents and has said that no resident will be made homeless by any relocation of the facility.

Ms SYLVIA HALE: I ask the Minister a supplementary question. The concern of residents is not so much that they may be made homeless, but that they remain as a group of 24 residents on the site and that the facilities should be upgraded. What is the Minister doing to ensure that the wishes of the residents are respected and that another lessee-operator is obtained for the site?

The Hon. JOHN DELLA BOSCA: The member has opened up new issues, which I will leave for another occasion. To the extent that this is a supplementary question, I repeat the assertion in my earlier answer: the Government will deal with this matter sensitively. Negotiations have occurred between the department, the operators of Ferguson Lodge and the residents. I am well aware, as is often the case in these situations, that Ferguson Lodge has been the home of many residents for quite a long time. Many of them have expressed a wish to stay together, or to be located somewhere that is sympathetic to the social bonds they have developed. This matter is not closed. I have not been given a convincing reason—nor has it been asserted to me in any discussions—why the Government should take the licence from ParaQuad, as suggested by the member. By that, I assume she means the Government would fund an alternative service. That would be an extreme action, which the Government is not contemplating at this stage.

WILD DOG CONTROL

The Hon. MELINDA PAVEY: My question without notice is addressed to the Minister for Primary Industries. Is the Minister aware of the two-year study, partly funded by the Department of Primary Industries, into the effect of aerial baiting on quoll populations that shows no deleterious effect on quolls in the southern region of New South Wales? Is it a fact that research shows that aerial baiting, which suppresses local fox and wild dog populations, may benefit quolls? In light of that evidence, has the Minister supported the dropping of aerial baits at the rate of 40 per kilometre, rather than 10 per kilometre as recommended by the Department of Environment and Conservation, to help stop the wild dog crisis in the Monaro electorate?

The Hon. IAN MACDONALD: I am certainly aware of the assessment of aerial baiting and its impact on wild dog populations in the south. The Government is holding appropriate discussions with the Department of Environment and Conservation in relation to this issue.

The Hon. Melinda Pavey: Are you going to win?

The Hon. IAN MACDONALD: It is not a question of winning. The Government does things on a very logical and careful basis; we do not want to make mistakes in relation to any impact on the environment. The Government will carefully consider this, and I would not be drumming up issues that could cause panic among people. We will look at the evidence.

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the second time.

The Hon. IAN MACDONALD: I am sorry that the Hon. Melinda Pavey gets so emotional in this Chamber on such a regular basis; she cannot contain herself over this issue, as usual. She is probably frustrated that she is not on the front bench. Let us face it, the competition in The Nationals is not that hot. I would assume—

The Hon. John Ryan: Point of order: The Minister is not being relevant and he is making imputations against the Hon. Melinda Pavey.

The PRESIDENT: Order! I ask the Minister to not make imputations against another member.

The Hon. IAN MACDONALD: I was not; in fact, I was praising the Hon. Melinda Pavey. But that went over the head of the Hon. John Ryan. These days he is ducking for cover, faced over there with the Hon. Charlie Lynn and Elmer Gantry.

The Hon. John Ryan: Point of order: The Minister is flouting your ruling to be relevant. He is doing so in an attempt to waste the time of the House.

The PRESIDENT: Order! The Minister is indeed flouting my ruling. The Minister has the call.

The Hon. IAN MACDONALD: In conclusion I say to the honourable member that the Government will rationally evaluate this issue. We are looking at all the evidence and I am sure there will be a result in the near future.

BROKEN HILL STORM DAMAGE AND CENTRAL WEST FLOODING

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Emergency Services. What is the latest information on flooding in the State's Central West?

The Hon. TONY KELLY: Yesterday I visited Broken Hill, which suffered—

The Hon. Rick Colless: Did you tell the mayor you were going out there?

The Hon. TONY KELLY: Opposition members do not want to hear about the devastation in Broken Hill and in the Central West. It is a shame that people in the Central West and in Broken Hill cannot see the way in which Opposition members are reacting to such devastation. The local member and I went to Broken Hill.

The Hon. Rick Colless: What about the mayor?

The Hon. TONY KELLY: The mayor was in Canberra. Yesterday I went to Broken Hill where I witnessed storm damage to 36 homes, many of which had their roofs blown off. Some residents will not be able to get back into their homes before Christmas. Yesterday the State Emergency Service [SES] attended to more than 100 jobs and the Government declared the area a natural disaster. On my way back to Sydney I stopped overnight at my home. This morning I left my home to go to the Central West, instead of coming straight to Sydney, to look at the devastation caused in Molong overnight.

Molong has suffered its worst flood since 1956. The scenes of devastation in the area were all too apparent. About 80 to 90 per cent of the central business district has been affected. Those who are familiar with the main street will understand the extent of the flooding when I say that the top part of that street has water on it. The highway near the NRMA has 1½ metres of water on it. I have heard that horses have even gone through some windows. The building in which the newsagent is located lost one wall, and all the newsagent's stock has been lost. The pharmacy and both supermarkets have lost their stock. There is enormous devastation in Molong's central business district—of the order of many millions of dollars, perhaps $10 million worth of damage to private property.

In addition, there is heavy damage to infrastructure. Council tells me that the Bell River Bridge near Molong has shifted from its piers and it now has a bow in it. That alone will cost of the order of half a million dollars to repair. Molong has experienced quite considerable storms and rain. Last night Trundle had about 18 inches of rain, and there has been four inches of rain in Orange and significant rain in Wagga, Parkes and West Wyalong. Overnight the SES received about 150 calls for assistance. The Rural Fire Service, the NSW Fire Brigades and virtually all other emergency service groups are now supporting the SES. This morning most of Molong's population were trying to clean out houses and shops before the mud starts to go rank.

As I said, floodwaters have damaged an enormous amount of infrastructure, even the railway line. Earlier today I announced that the State Government had issued a natural disaster declaration for the council areas of Parkes, Cabonne and Eugowra, about which I will say more in a moment. That declaration triggers a range of assistance for residents, business owners, councils and property owners whose properties have been damaged. The Government is monitoring other areas in the region to assess whether that declaration needs to be extended, particularly as further flooding is expected.

I understand that the Bell River is flooding further towards Wellington and later this evening it should peak at about five metres. At this moment the township of Eugowra is being evacuated. At about 9.00 p.m. floodwaters are expected to peak there at 10.5 metres. Those who remember the devastating floods in 1990 would know that peak will be 0.3 of a metre above the 1990 peak. Police and emergency services are now evacuating the 730 people who live in Eugowra. [*Time expired*].

GREAT WHITE SHARK FISHING EQUIPMENT BAN

The Hon. JON JENKINS: My question without notice is directed to the Minister for Primary Industries. Did he recently ban certain types of fishing equipment between Stockton and Port Stephens? Were the fishermen concerned breaking any law or regulation before the ban? Is fishing for or catching sharks other than great whites or grey nurse sharks illegal on Stockton Beach or anywhere else in New South Wales? Will this ban effectively put an end to fishing for other sharks or other large fish such as jewfish between Stockton and Port Stephens? Will these bans be extended to any other beaches or areas within New South Wales? What will be the effect of effectively banning fishing for large fish between Stockton and Port Stephens?

The Hon. IAN MACDONALD: The Hon. Jon Jenkins asked a question about a practice that was brought to public attention on *A Current Affair* a couple of weeks ago, which showed a number of fishers north of Newcastle—I think actually on Stockton Beach—who were going out on surf boards, baiting for great white sharks, encouraging them to come into the area and then hauling them in on rather heavy tackle. The great white shark is a protected species.

The persons engaged in that activity were not researchers of any kind, or people affiliated with any university or organisation. They claimed they were tagging the sharks and that their activity was somehow an environmental measure. Generally speaking, in this State we work on a pretty straightforward formula that provides that projects of this nature are conducted by appropriate institutions and persons. These people were pulling in sharks and then tagging them on the beach—an immensely dangerous procedure. They were attracting sharks to where people were—

The Hon. Jon Jenkins: Point of order: This is totally irrelevant to the question I asked. I asked about the banning of specific types of equipment and whether that now makes fishing for other types of fish illegal. The Minister's response has nothing whatsoever to do with the question that I asked.

The PRESIDENT: Order! I remind the Minister that his answer must be relevant to the question asked.

The Hon. IAN MACDONALD: My answer is very relevant to the question as the ban is specifically about the use of tackle for great white sharks. It is designed to oppose and stop the process of these fish being caught. My department advised me that this was the way to achieve an immediate ban of this type of activity, which I found to be immensely dangerous. The Hon. John Jenkins had a go at me, but he is the only person in this State to defend this activity of baiting and attracting great white sharks to an area used by many surfers. I am sure the surfers will thank him for that! The sharks, which are very territorial, were being hauled onto the beach and then for some reason were tagged. I thought that was disgraceful, so I took immediate action to stop it.

BREAST CANCER SCREENING

The Hon. PATRICIA FORSYTHE: My question without notice is directed to the Minister for Health. Is the Minister aware that the participation rate for women in the breast screen target age group declined for the second consecutive year? What is the Government doing to address this decline in participation, given that the Minister stated in this House on numerous occasions that the target group is the one that benefits the most from the breast screen program?

The Hon. JOHN HATZISTERGOS: I was not the only one to say that; the National Breast Cancer Centre also said it. I noticed the other day that the honourable member and Jillian Skinner were present at the pink ribbon breakfast. I am pleased that the National Breast Cancer Centre gave a lengthy explanation for targeting that program to women between the ages of 50 and 69. The Government is committed to, and takes very seriously, the free breast-screening program. Funding for cancer screening in New South Wales has been increased by $4.2 million this year. An additional $11.1 million over four years is being used to open six new screening centres and to upgrade equipment at existing locations.

Screening centres will be opened or rebuilt on the Central Coast and the North Coast, and in Wagga Wagga, Albury, Port Macquarie and The Hills district. As a result of widespread breast screening we are detecting more breast cancers and reducing the rate of breast cancer death. In the past 10 years breast cancer deaths in New South Wales have fallen by 21 per cent. Breast screening services are provided at 40 fixed locations and by 18 mobile vans, which visit 167 outer metropolitan and rural locations every year. Medical evidence suggests that women aged between 50 and 69 who have regular breast screens every two years can reduce their chances of dying from breast cancer by about 30 per cent. This is the age group that should be recruited specifically according to national screening guidelines. The reason these women are targeted is that large international clinical trials show that health benefits are seen in this age group rather than in other groups. Targeting this age group is an approach similar to that being taken in the United Kingdom and in Canada.

Women aged 40 to 49 or over 70 years are able to obtain a free breast screening mammogram through BreastScreen. However, based on the above guidelines and rationale, women in the target age group will be given preference for appointments. I am advised that the appropriate benchmark is that screening should be done about every two years, with worldwide practice of some variation of weeks or months around the twenty-fourth month standard. The waiting time for free breast screening based on the above parameters varies from days to weeks depending on the availability of screening slots, and that is in turn dependent on demand; the schedule of a mobile van or relocatable service that would come to a region or area intermittently; and the availability of expert radiologists and radiographers.

The Hon. Robyn Parker: Except in the Hunter.

The Hon. JOHN HATZISTERGOS: I have made the point on many occasions—if only the Hon. Robyn Parker had bothered to listen—that there is a shortage of radiologists, just as there is a shortage in many other health areas. If the honourable member were serious about this issue, she would take up the call that I have made repeatedly to ensure that we have appropriately trained and qualified individuals to do this work. This is a work force issue throughout Australia and internationally.

From 1 July this year breast screening services were transferred to the Cancer Institute and overseen by an expert committee. This committee is identifying gaps in current service provision, ways to target screening better in order to catch more cancers more often, and how to ensure world's best practice in cancer screening. It is also looking at improving the booking system for BreastScreen so that women who ring up for a screen can get a definite date or be referred to a nearby screening centre if their closest centre is fully booked. The committee is chaired by Professor David Roder from the Centre for Cancer Control Research. Professor Roder is one of Australia's leading experts in cancer screening of the breast, cervix and bowel, and is a former consultant to the World Health Organization in cancer epidemiology. Other committee members include Associate Professor Michael Bilous from the Institute of Clinical Pathology; Professor John Boyages from the New South Wales Breast Cancer Institute; Dr Helen Zorbas from the National Breast Cancer Centre; Dr Denise Robinson, the New South Wales Chief Health Officer; and consumer representatives and breast cancer surgeons. It is about harvesting the best medical advice in the country to improve the quality and quantity of New South Wales cancer screening services.

However, there is one black cloud hanging over the future of breast screening in New South Wales, and that is the Commonwealth Government. As honourable members will be aware, in 2004 the Federal Government threatened to cut funding for BreastScreen NSW by $4.7 million over five years. [*Time expired*.]

WATER BORES CAPPING AND PIPING PROGRAM

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Natural Resources. Can the Minister please update the House on recent funding announcements by the State Government to help rural and regional communities during the drought?

The Hon. IAN MACDONALD: On the weekend the Premier and I were in Dubbo at a very successful country conference that included a magnificent demonstration against the Federal Government's industrial relations laws.

The Hon. Rick Colless: What was the Labor vote in Dubbo?

The Hon. IAN MACDONALD: Let us put it this way: Do The Nationals hold the seat of Dubbo?

The Hon. Duncan Gay: Does the Labor Party hold the seat of Dubbo?

The Hon. IAN MACDONALD: We have a lot of seats; we cannot hold every seat in the House. Fancy the Deputy Leader of the Opposition putting his head in it like that again! The Nationals need the seats, not us. But members opposite are interrupting my speaking about this important issue. The Premier and I made a couple of announcements regarding a new $16 million funding program that will be matched by Commonwealth funds to bring it to $32 million, for the Cap and Pipe the Bores Program. This program aims to save water wastage from the Great Artesian Basin, which is one of the world's largest freshwater basins. It is also vital for the prosperity of towns and regional centres that rely on access to its water supply for their very survival.

The basin lies underneath 22 per cent of mainland Australia, covering an area of 1.7 million square kilometres across New South Wales, South Australia, Queensland and the Northern Territory. In New South Wales alone it spans 207,000 kilometres, supporting a population of 200,000 and underpinning $3.5 billion worth of agricultural production each year. It is undoubtedly a valuable and significant resource for our State but one that has been managed poorly in the past. Inefficient water management practices have contributed to a loss of artesian pressure and flows from open bores, causing half of the 1,400 bores in New South Wales to stop flowing. In addition, the open bore drains that supply water to landholders lose up to 95 per cent of water through evaporation and seepage. That is a startling figure that even a boring member of The Nationals should comprehend!

In recognition of these concerns the New South Wales Government has been working with the other States and Territories and with the Commonwealth Government to implement a wide-ranging program to cap viable bores and prevent further waste. This program has already saved 500,000 megalitres over the past 12 years—the equivalent of the volume of water in Sydney Harbour.

The Hon. Rick Colless: When you were the Minister?

The Hon. IAN MACDONALD: Yes, the program has been in place for 12 years.

The Hon. Rick Colless: But it wasn't your Government that put it in place.

The Hon. IAN MACDONALD: No, but we are spending another $16 million on this valuable program. That has seen the completion of 130 capping and piping schemes in New South Wales, replacing 4,100 kilometres of inefficient bore drains with 7,300 kilometres of covered pipeline. It also reduced the effect of salinity by preventing about 150,000 tonnes of salt from entering the landscape. Once completed, the Cap and Pipe the Bores Program will provide effective watering to 1,000 properties over 1.5 million hectares. It is undoubtedly a program of great national significance and one that the New South Wales Labor Government is committed to supporting.

The latest $16 million in funding will be invested in eight new projects across the northwest of the State, involving the removal of 360 kilometres of open bore drains. For example, the Department of Natural Resources is working with seven landholders in the Coonamble district to replace 40 kilometres of drains from the Hollywood bore. Once these are replaced with pipelines and storage tanks more than 10,000 hectares of farming land will have greater security of water supply and 250 megalitres of water will be saved yearly. Landholders who take part in projects such as these receive funding from the New South Wales and Commonwealth governments of up to 80 per cent of the project cost. This is part of the State Government's overall strategy for managing our natural resources better.

CURRAWONG RECREATION AREA SALE

Reverend the Hon. Dr GORDON MOYES: My question is directed to the Special Minister of State, representing the Minister for the Environment. Is the Minister aware of moves by Unions New South Wales to sell off the Currawong recreation area on the western foreshore of Pittwater? Is the Minister prepared to allow Unions New South Wales to sell the Currawong site privately even though it is an asset of environmental, cultural and heritage significance and has been providing the workers of New South Wales with low-cost holiday accommodation since the 1940s? Will the Minister consider incorporating the site into the adjoining Ku-ring-gai Chase National Park to ensure ongoing public access to this site?

The Hon. JOHN DELLA BOSCA: I am very well aware—

The Hon. Duncan Gay: You don't care for workers, do you?

The Hon. JOHN DELLA BOSCA: I care a lot for workers. I am well aware of the site and have visited it on a number of occasions. In fact, I have stayed overnight at the site on more than one occasion.

The Hon. Melinda Pavey: Like you couldn't afford to stay somewhere else!

The Hon. JOHN DELLA BOSCA: The Hon. Melinda Pavey has just woken up. The Hon. Jim Macken of the Industrial Commission, a former industrial judge, wrote a short history of the heritage values of the site.

The Hon. Michael Costa: I don't agree with it.

The Hon. JOHN DELLA BOSCA: My colleague, the Hon. Michael Costa, does not agree with it but nevertheless it sets out the history of the site. I am aware of the heritage significance of it but it is like every other piece of similar property, an asset owned by Unions NSW, formerly the Labor Council of New South Wales. Because Unions NSW is a very good representative of its workers it has chosen to reallocate its asset base, which is its business.

The Hon. Michael Costa: Despite the Federal industrial relations bill.

The Hon. JOHN DELLA BOSCA: The Hon. Michael Costa points out that there are a lot of demands on the resources of trade unions at the moment, as there regularly are. Unions NSW has chosen to sell this asset and use the proceeds, and the Government believes that is a matter for Unions NSW. As for any decision by the National Parks and Wildlife Service in relation to acquiring sites, I am happy to refer that component of the question to the Minister for the Environment, who will give the honourable member well considered advice because, as I said, there are a lot of priorities for preservation. I do not know that it would necessarily be one that the Minister for the Environment would pursue.

If honourable members have further questions, I suggest they put them on notice.

QUEANBEYAN GOVERNMENT OFFICE BUILDING

The Hon. JOHN DELLA BOSCA: On 12 October 2005 the Hon. Melinda Pavey asked me a question in relation to the $19 million Queanbeyan Government office block and whether a scoping study of current office accommodation had been carried out in Queanbeyan. I am pleased that the honourable member asked that question as it has given me an opportunity to provide some details in relation to this Government initiative. I advise the House that an accommodation scoping study was undertaken by the Department of Commerce, following the decision to proceed with the construction of the Queanbeyan office block. The study identified the opportunity for more than 12 government agencies to co-locate and obtain efficiencies from a whole-of-Government approach and integrated service delivery.

The new building is a $19 million investment in Queanbeyan and country New South Wales that will create 250 jobs during construction, and provide a healthy and productive working environment for its 230 workers. Tenders for construction are expected to be called early in the New Year, with completion anticipated in the early part of 2008. This building will take its place with other new government office buildings around the State—in Gosford, Murwillumbah, Wellington, Nowra, Maitland and Lithgow—that this Government has built since 1995 to boost local economies and generate local jobs and, importantly, re-locate valuable public sector jobs to regional New South Wales, making sure that services are located where people need their benefit.

MR GARY BURNS HOMOSEXUAL VILIFICATION COMPLAINT

The Hon. JOHN DELLA BOSCA: On 11 October 2005 Reverend the Hon. Fred Nile asked me, representing the Attorney General, a question in relation to a case before the Anti-Discrimination Board concerning remarks made by John Laws regarding Gary Burns. The Attorney General has provided me with the following information. Mr Burns' complaint was investigated by the Anti-Discrimination Board [ADB] and referred to the Administrative Decisions Tribunal [ADT] on 31 March 2005. Mr Laws applied to have Mr Burns' complaint summarily dismissed on the ground that the proceedings were vexatious. The ADT dismissed Mr Laws' application and the complaint will now go to hearing before the ADT.

As the matter is currently before the ADT it is not appropriate for me to comment on alleged statements made by Mr Burns, or for that matter Mr Laws. The president of the ADB and the ADT can decline matters that are frivolous, vexatious, misconceived or lacking in substance. Recent amendments to the Anti-Discrimination Act 1977 ensure that such complaints, when declined by the president of the ADB, cannot be automatically referred to the ADT. The current regime provides adequate protection against vexatious complaints.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

PORT MACQUARIE EMERGENCY SERVICES CENTRE

On 15 September 2005 the Hon. John Tingle asked the Minister for Emergency Services a question without notice regarding a Port Macquarie emergency services centre. The Minister for Emergency Services provided the following response:

In addition to the response I provided in the House on 15 September 2005, I can provide the following information.

The Government is supportive of the Emergency Centre being built on the site. I am advised that in order for this to happen, the site will need to be rezoned. I am further advised that Port Macquarie Hastings Council only submitted the rezoning request to the Department of Planning on 29 September.

I am advised that the Minister for Planning, Hon Frank Sartor MP, has instructed the Department to expedite its consideration of the matter and to provide a recommendation to him in the near future.

SWANSEA BRIDGES

On 20 September 2005 the Hon. Michael Gallacher asked the Minister for Finance, Minister for Infrastructure, representing the Minister for Roads, a question without notice regarding Swansea Bridges. The Minister for Roads provided the following response:

The Roads and Traffic Authority has installed a purging system on the southbound Swansea Bridge, to allow the continuous release of gas in the counterweight chamber.

I am advised that $7.5 million has been spent operating and maintaining the twin Swansea Bridges over the last five years, which includes $3.6 million for the western bridge pier works.

METROPOLITAN STRATEGY

On 20 September 2005 Mr Ian Cohen asked the Special Minister of State, representing the Minister for Primary Industries, a question without notice regarding metropolitan strategy. The Minister for Primary Industries provided the following response:

1. No.

2. The DPI will always support the supply of fresh leafy green vegetables.

3. NSW Department of Primary Industries strongly supports the Strategic Plan for Sustainable Agriculture in the Sydney Region. Under that Plan, the Department provides technical advice, training and best practice demonstration to give all primary producers the best opportunities to succeed in the competitive market place. This includes:

   - Improved production practices to ensure high quality products. Protected cropping such as greenhouse vegetable production to minimise the need for larger areas of land used for crop rotation and fallow practices;

   - More efficient management of water to enable improved environmental outcomes and lower costs of production;

   - Safer use of chemicals for effective control of pests, diseases and weeds while protecting the safety of farm workers, neighbours, consumers and the environment.

   A special focus of these services is to non-English speaking background farmers.

TRANSGRID ELECTRICITY TENDERS

On 21 September 2005 the Hon. Dr Arthur Chesterfield-Evans asked the Minister for Ports and Waterways, representing the Minister for Utilities, a question without notice regarding TransGrid electricity tenders. The Minister for Utilities provided the following response:

> There are no conflict of interest issues in TransGrid considering demand management options as possible solutions for transmission network capacity increases.
>
> The National Electricity Rules oblige TransGrid to consider non-network options in its assessment of the least cost outcome to discharge its obligations to deliver a reliable electricity supply, and the Rules specifically mention the need to seek out demand side options. TransGrid is diligent in carrying out these obligations and to treat all reasonable network and non-network options on an equal footing.
>
> In this regard, TransGrid's recent call for tenders was for a consultancy for assistance with the identification and assessment of reasonable non-network options to meet the emerging transmission limitations in continuing to provide a reliable supply of electricity to the Newcastle/Sydney/Wollongong Area.
>
> Electricity supply and demand data is available to National Electricity Market Participants via the National Electricity Market Management Company's (NEMMCO's) web site and its annual Statement of Opportunities (SOO).
>
> TransGrid's Annual Planning Report includes load forecasts produced through joint planning with distributors as well as the NSW load forecast that forms an input to the SOO. In preparing the NSW electricity demand forecast, TransGrid uses economic scenarios developed by NEMMCO and used by all jurisdictions of the National Electricity Market. For new large transmission augmentation, there is a separate process which requires extensive documentation, including a description of how the Application meets the Regulatory Test, public consultation and review by NEMMCO. The final report is published incorporating all requirements of the approved determination.
>
> Given these current arrangements, and the formal processes required by the National Electricity Rules, it is not considered necessary to create a new agency to review these functions. This would only serve to increase costs to consumers of electricity.

RAILWAY STATION DISABLED ACCESS

On 21 September 2005 Ms Sylvia Hale asked the Minister for Disability Services a question without notice regarding railway station disabled access. The Minister for Disability Services provided the following response:

> Providing equitable access to public transport services is a key Government objective. To meet this objective, barriers to access are being progressively removed to meet the travelling needs of people with disabilities.
>
> CityRail is progressively undertaking easy access upgrades of its rail stations. Priority for easy access upgrading is based on a number of factors including station patronage, access to educational and medical centres, parking, bus services, shopping, tourism and whether the station is a rail interchange.
>
> The NSW Government is funding rail infrastructure and station upgrades worth $253.3 million in 2005-06.
>
> The Member for Marrickville, the Hon Carmel Tebbutt, has also written to me in relation to this matter.
>
> When funding priorities are being considered, the request for an upgrade of stations within the Marrickville Electorate will be taken into consideration.

METROPOLITAN STRATEGY

On 21 September 2005 the Hon. Charlie Lynn asked the Minister for Finance, representing the Minister for Planning, a question without notice regarding metropolitan strategy. The Minister for Planning provided the following response:

> The Metropolitan Strategy is being prepared by the Department of Planning. The Strategy is not yet at approval stage.
>
> The Strategy will include a centres policy, which will identify a hierarchy of centres such as regional cities, major centres, town centres or villages, depending on their characteristics. Centres definitions will not be statutory – they will guide future planning of places, and ensure a common language for local and State Government.
>
> In areas identified as town centres or villages, height limits will be decided by the local council and the community – the State Government, through the Metropolitan Strategy, will provide guidance for local councils when they are planning these centres.
>
> Therefore, in local centres such as Ingleburn, it will be entirely up to the local council to determine appropriate heights. It is a principle of the Metropolitan Strategy to encourage higher-density housing around transport nodes.

LIVERPOOL HOSPITAL CATERING SERVICES

On 22 September 2005 the Hon. John Ryan asked the Minister for Health a question without notice regarding Liverpool Hospital catering services. The Minister for Health provided the following response:

> I am advised by the Sydney South West Area Health Service that the provision of meals to renal patients and satellite dialysis patients has not changed. Inpatients are provided with a selection of meals and outpatients receive a sandwich, fruit and juice snacks.

This arrangement has been in place for a number of years and Food Service Meal Distribution records show no deviation in service provision.

SEWAGE TREATMENT WATER RECYCLING

On 22 September 2005 Reverend the Hon. Fred Nile asked the Minister for Finance, a question without notice regarding sewage treatment water recycling. The Minister provided the following response:

I'm advised:

The Government is undertaking a range of initiatives as part of Sydney's metropolitan water plan, including desalination and recycling schemes.

The Government is investigating recycling schemes for new release areas in the north-west and south-west of Sydney.

Australia's largest residential recycled water scheme at Rouse Hill, currently services around 15,000 homes, and is reducing demand for drinking water by 35 per cent per household. Once fully developed, the scheme will supply around 36,000 households and save more than 4 billion litres of water per year.

I'm not aware of any proposals to duplicate the water supply network across the entire metropolitan area.

The capital costs of extending dual reticulation to the entire metropolitan area would include duplicating around 21,000 kilometres of water mains and upgrading sewerage plants to treat wastewater to recycled standards.

Households would also need their plumbing to be re-done in order to take the recycled water.

In addition to the direct financial costs, there would also be considerate disruption costs to the community as roads would be required to be dug up.

The cost of extending dual reticulation to the entire metropolitan would be in the tens of billions of dollars. A more precise costing can not be determined at this stage, as many variables would need to be considered in retrofitting Sydney metropolitan area.

CROWN LAND RENTALS

On 22 September 2005 the Hon. Dr Arthur Chesterfield-Evans asked the Minister for Lands a question without notice regarding Crown land rentals. The Minister for Lands provided the following response:

According to the records of the Department of Lands, there are 23 Crown land leases and 28 Crown land licences that are held by various boating clubs throughout the State. Recent market rent redeterminations affect 11 of these tenures. None of the 11 has had the rent payable increased by 1,200%. The changes in annual rent payable range between a decrease of $7 and an increase of $10,600 or between -2.3% and 395.86%. Of these increases in annual rent payable, the average is $2,673.23 or 116.9%, while the median is $355 or 70%. None of these 11 tenures include phase-in arrangements.

It must be noted that the four highest increases in rent relate to fully licensed premises which are treated as commercial operations not entitled to any rebate in rent.

Subsequently the average increase for non-commercial boating clubs with recent rent determinations is $367.21 or 78.6%.

METROPOLITAN STRATEGY

On 22 September 2005 Mr Ian Cohen asked the Minister for Finance, representing the Minister for Planning, a question without notice regarding metropolitan strategy. The Minister for Planning provided the following response:

I have asked the Department of Planning to review the Landscape and Rural Lifestyle zones, and investigate new ways to meet conservation and environmental targets in these areas. The review will balance these conservation and environment targets with the reasonable expectations of existing landowners.

The article that reported "Sydney is full" was misleading. This article based its information on a letter from Peter Newman, the NSW Sustainability Commissioner, dated November 2004, which has been publicly available since December 2004.

In the letter, which appraises the draft plans for the new communities in Sydney's North West and South West, Professor Newman states that the South West and North West sectors are suitable land to be developed and suggests these areas will help to make Sydney more sustainable.

However, Professor Newman also says that these release areas are, in his opinion, reaching a limit of how far a city should sprawl, and he therefore recommends that they should be the last major land release areas in Sydney.

The plans for the growth centres in Sydney's North West and South West are based on projections for 25 to 30 years. They, and other already approved land releases, will house 220,000 houses in the next 25 to 30 years. This represents 30

to 40 per cent of Sydney's required housing over this period; the remaining 60 to 70 per cent of housing will be in existing areas. With 25 to 30 years of development available in both new and existing areas, Sydney is far from "full".

Any further land releases outside the growth centres would be assessed as required, including evaluation against strict sustainability criteria based upon those developed by Professor Newman for the growth centres.

Professor Newman's role as Sustainability Commissioner is to advise the Government on sustainability issues, specifically in relation to the development of the Metropolitan Strategy. As stated by Mr Costa, this advice does not directly dictate Government policy. However, Professor Newman's advice does guide Government policy, and the adoption of his sustainability criteria is a reflection of this.

The Government will continue with its plans for Sydney's growth centres.

ISOLATED PATIENTS TRAVEL AND ACCOMMODATION ASSISTANCE SCHEME

On 22 September 2005 the Hon. Robyn Parker asked the Minister for Health a question without notice regarding the isolated patients travel and accommodation assistance scheme. The Minister for Health provided the following response:

I am advised that NSW Health does not record the level of financial detail sought by the Member in her question.

TRAIN SUICIDES AND THE MENTALLY ILL

On 22 September 2005 Ms Sylvia Hale asked the Minister for Health a question without notice regarding train suicides and the mentally ill. The Minister for Health provided the following response:

I am advised that the NSW Department of Health does not collate or report on the information sought in the Honourable Member's question. I am further advised that currently there are no plans to collect data at this level.

I can advise that since 1997 NSW Health has been the lead agency in the NSW Government Whole Of Government Suicide Prevention Strategy with RailCorp being a major participant. Details of the strategy are publicly available.

Questions without notice concluded.

NATIONAL PARK ESTATE (RESERVATIONS) BILL

Second Reading

Debate resumed from an earlier hour.

Mr IAN COHEN [5.04 p.m.]: Before I continue my contribution to the second reading debate, I want to say that I listened with interest to comments made by the Hon. Rick Colless. I agree that there is a serious lack of resources, and a need for essential staff, in the National Parks and Wildlife Service [NPWS], which the Greens encourage the Government to facilitate because of the increase in the national park estate. The service has great difficulty managing feral animals both within and outside national parks. Whilst the National Parks and Wildlife Service, with its limited resources does an excellent job in trying to manage such issues, it is very difficult.

The track record of the NPWS certainly does not compare to State Forests in relation to forestry management. I believe that management by the NPWS is far more in line with the maintenance of species and environmental balance than has been undertaken by State Forests, which managed timber production in the past not necessarily in the best interests of all aspects of forests. It is important to recognise that State forests are a renewable resource but in New South Wales there have been unsustainable practices. I was disappointed that The Nationals have stated that when they come to office they will eventually selectively log national park areas. That short-sightedness on the part of a future Coalition government will be opposed strongly by the Greens.

[*Interruption*]

I acknowledge the comment of the Hon. Rick Colless about Pine Creek. The Hon. Rick Colless might find that significant habitat, particularly for koalas, was one of the main reasons why that area was protected. There is irrefutable evidence that the logging industry and the State Forests regime had a massive impact on the koala population in that area. It is a shame that we do not move into the use of other products. It is not the case that State Forests' utilisation of resources has somehow prevented the export or destruction of forests in other parts of the world—and the Greens have consistently opposed such destruction—but it is a misuse of the resource.

I have been to forest operations on both public and private lands and I have seen the amount of waste and timber left on the ground that could be utilised under a different regime. I have seen the destruction of

iconic and high conservation value native forests. We need to constructively look at other resources and types of materials to take the load off the native forest industry. Plantation timber in other circumstances replaces that to an extent, and there are other alternatives, particularly fire-retardant alternative materials and steel-framed houses, for example.

Recently I used a material—and I do not particularly want to support private industry—called Modwood, which is a mixture of fine mill waste sawdust and recycled plastic. It makes fine decking and has a 10-year guarantee. We want to encourage the use of forest waste in that type of product. The product works, and international interest has been shown in it. I discussed the virtues of that product.

The Hon. Ian Macdonald: What is it called?

Mr IAN COHEN: Modwood, and it is made from fine ground sawdust from the forest operations, mainly from plantation operations, for the consistency of the timber.

The Hon. Ian Macdonald: It is still plantation.

Mr IAN COHEN: Under certain circumstances. The material is then mixed with recycled plastic for a hollow material that makes excellent water-proof—

The Hon. Ian Macdonald: Is it petroleum-based plastic?

Mr IAN COHEN: It is recycled, and we need to do something with the waste. It actually uses recycled milk bottles. I remind the Minister that a lot of recycled milk bottles are exported to China, which means that a local industry that wants to recycle does not have an opportunity to obtain sufficient product. Many things can be done to build a local industry to create a fantastic recycled Australian product rather than exporting material that could be used in Australia. There are many opportunities here. A former Federal Labor Government Minister went into some detail about recycling in Victoria.

The Hon. Ian Macdonald: Was it Susan Ryan?

Mr IAN COHEN: It might have been Susan Ryan. The Victorians are absolutely streets ahead of New South Wales in recycling plants, which I was able to see when I was in Victoria recently.

The Hon. Melinda Pavey: Like tyres?

Mr IAN COHEN: All sorts of issues—tyres, bollards and outdoor furniture. There are so many opportunities here that we could move forward together. The Opposition has made accusations that the Government will go down in history for environmental vandalism—and I can make comments from a Greens perspective about the shortcomings of the Government on various environmental issues—but some statements in this debate that eventually the Coalition selectively will log national park areas are chilling.

The Hon. Rick Colless: I qualified that. I did say the Pine Creek forest, the plantation forest.

Mr IAN COHEN: The honourable member said "national park areas". I wrote it down. Regarding zero impact on timber supply proper, which is regarded with some mirth, I was able to get general information on the lack of accuracy of mapping and assessment by State Forests at the time of the northern icons assessment and the southern assessment. Proper mapping and proper recognition of forest types and forestry assessments were not accurate with regard to wood supply assessments, which is why there can be an assessment that does not take away from the forest resource. It is important that that be recognised. There should be no logging. I am quite clear about that, and I am quite happy to cop ridicule in this House. However, I really believe there should be no logging of old-growth forests or high conservation value forests. The southern forests stretching from Nowra down to the Victorian border contains some of the most spectacular forests in Australia. These forests are vital for healthy river systems and water catchments to supply clean water to the region, remembering that southern forest areas have a fantastic array of unpolluted coastal lake systems and freshwater systems, both of which are important for conservation, and extremely important for tourist potential and adequate fish stocks in the region.

These water catchments supply clean water to the region. There has been documented segmentation of creeks as a result of logging because of ensuing soil erosion. This smothers aquatic habitats. Big old roots and

tree canopies maintain moisture and essential nutrients in the soil, cleaning and releasing water slowly. Tree hollows provide homes for many of the region's threatened species, such as the sooty owl, the powerful owl and the tiger quoll. By allowing these forests to be logged the Government is turning its back on the local community and the many threatened species that rely on these areas for their survival. During the 1995 election campaign Bob Carr promised to end export wood—

The Hon. Melinda Pavey: Don't believe anything he said.

Mr IAN COHEN: The honourable member should wait and listen to what I have to say. The Hon. Melinda Pavey's comment might find a degree of acceptance from this quarter. During the 1995 election campaign Bob Carr promised to end export woodchipping and old-growth forest logging by 2000—I still have the letter. Putting an end to the destruction of these forests for the international pulp and paper market is long overdue. In Australia virtually all fibre for paper comes from eucalypt hardwood in the form of woodchips. Woodchipping is an environmental disaster. Clear-felling native forests means losing the biodiversity that exists. Regrowth does not create the same diversity of species in a forest. It also destroys the habitat of many native animals and birds, including threatened species. Often comments are made that this industry offers many jobs in the region, but woodchipping is highly capital intensive and provides very few jobs. Machinery needed to chip whole tree logs is expensive and requires very few workers to operate it. A senior Federal Labor Minister at the time called the woodchipping industry a bastard of an industry. At the time he was scathing of the waste of resource and the lack of employment.

As woodchipping has taken more and more of the available timber, sawmills all over the region have closed. In the Eden region few sawmills remain. As employment has fallen, the range of employment has changed greatly, with far greater use of less secure contract arrangements for most workers in the industry. On the other hand, forests can have very strong, positive impacts on the local economy. The natural beauty of the South Coast attracts thousands of tourists every year. Tourism is a major industry of the region and is growing. It is essential in providing a strong economy and employment. Economic studies of the Eurobodalla and Shoalhaven shires noted that native forests generated only 1 per cent of the income brought into the region by tourism. To secure the economic and environmental future of the South Coast, native forest logging must not be promoted ahead of tourism. For more than three decades conservationists have opposed woodchipping at Eden. Truly sustainable gains can be made when we tackle the underlying source of all threats to our forests, and that, in this case, is woodchipping.

Closure of the Eden chipmill would result in a far more benign timber industry. The Greens strongly urge the closure of the mill. Closing the Eden chipmill is not such a radical idea. The new owners have closed five mills or parts of mills since 1999. International pulp and paper industry news on the web reports a mill is closing every week. I hope that Eden will be one of them soon. Each year about six million tonnes of woodchips from Australian native forests and woodchips are shipped to Japan. This means that changes in the Japanese paper manufacturing industry can have a very substantial influence on the face of Australia's forests. Recent projections show that the Japanese industry is responding to environmental pressure and reforming itself. By 2010 only about 15 per cent of woodchips imported are expected to be from native forests. It is always interesting to see the results of post-war reconstruction in Japan, when there were edicts that four trees would be planted to replace any tree cut down in that country. As a nation Japan has some fantastic forest cover, but they have chosen to exploit other countries throughout the South-East Asian region, including Australia, to meet the rapacious demands of the industry of woodchipping.

Forward-looking policies by some companies are helping already to change the international pulp and paper market. This trend has been illustrated by Mitsubishi pulling out of woodchipping in Tasmania earlier this year, which was applauded. With adequate hardwood plantations now coming on stream there is no excuse not to protect the native forests of southern New South Wales. The Queensland Beattie Government has set a good benchmark by phasing out native forest logging and making a transition into government-owned and managed plantations. New South Wales has a much smaller native logging industry, so a similar transition should be possible. Regional forest agreements leave significant expanses of old-growth forests and wilderness areas outside the formal reserve system proposed for logging. In turn this increases the possibility for extinction of many of our threatened species. The Minister trumpets the claim that all forests east of the Princes Highway from Ulladulla to Batemans Bay are now protected. But since when has the Princes Highway been an ecological boundary? There are still plenty of forests west of the highway south of Batemans Bay to the Victorian border that can and are being logged.

Murrah, Mumbulla, Bermagui, Tanja, Ben Boyd, Nullica, Broadwater, Nadgee and Bruces Creek will be logged. Some of them are being logged right now, today. Murrah Forest, home of perhaps the region's last

remaining koalas, is being logged right now. I visited Murrah several months ago and attended a meeting of forest campaigners. That fantastic community has been consistent in its campaign for the local forest. It was a wonderful community night. I had the opportunity to speak in the tiny Murrah hall. A huge number of local people attended, all of whom were passionately committed to their forest and the animal species.

The people were aged in their mid-forties or mid-fifties and had chosen to live in the area in most cases to get away from the rat race of the cities. They were professional people and people who have a great deal of expertise and together they have created a very successful community. They have been faced with the destruction of many of their iconic forests and they feel very strongly about that. I invite honourable members to meet representatives of this community who are strident forests campaigners but also very serious academics and workers who care deeply about forest issues and endangered species.

I do not believe that this bill will put an end to conflict relating to forests. In the past few months protests have occurred in Tallaganda, Cathcart, Wandella, and Murrah forests as well as at the Eden chipmill. The blockade in Wandella State Forest has now been in place for four months. Protests are ongoing in the forests and at the chipmill. I guarantee that these protests will continue. This bill will not change the heartfelt desires of many people who want to save their patch of forest on the South Coast.

In April this year I received disturbing reports of violence against forest protestors in the Tallaganda State Forest, and of inappropriate and prejudicial action by police. In June I received reports of violence against protestors in the Wandella State Forest, including reports of masked people who were entering the blockade at night and making death threats against protestors, including some elderly locals. Unfortunately, reports to the police, I am told, were met with inaction. This is an unacceptable situation: non-violent protest is a completely valid action—it is a right. At least, it has been a right until development of laws at the Federal and potentially the State level that will cut back democratic rights in our fair and egalitarian Australian society. Loggers intimidating and acting violently towards protestors, and authorities turning a blind eye, is an absolutely disgusting state of affairs.

Studies that have been carried out by conservationists during the southern forests reserve process show that it is possible to protect all and more of the forest reserve agenda, without affecting the timber supply agreements made during the regional forest agreement process. Prior to the 2003 State election, the Carr Government made an agreement with the Greens and the Wilderness Society to establish a process to explore possibilities to create reserves in southern New South Wales. The negotiations were held between July and November 2002, and the reserve agenda comprised 124 compartments—approximately 25,000 hectares, taken from the larger list of community reserve proposals.

I will now turn to the specific areas which are not covered by the proposal and will detail those which are to be reserved. Five icon areas are under immediate threat, and the Wandella State Forest is being logged now. This is an important catchment for the lower Wadbilliga River. It is largely undisturbed land and has enormous conservation value. The threatened species in this area include the yellow-bellied glider, the giant burrowing frog, the glossy black cockatoo and the tiger quoll. The vulnerable species include the golden-tipped bat.

Cathcart, which is a key icon forest, is also being logged now. Earlier this month logging began in compartments 1376 and 1377. However, I am told that blockaders have stopped work there for the time being. This is one of the highest value conservation areas on the agenda. It is a truly awesome forest and is a part of the Coolangubra wilderness. It is highly desirable for it to remain standing as it will provide essential forest corridors for the future. I pause to mention that some years ago in the company of other demonstrators I visited the Coolangubra wilderness before the road was put through that magical and magnificent Australian forest.

It was disgusting that the government of the day carved a road through that wilderness to allow logging to be undertaken in that area. It is moving for me to experience the magnificence of old-growth forest. Real old-growth forests are truly spectacular and are very easy to walk through because there are hardly any weeds in the understorey. Sadly that wilderness area has for the most part been significantly degraded as a result of government policy. Compartment 1308, which is not protected, has extremely high conservation value. Cathcart is a home for the powerful owl, potoroo, the yellow-bellied glider and many more threatened species.

Nalbaugh is another key icon forest, which is currently being thinned. This area has some very large trees. It has classic stands of old-growth forest, so it is highly productive. Nalbaugh is also part of the Coolangubra wilderness. The threatened species in the forest include the yellow-bellied glider, and the powerful

owl. In Tallaganda the roadworks are complete and logging could begin at any time. Compartments 1419 and 1420 are under imminent threat. This is an important forest corridor. Species in this forest include the uncommon barking owl and the threatened powerful owl. I wonder how many members have seen powerful owls in the wild. They really are truly magnificent creatures. They need significant area old-growth forests to survive because they live off squirrel gliders.

The Hon. Rick Colless: They need room to hunt.

Mr IAN COHEN: The Hon. Rick Colless is correct, but they also need old-growth trees with natural hollows so that their prey are present in abundance and the balance in the ecosystem may be maintained. Regrowth, new forests and plantations do not provide the appropriate habitat for animals in the ecosystem. I appreciate the acknowledgement by the Hon. Rick Colless of what I believe to be very important points.

The Hon. Rick Colless: It is about conservation outcomes.

Mr IAN COHEN: Indeed. I agree. The Tallaganda area includes the highest point on the South Coast. It is a distinctive ecosystem with a unique genetic pool. It will be crucial for species survival in the wake of climate change. Murrah has been quite heavily logged in the past so it is not old growth, but it provides critical habitat for nominated threatened koala populations. Situated in the far south-eastern part of the State in the Cuttagee water catchment, Murrah is thought to have the largest known remnant koala populations in the region. But the numbers are now thought to be as low as 20, and this is one of the only two key areas in the region where the koalas continue to breed. More logging could be the final nail in the coffin of these koalas.

Badja, another key icon forest, is under imminent threat. It is on the logging schedule for this year. The area has been recognised as a biodiversity hot spot. It has at least 11 threatened fauna species, including the highest tiger quoll numbers in the region, the glossy black cockatoo, the golden-tipped bat, which is vulnerable, the powerful owl, the masked owl, the yellow-bellied glider and the long-nosed potoroo. The forest forms a major escarpment corridor connecting Deua and Wadbilliga national parks. There is very strong community concern about this forest, and it was the scene of an eight-month long blockade in 2001. It is the extremely important corridor to which I have drawn the attention of the Government in the past. It is quite a tragedy in the context of conservation that that has been sacrificed.

Regarding areas that are protected within reserve agenda, I point out that the Dampier State Forest includes the vital water catchments of the upper Deua River, which is approximately 3,950 hectares of reserve agenda. Additions of over 3,000 hectares of the Dampier State forest means that almost all the headwaters of the Deua River will be protected in national parks and State conservation areas. The Greens welcome this addition to the national park estate and believe that it represents a positive policy of this Government.

Monga State forest has approximately 1,300 hectares of reserve agenda. Approximately 3,000 hectares of Monga State forest will be added to Monga National Park and State conservation areas. Monga contains dense, green gullies and is a pocket of ancient natural history—a place where tall tree ferns and ancient species of pink wood trees grow, dating back hundreds and sometimes thousands of years. The Greens are very pleased to see that this Government has decided that this area of forest will be reserved. South Brooman is approximately 293 hectares of reserve agenda. The addition of 293 hectares of South Brooman to Murramarang National Park, which includes the campaign's 500-year-old icon tree, Old Blotchy, completes the final piece in the longstanding proposal to protect all State forests east of the highway. All forests east of the highway from Ulladulla to Batemans Bay will now be protected in national parks.

The Greens welcome this addition to the national park estate. It is a positive move by the Government. We have to question the motive behind the lifting of the moratorium earlier this year, because that action aggravated the entire situation. There is a perception that, with the lifting of the moratorium, icon areas have been immediately targeted for logging. I call for an immediate moratorium on the remaining icon areas of some 19,000 hectares until further negotiations take place regarding the reservation of those areas. Notwithstanding the critical comments and the need for the further protection of areas and, of course, the blunting of the blade of the woodchip industry, the Greens are pleased to support the bill as a small but significant and positive step by the Government in preserving our national estate.

Reverend the Hon. FRED NILE [5.30 p.m.]: I will comment briefly on the National Park Estate (Reservations) Bill. During the years I have been a member of the upper House, there have been many debates about the tension associated with protecting national parks versus the rights and role of the timber industry and

the jobs that go with that industry. Major debates were held in 1992, 1995 and 2000. Some years ago I inspected a forest in the southern region that someone told me was old-growth forest. It became clear to me that it was regrowth forest, because it had huge trees that had grown since it was logged 30 or 50 years previously.

> The Government claims that the National Park Estate (Reservations) Bill does not affect the regional forest agreements or the timber volumes allocated to the industry. Further, the Government claims that it is delivering security to the timber industry and the families that are reliant upon it. However, that was the basis of the tension referred to by the Hon. Rick Colless. He questioned whether those statements were accurate in their impact, as the bill will add a further 5,500 hectares to the new national parks and more than 1,000 hectares of new State conservation areas to the reserve system.
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> > In the southern region, the bill will add another 5,563 hectares of new national parks and 1,181 hectares of new State conservation areas to the reserve system. In addition, it will create special management zones in State forests in the Eden region, and the South Coast and Tumut subregions. The bill gives further protection to the areas that were formerly forest in management zones 2 and 3A. It is difficult to believe the Government's assertion that the bill will have no impact on timber harvesting. A letter from the Environment Liaison Office dated 21 September 2005 encourages honourable members to vote for the bill. The letter states:
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> However, we would note that the decision did not go far enough, protecting only one fifth of the total area proposed for protection in March 2003 by The Wilderness Society. The Bill leaves over 18,500 hectares of identified icon forests in south east NSW unprotected and under immediate threat from logging.

The problem is that we never have a resolution as to what areas are available for logging and what areas constitute a national park. The Environment Liaison Office states that only one-fifth of the total area will be protected. After the bill is passed, there will be further pressure on the Government to set aside additional areas. Obviously the Hon. Ian Cohen fully supports protests in various areas where logging is permitted. Although he said there is a democratic right to hold a protest, I do not believe that right allows people to block roads, or stop other people from carrying out their approved legal role of cutting down trees. In other words, the protesters, not the Government, are deciding policy. That is one worrying issue with this bill, and with similar bills. We seem to have an ongoing struggle, a tension, between protecting forests and protecting jobs. In the long run, it seems that jobs in the timber industry will be lost, and that is a tragedy.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.35 p.m.]: I support the National Park Estate (Reservations) Bill. It took the Carr Government four years to fulfil its promise to add a further 5,500 hectares of new national parks and more than 1,000 hectares of old-growth rainforest and other forest ecosystems to new State conservation areas and the reserve system to the Monga National Park, which will incorporate sections of the upper catchment of the Mongarlowe River. Additions to Deua National Park will now fully protect the upper Deua River catchment. Additions to Murramarang National Park will protect a significant stand of old-growth spotted gum. The incorporation of a section in the south of the last remaining timber production compartment east of the Princes Highway between Ulladulla and Batemans Bay is protected with a reserve.

Although it is encouraging that the bill transfers significant compartments of forest to national parks, the bill will not affect regional forest agreements or the timber volumes allocated to industry. We will still be selling undervalued timber that is woodchipped and sent to Japan. That is an extraordinarily bad investment. The idea that jobs are dependent on woodchips is a Third World mentality. Recently my wife bought a new bed from a Unanderra high-quality carpenter who had won a number of awards. He gave her the history of the Tasmanian blackwood that went into the bed and the matching bedside tables. The loggers had cut that stump very high up the trunk, because it was on a slope—which, of course, is worrying in itself. The carpenter was able to cut the stump obliquely so that its longer side was just on six feet.

From that, he managed to make a double bed, two bedside tables, and a number of other items. The total value of that stump was $7,000 in finished timber, yet the tree was sold for a tiny fraction of that value for woodchipping. That is the sort of thing we are doing to our forests! The idea that we have to woodchip the forests, to give them away—something the Japanese will not do—is outrageous stupidity; we should not be in it.

In the tobacco industry the loss of jobs was blamed on anti-smokers. In fact, the cut in tobacco was only 1.5 per cent; that was the best we could achieve. Improved machinery was responsible for hugely increased production, and with far fewer workers. The anti-smokers would not have effected the changes in staffing in a 1.5 per cent drop in turnover. That would have been easily handled by the normal turnover of staff.

As soon as conservationists do anything, they are accused of taking away timber jobs. What should happen is that there should be better value adding in the furniture and other industries. However, the State Government is still friendly with people who are woodchipping the forests. The Environmental Liaison Office

has identified at least an additional 18,000 hectares of icon rainforest that need protection. The unprotected compartments include 2004-2014, 2017-2031 and 2044-2047, that is 29 compartments, in Badja; 1368, 1375-1377—which the Hon. Ian Cohen commented on that are now being logged—1379 and 1380, that is six compartments, in Cathcart; and 1320, 1325-1327 and 1330, that is five compartments, in Coolangubra.

There are 10 compartments in Dampier: compartments 3,188 to 3,190, 3207, 3211, 3219, 3225, 3229, 3231 and 3232. There are 22 compartments in Murrah and seven compartments in Nalbaugh: compartments 1306 to 1308, 1312, 1313, 1401 and 1402. There are six compartments in Tallaganda: compartments 2412, 2413, 2416, 2417, 2419 and 2420. There is one compartment in Tantawangalo and six compartments in Wandella: compartments 3280, 3281, 3283, 3284, 3289 and 3290. There are five compartments in Yurammie: compartments 963 to 967. There is a total of 97 compartments with an area of around 18,440 hectares.

Currently there are logging operations in compartment 1377 in Cathcart and compartments 3283 and 3284 in Wandella. Road operations have been completed in compartments 2419 and 2420 in Tallaganda and thinning has taken place in compartments 2052, 2056 and 2057 in Murrah and in compartments 1307, 1308 and 1312 in Nalbaugh. Some of the forest compartments that have to be transferred to national parks include eight compartments in Monga: compartments 808 to 810 and 813 to 817; one compartment in South Brooman—compartment 70—and 18 compartments in Dampier: compartments 3205 to 3206, 3208 to 3210, 3212 to 3218, 3227, 3228, 3230, 3253, 3275 and 3276. That is a total of 27 compartments in an area of 5,560 hectares.

It is necessary for protesters to try to halt what I think is a serious misuse of our resources and to try to put our forest policy on a more even and sensible keel while there are still some forests to be saved. Obviously that will take a lot of work. I acknowledge the comments by the Hon. Rick Colless about the necessity to put money into the management of forests. It is not enough simply to lock them up—a point that was made earlier. Money from logging provides money for management.

One might say that that is not necessarily the best way to manage these forests in the sense that so little is coming from logs. However, it is true that some money is needed to manage them. The United States of America puts a good deal of money into its national parks and it has a system that we need to emulate. The South Africans make their national parks a major export industry and they are extremely valuable for tourism. They make a lot of money from their national parks.

The Hon. Melinda Pavey: They have commercial enterprises within their parks.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They have commercial enterprises. I visited South Africa and Zimbabwe—fortunately I did not visit Zimbabwe recently—stayed in their lodges, and went on safaris, which are extremely good and interesting. We might not have lions and tigers in Australia but some people find wallabies and kangaroos just as exciting. The Warrawong sanctuary located just out of Adelaide has endangered species. It spent a great deal of money fencing off the sanctuary in an attempt to get rid of all feral animals and predators, and to ensure the survival of smaller, nocturnal Australian marsupials. At night, people can walk along paths at the sanctuary and see them scurrying about.

If there had been some hotel development on the railhead at the Australian Defence Industries site at St Marys, people in western Sydney would have benefited from the surviving kangaroos and emus in that last remnant of woodland, but that is not to be. Federal and State governments capitulated to the development lobby and the only sections that survived were flood prone, which is a rather depressing reflection on the way things are done. We need some more prudent management. Other models must be looked at if we are to do something with these national parks. We cannot simply lock them up, as they become fire hazards. They have to be managed in a more sensible and sustainable way.

New models have to be looked at—an important point that is continually neglected. There is no doubt about the fact that the first step is to prevent these forests from being logged. The second step is to go beyond that. The Government must be a bit more intelligent and not flog off our assets in an attempt to get some money. It must start managing things, whether they are iconic buildings or forests. It must take a far more commercial approach to these issues and not simply sell corporations long-term leases for a pittance, which is what happened at the quarantine station in the planning of roads, and which is what happened in areas run by State Forests for extraction costs rather than value-added costs. These models have to change and the Government has to think beyond them. If this is a first step we support it, but the Government has to go beyond that. If it does not it is doomed.

The Hon. PATRICIA FORSYTHE [5.46 p.m.]: The Hon. Dr Arthur Chesterfield-Evans referred to the management of national parks. The honourable member indicated support for the legislation but then acknowledged the position taken by the Coalition relating to the complete and inadequate management of our national park system. We should not add to the national park estate when what we already have is not being adequately managed. The National Parks and Wildlife Service is unable to properly manage fires, weeds and feral animals.

The Hon. Melinda Pavey: They have not had an increase in maintenance funding.

The Hon. PATRICIA FORSYTHE: It has not had an increase in maintenance funding. Enormous areas have been added to the national park estate but there has been no commensurate increase in resources. This Government is not a responsible government. Some members said they would support this legislation after acknowledging there is inadequate management, which does not make sense to me. The Government should approach this issue in a different manner. This is not just about resources; it is a philosophical issue about what we do and how we manage national parks.

Many people in the department do not want to see any form of intervention. They do not want proper hazard reduction or appropriate feral animal control and they have a completely inadequate approach to weed infestation. Opposition members made it clear that no responsible member should support this legislation. I was interested to hear Mr Ian Cohen praise the so-called stringent forest campaigners in the south-east. After spending quite a bit of time in that area I can say they are not highly regarded in their community. The honourable member referred in particular to recent violence. What we have seen from people in that area is nothing short of anarchy. Their attitude to the police, to forest workers, and to mill owners in the area is a disgrace.

These people claim to act for the good of the environment but many have been living under appalling conditions in the south-east forests for some time. It is a disgrace. It cannot be said that they are benefiting the environment. They cannot deal with their own waste, for goodness sake! Those who have visited the area have described the rubbish on the ground and the appalling conditions under which protestors have been existing in the forest. Any argument that those people are interested in the environment is blown away by the way in which they have allowed the forests to degenerate as a result of the rubbish they leave behind and their failure to deal with their own waste. I want to put that on the record. The protestors claim to be the sole defenders of the environment and then they behave like that.

What about the protestors' attitudes towards forestry workers? They chain themselves to foresters' equipment and invite people to hurt them. It is a disgrace. Mr Ian Cohen will probably champion the industrial relations rights of workers. What about the position in which forestry workers are placed as a result of the anarchic actions of protestors? Mr Ian Cohen cannot have it both ways: he cannot talk up the environment and support unionists in an industrial relations context and then condone what protesters in the south-east forests have done to foresters going about their work and the condition in which they have left the forest after living there for months. If those people are seeking to foster our long-term interests in the environment that is not the way to go about it.

I believe the Government has introduced this bill at the wrong time. It should have explained first how it would manage our forests properly. I believe that the best way to manage our national parks or anything else is to use them. If people use something they will come to value it. If we lock up something people will not know its value. I am not necessarily talking about wood chipping; this is a general principle. The best way to value something is to use it. The approach of the National Parks and Wildlife Service is to lock up forests so that they cannot be accessed appropriately. I believe that is the wrong way to manage our national parks.

We talked earlier about particular areas that will be incorporated in the national park estate. The Tallaganda State Forest, which is situated only 40 kilometres south east of Canberra, is a significant recreational area for the communities of Canberra and Queanbeyan. People go there to drive off road. That might be anathema to some in this place but many people in our community will be watching with interest to see how honourable members vote on this bill. Not everybody believes the direction being taken by the National Parks and Wildlife Service is in the best interests of the environment of New South Wales.

The Hon. JON JENKINS [5.53 p.m.]: I begin my speech by damning the Greens with their own words. Mr Ian Cohen mentioned two facts about koalas. First, he said the south-east forests are home to the region's last remaining koalas. Later he said there were only 20 koalas left. How can that be? The region contains some of the largest national parks and wilderness areas in the State. Where are all the koalas?

Mr Ian Cohen: Where's your study?

The Hon. JON JENKINS: You said it in your speech. You said, "There are only 20 koalas left in this area." I am waiting for your comment, Mr Cohen. I am damning you with your own words. I repeat: Where are the koalas in the protected wilderness areas? Where are they in the vast parks across the whole of southern New South Wales? They are not there. Do you know why they are not there, Mr Cohen? They are not there because those areas are not managed properly.

Mr Ian Cohen: Point of order: Madam Deputy-President, I ask that you require the Hon. Jon Jenkins to direct his remarks through the Chair. He is having a personal, unsolicited conversation with me on the sidelines, and that denigrates the procedures of the House.

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! I remind all members that all remarks should be directed through the Chair.

The Hon. JON JENKINS: Where are the koalas, Madam Deputy-President? Mr Ian Cohen went on to talk about powerful owls—which are indeed magnificent birds—and their prey, the gliders. Why are those owls endangered? It is because there are no gliders. Why are there no gliders in the national parks and wilderness areas in the great southern region? Does anyone have an answer? I will acknowledge any interjection. Why are there no gliders, which are the prey of the powerful owls?

The Hon. Melinda Pavey: Because there are too many feral animals.

The Hon. JON JENKINS: Exactly!

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! I remind the Hon. Jon Jenkins that all interjections are disorderly.

The Hon. JON JENKINS: I acknowledge the interjection from the Hon. Melinda Pavey. Mr Ian Cohen is damned by his own words! Significant forest areas are surrounded by State forests. They have been protected because the State forests were thinned and fire managed properly. That will no longer happen. I wonder how long those pristine areas will last. Mention has been made of the protesters in the south-east forests. I understand and support the right to protest. The right to perform acts of peaceful civil disobedience is fundamental. I acknowledge that Mr Ian Cohen has left the Chamber.

Civil disobedience and the right to protest are fundamental in a democracy. But I know of timber industry workers who have found metal spikes in trees and forest roads spiked with razor sharp pieces of metal. That is not peaceful civil disobedience. Anyone who has used a large chainsaw will know what happens when it strikes a metal spike embedded in the wood. That is not peaceful protest. I do not know if that is happening down south but it has occurred during other forest protests.

Another important issue is funding for national parks and wilderness areas. What will happen when there is a recession? How will we fund those vast areas that are already underfunded? The economy is booming and the employment rate is fantastic but we still cannot fund the national park estate. What will happen next year if there is a recession, GST revenue drops away and we do not have sufficient funds for health or education? What will happen to the national reserve then? There are many flaws in the argument about adding more and more land to the reserve when we cannot fund what we have. It is absolutely ludicrous. This approach is driven by Greens preferences at the ballot box and by ludicrous ideology.

The National Park Estate (Reservations) Bill continues to entrench the "lock it up" mentality of environmentalists while offering no parallel fire hazard reduction strategy. In exchange for preferences the Government is pursuing a lock-up and lock-out agenda on the land and in our water under the pretext of a consultation process. The bill adds a further 5,500 hectares of new national parks and more than 1,000 hectares of new State conservation areas to the reserve system. The bill also creates special management zones in existing State forests in the Eden region and in the South Coast and Tumut sub-regions, giving further protection to areas that were formerly logged as management zones 2 and 3a.

I will cut my speech short. I had much to say but I am feeling very emotional. The early indications of declining health within the reserve system are being brushed aside in favour of promoting an ideologically driven green conservation ideal. The forest industry and scientists suggest that a multiple-use matrix across the reserve system with connectivity between areas is much more productive for both man and the environment.

This works much better than fixed zones. In the United States of America forest managers use a combination of no treatment, prescribed burning, harvesting by clear felling, selective harvesting and thinning to manage the reserve systems, and it works very well. The National Park Estate (Reservations) Bill is premature without a comprehensive monitoring system of our natural resources already in place. I note the Auditor General has questioned in his reports year after year whether national parks, and the assessment of outcomes and monitoring from nationals parks, are achieving their outcomes. This year the damning state of national parks echoed the comments of the Auditor General.

An assessment of the adequacy of our natural resources in several areas must be measured. These include a benchmark assessment of an ecosystem biodiversity from which it will be possible to measure the success of management strategies employed by the National Parks and Wildlife Service. We just keep blindly adding to a reserve that has increasingly been shown, scientifically and economically, to be flawed. The National Parks and Wildlife Service reserve managers should have the same criteria of accountability as any company or manager who manages a State forest, but they do not. Such a monitoring program could encompass the following: implementation, effectiveness and validation monitoring. This information in turn provides scientists with the necessary data to design guidelines to develop a forest management program that incorporates the needs of society, as well as biodiversity, and allow for more flexible boundaries with a mosaic-type reserve system. Indeed, that mosaic system would be rotated over cycles of hundreds of years.

The underlying ideology in our forest policy aims to conserve examples of natural ecosystems, as they existed prior to European settlement—which has been a point of debate in this House. Scientific research by Ryan and Flannery indicates that the Aboriginal population actively managed the landscape. This theory was refuted by Benson and Redpath in a rather circular argument that although fire is ecologically destructive, since ecosystems have not been destroyed, fire must therefore be rare, and prescribed burning must be ecologically destructive. I have completely refuted those arguments of Benson in some depth and detail. It should not be assumed that fire exclusion is natural and an accumulation of nutrients, and increasing populations of some species, are ecologically desirable.

Forest health decline and increasing wild fire control problems are two observable facts of recent times, and are the result of passive management. I restate that if one were to draw a line down the Great Dividing Range, almost half the land mass between it and the coastline would be found to be owned and managed by the National Parks and Wildlife Service. But we still have threatened species and vegetation, and weed problems and feral animals up and down the coast—so that system is not working, and it is plain to everybody that it is not working. Grass eucalypt ecosystems are flammable under even mild conditions, and are conducive to low-intensity fires. This flammability is reduced as dense scrub layers develop after fire exclusion. The result is ecosystems that burn more intensely and uniformly in severe conditions with the fire spreading to less prone fire ecosystems, containing more sensitive and threatened species.

Mr Ian Cohen referred to the valley in the Monga, with pink woods and other species. Now that surrounding areas will not be thinned and logged, intense crowning fires will get closer and closer and more damage will be done. In Australia the political pressure exerted by the environmental movement precludes any constructive debate. On 23 September 2004 Mr Ian Cohen referred to the possibility of the Government researching, for instance, Aboriginal techniques to manage the environment. The Greens oppose active management, whether by indigenous or non-indigenous peoples, as it is perceived as being anti-conservationist and detrimental to an ideological goal.

This stubborn refusal to consider an alternative approach, scientific or otherwise, blinds the extremist conservation contingent to the fact that profound changes may be occurring as a result of this deliberate non-interventionist approach. The conservation movement seems to concentrate on vegetation. I am less enamoured with vegetation than I am with animals. Animals are not replaceable. We cannot replace an individual animal species. Genetically, every single plant species—indeed the entire biodiversity of a forest—can be accommodated in bottle cap. That biodiversity can be replaced. But that cannot be done with one single animal species. Once an animal has gone, it has gone forever. Plants species can be cloned, they can be cultivated by cell or seed, but animal species are absolutely irreplaceable.

A Government-funded study into Aboriginal land management practices presents the ideal opportunity for us to learn from our indigenous peoples, and provide a platform for Aboriginal people to further their sense of national pride. The Greens like to be regarded as politically correct and to espouse Aboriginal rights only—but only when it suits them. Hence Mr Ian Cohen chooses to shoot down and ridicule the evidence of Aboriginal prescribed burning that I have provided to the House. Aboriginal people continue to be exploited by their

"friends", so to speak, when it is convenient. Regulations in New South Wales exclude low intensity burning in the majority of the landscape, including wilderness, old growth and rare ecosystems, habitats of rare plants, et cetera. These regulations do not require assessments of the consequences of not burning.

The Government's solution appears to be to keep adding new areas of reserves to the system and to ignore the red flags that are waving in front of us: uncontrollable crowning bush fires—fires of such intensity that, as the Hon. Rick Colless mentioned earlier, they melt aluminium signposts at the sides of roads. One such fire melted the engine blocks of cars in garages. They destroy everything in their path. In October last year a fire destroyed the last koala colony in the area in which I live, which is about 40 kilometres south of the Queensland border. My daughter, who cares for animals in the wild, and I went into the area after the fire. We took with us pillow slips and all we found were dead koalas.

The Hon. Melinda Pavey: How many?

The Hon. JON JENKINS: We only found three, but I do not know how many others were there. That koala colony was destroyed by a particularly intense fire. I recall that helicopters water bombed the area all day, but sadly we lost the last koala colony in our area—and not by human intervention. The whole area had been sand mined.

The Hon. Melinda Pavey: There were no houses in the area.

The Hon. JON JENKINS: No houses, just national park. In this year's budget the Government will spend about $305.4 million, an increase of about 0.5 per cent with an inflation rate of 4.8 per cent. The National Parks and Wildlife Service is under-resourced, yet it is extending the national park estate by hundreds of thousands of hectares, including the Brigalow and the Yanga and this further area. But funding is not keeping pace with that extension. This concept of continually adding to the reserve, without adding funding, is crazy. These are boom times. John Symond, the head of Aussie Home Loans, has predicted a property recession in the next year or two. How will the National Parks and Wildlife Service be funded then? In the face of a regulatory environment, which encourages forest decline and more widespread high intensity fire regimes, and the absence of an effective and sustainable forest management system, I cannot support this bill. It will only compound the problems that exist with the environment in New South Wales—driven by extremist Greens ideology—to the detriment of the community.

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [6.08 p.m.], in reply: I thank honourable members for their contributions to this important debate. I reiterate the importance of this bill, both for the additional protection in reserves that it provides for forests on the South Coast, and also for its continuing commitment to the native timber industry in the State. The Government's forest policy has always striven to balance the needs of industry, rural communities and the environment. The decisions the Government has made have been based on detailed, comprehensive assessments of social, cultural heritage, and economic and environmental values of our forests.

As a result, not only have our forest reforms added more than one million hectares of new reserves in New South Wales but they have also created quality reserves. They were the outcome of careful, scientifically based attention to best possible reserve design. What this means is that the Government looked at linking existing areas of parks and reserves, and maximising key targets for the protection of ecosystems and species habitat. Nowhere was that more successfully achieved than in the South Coast forests, where in 2000 the comprehensive regional assessment additions of 385,000 hectares linked important forest areas providing continuous corridors vital to the maintenance and preservation of our native vegetation and wildlife. As I have said in this place previously, the outcomes of a southern comprehensive regional assessment were well received by all the key players.

Good science underpinned the decision, which also gave 20-year wood supply agreements to industry, providing them with much sought after security after many decades of uncertainty in this region of the State's forests. When our Government decided to consider if additions to the southern forests were possible, it did so on the basis that industry security must not be jeopardised. We knew we already had achieved a great outcome on the South Coast—a great outcome for the environment, the timber industry and rural communities—and that any improvements we could make would be icing on the cake. No additions were possible in Eden—that was the result of the assessment and the Government accepts that result—but in southern forests we found we were able to augment the reserve system with the addition of nearly 7,000 hectares. If one adds to this the further 2,264 hectares that have been vested in the Minister for possible future transfer to reserves, that makes more

than 9,000 hectares of new reserve achieved without any impact on industry. The Government values the South Coast timber industry and has been determined to protect the regional economic and social value represented by the industry.

The timber industry has been an important component of the economy of the south east and South Coast for many decades. It currently provides employment for 245 people in direct processing, as well as 155 in harvesting and haulage, another 100 in forest management and far more in indirect employment. Although we had this discussion in debate on the Brigalow and Nandewar Community Conservation Area Bill I am once again at pains to address the assertions of the Hon. Rick Colless that cypress forests in the Brigalow region were being mismanaged and that there would be no management of cypress forests in the new reserves. I can inform the House that Forests NSW conduct a broad-scale thinning program throughout the western cypress forests to maximise the growth, quality and health of the cypress forests. The Government has committed to funding an extensive thinning program that will extend onto private property. This represents a long-term commitment by the Government to improve the productivity of the forests and ensure a sustainable timber industry in the long term.

Although State forests are managed for timber production and to maintain environmental values, conservation reserves are managed primarily for biodiversity and to provide a range of habitats. The Government recognises that further research is needed to determine how cypress forests can be managed to maximise biodiversity and is committed to undertaking a study to examine the effects of thinning on biodiversity. In addition the Department of Environment and Conservation may examine the benefits for biodiversity and ecological restoration of cypress and ironbark thinning for ecological restoration. I can assure the House that rigorous procedures for bushfire management are in force statewide and in these reserved forests in question. The Rural Fire Service operational fire plan for these forests will remain in force, providing for hazard reduction burning and strategic fire advantage zones. Both Forests NSW and the Department of Environment and Conservation are party to the plan and their co-ordinated contributions will continue.

As part of their charters, Forests NSW and the Department of Environment and Conservation are statutory fire authorities and are responsible for the management of fire on all lands under their control. Both departments are active members of the New South Wales Bushfire Co-ordinating Committee and its various standing and working committees. The departments conduct co-ordinated prescribed burning and fuel reduction activities across the public estate. These activities are directed primarily at protecting life, property and assets in neighbouring areas. The departments are committed to co-operative and co-ordinated firefighting, involving close liaison with the New South Wales Fire Brigades and the Rural Fires Service. The departments are also represented on district bushfire management committees, including in the Brigalow and Nandewar regions. These committees comprise the local area firefighting agency representatives, who meet to discuss fire management issues, to implement solutions and to provide assistance to each other in undertaking fire management.

I can inform the House that a variety of groups co-operate, including numerous rural lands protection boards in relation to feral animal control, local councils, the Department of Lands, the Department of Environment and Conservation, the agricultural and forestry sections of the Department of Primary Industries and private landowners, to implement control programs for pest species such as wild dogs, foxes, rabbits and feral pigs. In relation to koalas, about which the Hon Rick Colless expressed concern, I can inform the House that the New South Wales Government has initiated a process for developing a regional conservation strategy for koalas in the Eden forestry region. This strategy addresses the conservation of koalas across all tenures, including State forest and national parks, and will consider such matters as survey and monitoring programs, forest management prescriptions for State Forests, habitat regeneration programs, habitat management, and options for captive breeding and research priorities. Forests NSW and the Department of Environment and Conservation have established a framework that identifies an agreed pathway for the progression and direction of the review. Community consultation will be an important component of the process, as will consideration of appropriate monitoring arrangements. I am hopeful that it can be completed prior to the end of this year.

In relation to the comment of Mr Ian Cohen that further reserves deserve protection, New South Wales now has a world-class comprehensive, adequate and representative reserve system in place on the South Coast. The national park estate in the south-east is now more than 808,000 hectares. At the same time 364,000 hectares of native forest will remain as State forest. There is a continuous corridor of national parks and reserves stretching more than 350 kilometres from the Victorian border to Macquarie Pass north of Nowra, and links from escarpment to the coast. The conservation targets for old-growth and forest ecosystems were met by the forest agreement outcomes for the southern region and Eden.

Mr Ian Cohen expressed concern that forests outside the reserve system would be subject to increased intensity logging. The Government has determined that operations on the areas that remain available for timber harvesting are controlled by the integrated forestry operations approvals [IFOA] regulated by the Department of Environment and Conservation. The IFOA has environmental prescriptions that protect endangered plants and animals across the landscape and high-conservation value forests, including old-growth protection and 100 per cent of rainforests, steep slopes, riparian areas and waterways. The approvals protect threatened species, high-conservation value forest, and soil and water quality. Compliance with the approvals is audited by the regulatory agencies.

Mr Ian Cohen referred to pulpwood on the South Coast. In that regard I inform the House that the Government has taken steps since 1995 to ensure that woodchips are obtained only from sawmill wastes and timber that will not be suitable for use by sawmills for solid wood products, along with the products of thinning and other operations to enhance the production of high-quality sawlogs. The high demand for sawlogs and the large difference between the value of sawlogs and pulpwood—price—provide strong incentives to ensure sawlogs are sold to sawmills and not used for woodchip production. A recovery sawmill that was established as an Eden regional forest agreement commitment with Government financial assistance is now operating in Eden. This facility will ensure that a greater proportion of the region's timber suitable for solid wood uses will be used as such. About 25,000 additional cubic metres of recovery logs that once would have been processed as woodchips are now being re-directed to sawmills each year.

Under the regional forest agreement for the south-east, the amount of export woodchipping from native forests has been reduced by about 30 per cent. In particular, the annual pulplog allocation to South East Fibre Exports has been reduced from 504,000 tonnes to 345,000 tonnes under the Eden forest agreement. The Government's reforms since 1996 have established forestry practices where the maximum value is obtained from our timber resources as well as achieving far-reaching conservation initiatives, including the declaration of new national parks in southern New South Wales. The elimination of export woodchipping would put an end to the timber industry by putting at risk two-thirds of the current employment generated by the industry. These additions may not see the end of further claims for reservation from environmental groups. But we shall resist such claims where they threaten to compromise the considerable achievements of comprehensive regional assessments.

We will continue to work to get the balance right in our forests and across the whole complex area of natural resource management. This bill delivers an outcome that is responsible and fair. Forests NSW, again dealing with another of the glib allegations of the Mr Ian Cohen, are a well-recognised and respected fire management agency. During the 2003 fires in the Hume region, because of the highly professional Forests NSW employees not one hectare of plantation was lost. Their work protected not only a valuable resource but also the livelihood of regional communities and the biological values of surrounding areas. Forests NSW does not have a scorched-earth fire management policy. It burns in strategic areas. Fuel management planning practices are through our State's Bushfire Management Committee process. In relation to the wood model—forest resource and management system [FRAMES]—Mr Ian Cohen asserts that timber estimates by Forests NSW on the South Coast are so inaccurate that it is easy to find the extra timber to compensate for these new national parks. I completely refute that assertion.

The FRAMES on the South Coast was constructed carefully on a scientific basis. In the five years of operations based on the FRAMES on the South Coast the model has proven extremely accurate and reliable. In fact, the timber to fill our power supply contracts with industry and the creation of new national parks will come from minor amendments to the integrated forestry operations approval to allow more of the timber forgone in the buffer on offer—an unintended consequence of valuable rules protecting stream banks and water quality. The Greens cannot have it both ways. It asked for the new reserves on the basis of this buffer on buffer correction and argued that more and more timber was available to underpin its apparently endless claims. But we have acted responsibly on the timber figures. We will not be pressed into over logging on doubtful timber accounting by conservationists. I acknowledge the Greens support for the reserves we have selected and thank Mr Ian Cohen for his comments in that regard.

When forest protests occur the first priority of Forests NSW is to ensure the safety of the public and timber workers while consultation occurs with protestors and affected contractors. Forests NSW makes an effort to listen to the concerns of stakeholders and to adapt operations if appropriate. The Government recognises it has an obligation to ensure that log supplies to timber mills are maintained and that the timber mills' harvesting contractors and their workers can go about their lawful business without interruption. To ensure log supplies can continue it may be necessary to relocate harvesting crews until issues are resolved with stakeholders. If the

legitimate concerns of stakeholders can be accommodated, this is done. However, this can only happen where the actions do not impact upon the safety or viability of operations and are consistent with Forests NSW agreements with them. The Forestry Act and regulations provide for a graduated response to protests according to the seriousness of the situation. There is a provision under the regulation to issue a penalty infringement notice for $100 for a less serious offence, such as refusing to leave an area when requested, or $1,000 for a more serious offence, such as interfering with harvesting equipment. I should point out that more serious offences may be dealt with under legislation such as the Crime Act 1900—

Reverend the Hon. Fred Nile: How many were charged?

The Hon. IAN MACDONALD: I do not have that figure at the moment. This is at the discretion of the police. Protesters should appreciate that since 1995 the Government has undertaken the most significant forestry reforms ever seen in New South Wales in the long-term interests of regional communities and natural heritage.

Forests NSW advised that operations in Murrah State Forest were moved in June to ensure that the wood supply requirements of the customer could be met. I am assured that the operation move complied with the Eden integrated forests operations approval. I am advised further that Forests NSW went beyond the requirements of the integrated forestry operations approval in applying environmental protection measures in the operation, including measures for the detection and protection of habitat for native animals.

Forests NSW is working closely with the industry and police with regard to Wandella State Forest and has established a routine for the safe and reliable transportation of logs from Wandella State Forest. A graduated response to protests is being applied to fit the circumstances and police are dealing with claims of intimidation and harassment by both harvesting crews and protestors. There is no rainforest, high conservation value, old growth or rare forest types in these compartments, and these forest types are well represented in the reserve system. Operations are yielding approximately 85 per cent sawlogs and 15 per cent pulpwood and other residue products. Larger sawlogs and salvage is being supplied to Blue Ridge Timbers at Eden and smaller sawlogs and salvage is being supplied to Davis and Herbert at Narooma.

I now refer to the individual southern specific areas, referred to by Mr Ian Cohen as southern icons. In Murrah State Forest the forest type of major interest will be rainforest and two hectares of Bega wet shrub dry forest. The forest agreement outcomes and the integrated forestry operations approval [IFOA] provide for the protection of these features. The compartments of concern within the Tantawanglo State Forest are outside the Tantawanglo catchment. For this very reason they were not chosen for the reserve system by the Department of Environment and Conservation. Cathcart, Coolangubra and Nalbaugh State Forests represent long-term association with forest names. The conservation features are well represented in the reserve system and in reality represent a carryover of this association.

With regard to the southern coast forest agreement, there are no forest ecosystems below target within the Tallanganda, Badja and Wandella State Forests, and the major forest ecosystems in the area have more than 80 per cent of the target area protected. Similarly the old growth target for all the southern area were met in formal reserves; with additional areas protected by the IFOA and forest management zones. With those comments, and the concerns raised, I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 24

Ms Burnswoods	Ms Hale	Mr Roozendaal
Mr Catanzariti	Mr Hatzistergos	Ms Sharpe
Dr Chesterfield-Evans	Mr Kelly	Mr Tsang
Mr Cohen	Mr Macdonald	Dr Wong
Mr Costa	Revd Dr Moyes	
Mr Della Bosca	Revd Nile	
Mr Donnelly	Mr Obeid	**Tellers**
Ms Fazio	Ms Rhiannon	Mr Primrose
Ms Griffin	Ms Robertson	Mr West

Noes, 15

Mr Clarke	Mr Jenkins	Mr Ryan
Ms Cusack	Mr Lynn	*Tellers,*
Mrs Forsythe	Mr Oldfield	
Mr Gallacher	Ms Parker	
Miss Gardiner	Mrs Pavey	Mr Colless
Mr Gay	Mr Pearce	Mr Harwin

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

[*The President left the chair at 6.31 p.m. The House resumed at 8.00 p.m.*]

In Committee

Clause 1 agreed to.

The Hon. HENRY TSANG (Parliamentary Secretary) [8.04 p.m.], by leave: I move Government amendments Nos 1, 2, 3 and 4 in globo:

No. 1 Page 2, clause 2, line 6. Omit "1 July 2005".

Insert instead "the date of assent to this Act".

No. 2 Page 5, clause 10, line 7. Omit "December 2005". Insert instead "March 2006".

No. 3 Page 19, schedule 6, clause 5, line 15. Omit "December 2005".

Insert instead "March 2006".

No. 4 Page 22, schedule 6, clause 10, line 7. Omit "December 2005".

Insert instead "March 2006".

The bill is currently drafted to commence on 1 July 2005 in anticipation of an earlier passage. To avoid undesirable backdating of the commencement of the bill, Government amendment No. 1 provides for commencement on assent to the bill. Government amendment No. 2 extends by three months to the end of March 2006 the deadline for minor adjustments to be made to the boundaries of the reserves and other land the subject of the bill. This gives a reasonable period of time for these considerations.

Adjustments are allowed to improve the effective management of national park or State forest and for other reasons of improvement, but only if there is no significant effect on the size or value of the land in question. Government amendment No. 3 extends by the three months to the end of March 2006 the deadline for the Minister administering the National Parks and Wildlife Act to grant rights of way over access roads benefiting a private landholding to replace similar rights of way currently granted under the Forestry Act. The amendment allows sufficient time for this exercise.

Government amendment No. 4 extends by three months to the end of March 2006 the deadline for the Minister administering the Crown Lands Act to grant rights of way over access roads benefiting a private landholding to replace similar rights of way currently granted under the Forestry Act. The amendment allows sufficient time for this exercise.

The Hon. RICK COLLESS [8.06 p.m.]: The Opposition will not oppose these amendments. Given that this bill has been hanging around in its various forms since about 2002, I think it is only appropriate that the Government amend the bill to bring it up to date with the current situation.

Mr IAN COHEN [8.07 p.m.]: The Greens support these amendments as they simply change the time frame for the commencement of the Act. There is an adjustment of the description of land and access roads. We do not believe that these amendments are in any way controversial; they are constructive and they arise, in part,

because there has been some time lapse for the bill to proceed through the House. The Greens support Government amendments Nos. 1 to 4.

Reverend the Hon. FRED NILE [8.08 p.m.]: The Christian Democratic Party supports Government amendments Nos 1 to 4, which are simply administrative amendments bringing the bill into order with the current date.

Amendments agreed to.

Clause 2 as amended agreed to.

Clauses 3 to 9 agreed to.

Clause 10 as amended agreed to.

Clauses 11 to 15 agreed to.

Schedules 1 to 5 agreed to.

Schedule 6 as amended agreed to.

Title agreed to.

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

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT BILL

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary), on behalf of the Hon. John Della Bosca [8.12 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Protection of the Environment Operations Act, introduced by the Labor Government in 1997, revolutionised pollution control legislation in this State. The Act replaced various outdated and overlapping pollution laws, some dating back to the early 1960s. It was introduced with the backing of industry groups, environment groups, local councils and the wider community. New South Wales now has modern, powerful, effective and innovative legislation, which deals with the complex environmental issues of today. It continues to be used as a benchmark for environmental legislation across and beyond Australia. In particular, the Act introduced streamlined, innovative licensing arrangements and the use of economic instruments such as load-based licensing, tradeable credits and financial assurances to complement existing environment protection measures.

These changes have ensured that New South Wales is well positioned for the coming years with respect to the protection of our environment and a prosperous economy. The Act has already resulted in the successful prosecution of hundreds of polluters, and has provided a creative set of powerful tools to fix pollution problems faster and more cheaply than before. We now have streamlined legislation that industry and the community can easily understand. Most importantly, air and water quality have both improved because of this landmark legislation. Sydney now has the cleanest beaches in more than a century, and a number of harmful air pollutants have been slashed.

Since 1999, the Act has been used to require polluting industry to invest over $1.2 billion in pollution reduction programs, or PRPs as they are known. These programs are responsible for directly cutting air, water and noise pollution. In 2004-05, PRPs were negotiated to a total value of $86 million, including a $65 million project to commission BlueScope Steel's Port Kembla briquetting plant, which will result in much reduced air and water emissions. Work has also finished on another of the States largest pollution reduction programs, the $93 million plan to clean up air emissions at Blue Scope Steel's Port Kembla sinter plant. These major projects would not have been possible without the Protection of the Environment Operations Act.

In 2004-05, the Environment Protection Authority [EPA] also completed 127 prosecutions under the Act and other related legislation. In the past five years, fines collected by the Environment Protection Authority have averaged close to $1 million each year. In addition, courts are increasingly making use of the alternative sentencing order provisions in the Act, including clean-up orders and environmental works orders. Another example of the innovative tools introduced to protect the environment under the legislation is the Hunter River Salinity Trading Scheme, which continues to lead the world in the use of an economic instrument to protect the health of one of our State's most important rivers. The scheme allows agriculture, mining and electricity generation

to operate side by side while minimising impacts on the Hunter River. The scheme has facilitated the creation of 800 new jobs while at the same time it has reduced the level of salinity in the river.

The Government is committed to continuing to drive down air and water pollution. This bill is the result of a thorough review of the Protection of the Environment Operations Act, including an extensive consultation process involving industry associations, environment and community groups, government agencies, local councils and individuals. This review concluded that the Act is an overwhelming success and effectively protects the State's environment. However, some amendments were suggested, and have been proposed in this bill, to ensure that New South Wales remains at the forefront of environment protection and regulatory innovation.

The bill introduces some significant new provisions and makes a number of smaller amendments that will improve the day-to-day operation of the Act. The House will recall that the Minister for the Environment tabled an exposure bill on 23 June 2005. The bill was simultaneously released for public comment. The feedback on the exposure bill was generally extremely positive. A number of minor amendments were made to the original bill to reflect the comments received. Some of the main changes relate to the following areas further specifying the definition of "waste", clarifying the defence for providing false or misleading information about waste, inserting various factors the Environment Protection Authority must be satisfied of before imposing green offset requirements on licences.

For a detailed explanation concerning each of the various amendments proposed in the bill, I refer honourable members to the Minister for the Environment's 29 June tabling speech. However, I will take this opportunity to highlight two of the more significant changes being proposed by the Government. These relate to waste regulation and higher fines and penalties for polluters. Smarter regulation of waste transport and disposal is necessary to keep ahead of those fly-by-night waste operators who choose to flout the law. The bill will significantly change the current Act's waste regulatory framework. These amendments are also necessary to prevent environmental harm caused by the dangerous re-use of waste, particularly as fill, fertiliser or fuel.

For example, there have been incidents where unscrupulous operators have told landholders in Western Sydney and the Hunter region that they are offering "clean" fill, when in fact the waste is contaminated with building and demolition waste and in some cases asbestos. The operator dumps the waste and disappears, leaving the innocent landholder with a contaminated site and significant clean-up costs. We need to improve the way we protect the environment from the inappropriate use of waste as fertiliser or landfill. The bill makes it clear that "waste" includes any processed, recycled, reused or recovered material produced from waste that is applied to land or used as fuel in certain circumstances. This will stop the inappropriate re-use of waste that may be harmful to the environment or human health.

To balance this, it is also very important that the appropriate or beneficial re-use and recycling of waste is actually encouraged. The Government is committed to encouraging the safe, beneficial re-use of resources. In order to achieve this, the Environment Protection Authority will use the existing powers in the Act to exempt wastes that are being recycled or re-used appropriately. These exemptions will be made by separate regulations. Landholders, particularly farmers, can suffer serious property damage from the inappropriate or harmful application of waste or other substances to their land. The bill introduces a new strict liability offence for polluting land in a way that causes degradation of the land, human health or the environment.

The person who causes or permits land to be polluted will also be liable. For example, where contaminated fill or toxic waste is supplied to an unsuspecting farmer, proceedings will be able to be brought against the supplier. Unlike existing waste offences in the Act, this offence focuses on the potential of the substance to cause material harm. This will ensure companies will no longer be able to get off on a technicality by arguing that a harmful substance is not waste. I must stress that farmers will be fully protected by defences for common agricultural activities such as the application of fertiliser which can be lawfully sold under the Fertilisers Act, pesticides which are regulated under the Pesticides Act, and other agricultural substances including manure and non-hazardous agricultural or crop waste.

The bill also introduces a new strict liability offence for a person who supplies false or misleading information about waste. The consultation process revealed strong support for this offence from both waste industry and environmental groups. Stakeholder feedback from the waste industry has confirmed that the failure to accurately identify waste is a widespread problem. Enforcement action by the Environment Protection Authority has revealed numerous incidents where wastes are deliberately being falsely described to avoid the cost of proper disposal and make a quick profit. For example, solvents and hydrocarbon oils mixed with food wastes have been applied to grazing land on a dairy farm without the landowner being aware of the harmful presence of the solvents and hydrocarbons. It is critical that waste is properly described so that people know what licences to obtain, what precautions to take, what uses the waste can be lawfully put to and where the waste can be lawfully taken.

Fines and penalties underpin the successful operation of the Protection of the Environment Operations Act. The Act currently has three tiers of penalties applying to criminal pollution offences. Tier 1 offences involve wilful or negligent conduct, and are the most serious. Tier 2 offences involve strict liability and tier 3 offences are less serious and are capable of being managed with an on-the-spot fine. This bill will increase the fines and penalties in the Act to maintain their original deterrent value. When the tier 1 penalty amounts were originally enacted, they were at the forefront of Australian environmental legislation. They rightly established environmental crimes as serious criminal offences. However, since then, the penalty for tier 1 offences has not changed, and a further increase is now justified. These amendments will also establish a new distinction between penalties for wilful and negligent conduct in tier 1 offences.

Wilfulness, which shows deliberate intent, will have a higher penalty than negligent conduct. For companies, the maximum financial penalty for tier 1 offences will be $2 million for negligence and $5 million for wilfulness, and for individuals $500,000 for negligence and $1 million for wilfulness. For tier 2 strict liability offences, the maximum penalty will be $1 million for companies and $250,000 for individuals. Daily penalties for continuing offences will also be increased. These increased fines will send a strong message to potential polluters that they will be caught and they will be punished. The enactment of the Protection of the Environment Operations Act in 1997 also ushered in a range of innovative alternative sentencing options which courts can use when sentencing offenders. These options, including environmental works orders and publications orders, have been increasingly used by the courts. For example, in 2004-05 courts imposed environmental works orders on offenders totalling over $100,000.

The bill further expands these alternative sentencing orders to provide more options for courts to make the most appropriate orders in the circumstances. For instance, courts will be able to order an offender to provide funds to a third party to carry out works or projects, or to establish or attend training courses. Courts will also be able to order offenders to pay financial assurances to the EPA where the offender has been ordered to carry out an environmental restoration project. The bill will also allow the EPA, for the first time, to accept court enforceable undertakings, like the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission.

Court enforceable undertakings are administrative resolutions to breaches or potential breaches of the Act that, if not adhered to by the person given the undertaking, can be enforced in court. They represent a quicker, more cost-effective alternative to litigation in appropriate cases. The EPA will be developing publicly available guidelines on when it will be appropriate for it to accept court enforceable undertakings, to ensure such undertakings are entered into in a transparent and accountable way. The bill will also remove the defence of "no knowledge" currently available to directors prosecuted for an offence committed by their corporations. The "no knowledge" defence can undermine what are otherwise effective pollution control laws by encouraging directors and other managers to deliberately turn a blind eye to environmental offences being committed by their corporations. It is out of touch with modern principles of corporate responsibility.

However, defences will still be available where ever a person exercises due diligence to prevent the contravention by the corporation, or where the person could not influence the conduct of the corporation. This change is intended to provide a further incentive for managers and directors to ensure appropriate systems are in place to protect the environment from the potential harmful effects of their activities. The bill represents a range of significant, well-considered reforms to the key environmental legislation in our State. Public consultation on the exposure bill showed that these reforms are generally welcomed by industry and environmental groups. These reforms will ensure that our environment continues to be protected by the best possible world-class environmental laws. I commend the bill to the House.

The Hon. RICK COLLESS [8.12 p.m.]: I lead for the Opposition on this bill. Admittedly, the bill has many good features, but it is a shame that the Government did not support the Coalition's amendments in the lower House when the Coalition would have been quite happy to agree to most of what the Government was seeking to achieve. I foreshadow that the Coalition will move amendments at the Committee stage. The object of the bill is to amend the Protection of Environment and Operations Act 1997 and other legislation to extend the matters that may be taken into account when considering whether a person is a fit and proper person to hold an environmental protection licence, to make other provision with respect to licences, including in relation to conditions that may be imposed on licences and suspension and revocation of licences, to require the environmental values of water to be considered in relation to licensing matters and prevention notices, and to increase penalties for offences. Those objects are the primary focus of the bill.

Other objects of the bill are to make provision with respect to the regulation of land pollution and waste, including new offences relating to land pollution and the supply of false information about waste amendment of existing offences; to provide for the use of smoke abatement notices to control smoke pollution from residential premises and for offences for failure to comply with notices; to confer additional powers on authorised officers and make other provision in relation to authorised officers; to make provision with respect to enforcement, including providing for voluntary undertakings to the Environment Protection Authority [EPA] and their enforcement; to enable noise control notices to be issued in relation to proposed activities; to provide for green offsets to be implemented under licence conditions and to enable EPA provisions of the operation and elements of green offsets to be made by regulation; to provide for the enforcement provisions contained in chapter 8 of the principal Act to apply in respect of the Environmentally Hazardous Chemicals Act 1985; to extend from three to four years the interval between the making of reports by the EPA on the state of the environment, which will be the subject of one of the amendments that will be supported by the Coalition; and to make other miscellaneous amendments of a minor, consequential or savings and transitional nature.

Business and the Coalition strongly support some of the initiatives taken by the Government in this bill, such as the green offsets schemes that are consistent with the original intention of the Protection of the Environment Operations Act. The Coalition also supports changes to section 76, which will provide for a closure plan to be one of the conditions for issuing a licence for a licensed facility, such as a waste dump. I am sure that honourable members would be aware that there are literally thousands of waste tips throughout New South Wales that do not have such a plan and that at present are long-term liabilities for companies, councils and communities. The Coalition also has no problem with the extension of the definition in section 83 of a fit and proper person. It is appropriate for a person or a corporation that holds an environment protection licence to be a person of appropriate integrity and standing. The Coalition does not believe that the changes proposed by the bill will have any effect on the vast majority of good and ethical businesses throughout New South Wales.

Green offset schemes have the potential to improve the overall environment. They will allow businesses to mitigate or offset the impact of pollution that is created at premises that are licensed under the Act. Proposed section 295O outlines the purposes of such a scheme to be:

(a) to carry out a specified program for the restoration or enhancement of the environment that is related to a licensed activity,

(b) to prevent, control, abate, mitigate or otherwise offset any harm to the environment arising (wholly or partly) from any licensed activity,

(c) to make good any environment damage arising... from unlicensed activity.

A broad range of considerations could be taken into account in establishing a green offsets scheme. The legislation will need to be passed and the green offsets schemes put in place to ascertain whether the legislation will do the job that the Government hopes that it will do. In practice, green offset schemes might be as flawed as is the New South Wales greenhouse gas abatement scheme, which is an absolute sham. That scheme will achieve little in greenhouse gas reductions, despite costing electricity consumers approximately $2 billion over its nine-year lifetime.

Approximately 95 per cent of all the projects that have been approved thus far under the scheme were up and running before the scheme began. The University of New South Wales estimates that 70 per cent of the total number of New South Wales greenhouse gas abatement certificates that are yet to be issued will not represent additional greenhouse gas reductions. The Coalition takes the environment seriously and believes that if such schemes are implemented, they should do what they are supposed to do—reduce greenhouse gas emissions—and should not simply provide windfall profits for companies that are astute enough to take advantage of the scheme.

Examples of windfall profits include 166,000 certificates that were created for existing Forests NSW plantations, 3 million certificates created by Tower and Appin coal waste gas plants that were built in the mid 1990s, and almost 2 million certificates that were created for landfill gas plants, such as Lucas Heights 1 and 2, which were built before the scheme began. There also has been double counting of almost 500,000 New South Wales greenhouse gas abatement certificates for the Federal Government's mandatory renewable energy targets. That is a disgrace. Forty per cent of the registered certificates are outside New South Wales. The scheme is doing absolutely nothing to reduce greenhouse gas emissions in this State—as I think the Opposition predicted when the scheme was first introduced. As I stated, the greenhouse gas abatement scheme will cost electricity consumers approximately $2 billion over a nine-year time frame. The scheme should either be amended so that it does the job it is intended to do, or it should be scrapped altogether. The Opposition has some very real concerns in relation to section 135A, section 135B and section 135C, which change the law relating to smoke pollution.

The bill provides for an authorised officer of an appropriate regulatory authority—that is, a local council—to issue smoke abatement notices to home owners when it appears that excessive smoke is being emitted from a house chimney. Under the legislation, "excessive smoke" means the emission of a visible plume of smoke from a chimney for a continuous period of not less than 10 minutes, including a period of not less than 30 seconds when the plume extends at least 10 metres from the point at which the smoke is emitted. If that is occurring when an officer inspects the premises or has occurred at any time in the past seven days, the officer can issue a smoke abatement notice to the resident to cease and desist emitting the smoke. That notice will be in place for 21 days.

That is unbelievable, given that many parts of New South Wales have very cold winter climates, and people rely on wood-fired home heating. To introduce restrictive legislation under which an officer can fine people for warming their home in the middle of winter is aimed directly at people who are less able to afford to change the heating of their home. That, of course, means the older generation, people who were brought up with open fires and wood stoves in their homes. They will be forced to not use them, or face a huge fine. In the Opposition's view, that is just not on.

We understand that smoke pollution is a problem in many country towns and in parts of Sydney. The way in which the Government is going about defining "excessive smoke" is an absolute nonsense. A plume of smoke extending from a chimney would vary in length depending on wind conditions, wind direction, the stillness of the air, whether an inversion layer is present, the ambient temperature and the amount of water vapour in the air. How would any officer be able to tell that the smoke had been emitted from the chimney for 10 minutes within the past seven days? How could an officer tell whether the plume was 10 metres high? Will the officer be able to get up on a roof and measure the plume? How will the officer do that? That provision is absolute nonsense, and the sort of politically correct garbage that we have come to expect from the Government.

Will we reach the point where neighbours will spy one on one another, video chimney smoke and present their evidence to the local council so that a smoke abatement notice can be issued? If a similar offence

occurs within 21 days of the issuing of a smoke abatement notice, the maximum penalty of $3,300, or 30 penalty units, can be imposed. That is a very significant amount, particularly for those who are less able to afford changing their home heating system. They will not be able to pay a fine of $3,300. Many residents of towns such as Walcha, Armidale, Guyra, Glen Innes, Tenterfield and Inverell, and towns in the Southern Highlands and the Blue Mountains, have wood heaters and cannot afford to replace them, or do not wish to replace them because of the comfort and companionship aspect of a wood-burning fire.

I have a new wood-burning fire in my house, one of the more efficient ones. No-one will convince me that I should tear it out or use my reverse cycle airconditioning for winter heating. That fire provides companionship to my family in the confines of our home. We use the fire almost exclusively during the winter months, as it is far more effective in warming the whole house than is the airconditioner. Towns on the Northern Tablelands, particularly the higher districts of Walcha, Armidale, Glen Innes and Guyra, regularly experience temperatures of minus 12 to minus 15 degrees Celsius in winter. On some days the temperature may warm up to a maximum of only less than 5 degrees. Those are the days on which we put another log on the fire!

Many districts on the Southern Tablelands, in the Monaro and the Blue Mountains districts are equally as cold or even colder than the Northern Tablelands, and this ridiculous section will impact severely on many people in those districts, particularly the elderly who have only ever had a wood fire, low-income people who cannot afford a new less efficient heater, and of course those who simply want to keep their wood fire. It is a matter of personal choice. It is interesting that the honourable member for Blue Mountains is the Minister who introduced this bill. When one considers the provisions of this bill coupled with the provisions of the Brigalow bill, which will ultimately prevent Blue Mountains residents from enjoying a wood fire during the cold winter months in the mountains, one must wonder what the Minister's constituents actually think of his actions.

As my Nationals' colleague in the lower House the honourable member for Coffs Harbour said in his contribution to the second reading debate, the Government has been very quiet about the huge fires in national parks, such as the Royal National Park, because of the lack of maintenance works undertaken by the National Parks and Wildlife Service. Those fires emit tonnes of smoke and rubbish into the atmosphere due to poor management by the Labor Government. But do we see any regulatory authority taking action to fine the Government? I think not.

I have some very real concerns about this bill. I think it is ill thought out and unenforceable. A significant amount of cost shifting to local government will occur for no good purpose. I foreshadow that the Opposition will move an amendment in the Committee stage to omit section 135. New section 198A gives authorised officers the power to turn off home or car alarms that sound continuously. I suspect that every member of this Chamber has at one time or another had to put up with a car or house alarm that has sounded continuously, contrary to legislation. That is particularly annoying, especially if it occurs at night and keeps people awake.

Officers may be unable to enter the car or the premises to turn off the alarm. However, I am not sure that new section 198A is such a giant leap forward because under section 197 of the existing Act an officer can enter a home only with the permission of the occupier or with a search warrant. If an alarm goes off in the middle of the night a council or Environment Protection Authority officer will have to find a magistrate, get a warrant, return to the premises or car and force entry in order to switch off the alarm.

The bill provides also additional protection for the Government's $102 million revenue stream from the waste levy, which is supposed to be used to reduce the amount of waste going to landfill and to improve recycling outcomes and of which the Government said it would hypothecate 55 per cent to resource recovery and waste reduction. However, that has not happened and waste levy collections are now going into consolidated revenue. Even the fiction that the waste levy would be used for the purpose for which it was intended has been abandoned with the abolition of the Waste Fund. The Government has now increased the maximum penalty for failing to pay the levy on time to $1 million for a corporation and $250,000 for an individual. That has nothing to do with improving environmental outcomes and everything to do with protecting the Government's waste revenue stream, which is not being used for the purpose for which it was intended.

Again, that is an absolute disgrace. Honourable members would be aware that, with the abolition of the Waste Fund, waste levy money collected throughout the greater metropolitan area is being used to finance the Brigalow buy-out, for example, and a make-work scheme for timber workers in the Pilliga. The Opposition is concerned about the issue as our constituents pay that waste levy every time they take their wheelie bins to the kerb. That money is being used simply to pay for other government programs and not to reduce the amount of

waste that goes to landfill. That might not matter if the Government did what it said it is doing, but the amount of money that it is collecting from the waste levy has increased from $83 million, which is what it predicted two years ago that it would collect in 2004-05, to $102 million, and that equates to an extra 950,000 tonnes of waste going into landfill.

That is an absolute disgrace, but the Government is rubbing its hands with glee. It is talking about raking in an extra $19 million, so why would it object? Why would the Government want to reduce the amount of waste going to landfill when it can get $102 million a year out of it? We know that the Government's budget is in crisis: a deficit of about $732 million now, and climbing every day because of the Government's mismanagement of the New South Wales economy. The bill also purports to provide additional protection from land pollution. The old definition of "land pollution" was the degradation of land because of disposal of waste on the land. The new definition states:

> ***land pollution*** or ***pollution of land*** means placing in or on, or otherwise introducing into or onto, the land (whether through an act or omission) any matter, whether solid, liquid or gaseous:
>
> (a) that causes or is likely to cause degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems, or actual or potential loss or property damage, that is not trivial, or
>
> (b) that is of a prescribed nature, description or class that does not comply with any standard prescribed in respect of that matter,
>
> but does not include placing in or on, or otherwise introducing into or onto, land any substance excluded from this definition by the regulations.

I wonder how that applies to the development of facilities such as the desalination plant at Kurnell. The Australian Environment Business Network [AEBN] is concerned about the combination of this definition and new section 142A. The network's concern is as follows:

> Very little variation to land will result in causing harm to other terrestrial life or ecosystems. For example:
>
> - Placing any earth moving equipment... on the site that causes harm to terrestrial life such as any land clearing.
> - Harvesting a crop, could be construed as lowering the land value or causing detriment as it transfers to the truck which collects the crop. The matter, which is placed on the land, is the agricultural machinery.
> - Sowing crops could be construed as harming other terrestrial life and the seed would fit the description of *any matter*.
> - Developers who demolish a building which lowers the value of the land:
>   - By removing a building considered to have heritage value
>   - From building rubble which remains (If the developer is suffering financial difficulties demolition waste may not be removed for some time. There is little difference, under s142A between cleaning up a demolished building and site remediation, both of which can be cleaned up given enough time).

The AEBN believes this section will be used, or abused, by opponents to any development and it states that any clearing, or land, or building demolition is detrimental, especially if native vegetation or ecosystems are harmed or are likely to be harmed. The Minister claimed in his response to the shadow Minister's concerns that defences cover lawful agricultural practices. It is questionable as to what this Government defines as lawful agricultural practices. The goalposts are constantly being moved. The onus is being placed on farmers undergoing normal everyday farming practices to prove that under this legislation they are not polluting the land. When will farmers ever get the time to farm their land?

While addressing the Opposition's concerns over land pollution offences, the Minister went into some detail about defences. Are we to assume that one is guilty until proven innocent? Apparently we have three categories of defences. The Minister made much of the new protections afforded landowners who unwittingly have contaminated waste dumped on their land, as well as of the differentiation between wilful and negligent conduct. Under the legislation the maximum financial penalty for tier one offences will be $2 million for negligence and $5 million for wilfulness, and for individuals it will be $500,000 for negligence and $1 million for wilfulness. How could any individual afford that?

The Minister said that these increased fines will send a strong message to potential polluters that they will be caught and punished—a big stick approach all over again. The legislation has to be applied even-

handedly across the board. In the debate the shadow Minister challenged the Minister to explain how Waste Service NSW got away with deliberately and wilfully dumping 40,000 tonnes of toxic waste from its Lidcombe waste treatment plant at Lucas Heights landfill. Some 40,000 tonnes of sludge containing tens of thousands of litres of toxic organochlorins were knowingly dumped at Lucas Heights and Jacks Gully over a two-year period.

Who owns the landfill? Waste Service NSW, or WSN Environmental Solutions, as it has now renamed itself. It is extraordinary that if a private sector corporation had committed such an offence it could have faced the maximum fine under the legislation, that is, $1 million, and individuals could have gone to gaol for seven years; yet the fine levied on Waste Service NSW was just $5,000. In many instances the Minister increased the fines by a factor of four or five times, yet the fine for a tier one offence committed by a government agency, for which the maximum potential fine was $1 million, was only one two-hundredth of that maximum. What is the point of increasing the fines to that extent if they are never to be applied?

The Minister might say there is a deterrent value associated with having the fines in place, but if the Government is not prepared to act impartially and police its own actions, the legislation and the fines are not worth the paper they are written on. In his second reading speech the Minister said:

> Enforcement action by the Environment Protection Authority has revealed numerous incidents where wastes are deliberately being falsely described to avoid the cost of proper disposal and make a quick profit. For example, solvents and hydrocarbon oils mixed with food wastes have been applied to grazing land.

What about the waste that Waste Service NSW dumped at Lucas Heights? We know that 40,000 tonnes of toxic waste that was not properly processed and was collected over two years from the ChemCollect program went to Lucas Heights and Jacks Gully. The worst feature of this case is that the waste was not dumped in the same place and there is no record of where it was dumped. Vast areas of land could have organochlorines in them and now there is no way of addressing that situation. Yet for that crime Waste Service NSW copped a fine of just $5,000.

The directors of Waste Service NSW can scarcely say they did not know about this deliberate action designed to undercut Rethmanns and Collex, the private sector operators at an alternative waste treatment plant nearby in Lidcombe. The suggestion is that Waste Service NSW profited to the tune of $5 million from that illegal action but it was fined only $5,000. The organochlorines and other material have the potential to leach into the Georges River. We do not know what will happen in the future; it is a toxic time bomb. Will the law be the same for all? Will Waste Service NSW, or the now renamed WSN Environmental Solutions, in future be given the same treatment as the private sector?

What action, if any, will the Minister take in respect of the 40,000 tonnes of toxic waste? Maybe I am wrong; maybe he knows where the sludge has been dumped at the tip. Maybe he can identify it and quarantine it in some way to protect the river. Maybe that will happen, but I suspect not. The Opposition is concerned about the size of the increase in maximum fines under the legislation. Most of this bill is about fines and penalties. That is the way in which this Government operates—with that big stick approach. We know that the Government is strapped for cash and that raising fines is an attractive option for it. It will not spend money to help a company solve its environmental problems, but it will come along with a cudgel or a sledgehammer and threaten that company, which is exactly what it has done with this legislation.

In many instances the increased fines are all out of proportion to the offence. For example, the maximum fine for fiddling with anti-pollution devices on a motor vehicle has risen from $250,000 to $1 million for a corporation and from $120,000 to $250,000 for an individual. A company can be fined $1 million for selling a car that has not been serviced, maintained or adjusted as prescribed. Theoretically, a motor dealer who accepts a trade-in car that has not been serviced properly and who on-sells that car, perhaps to another dealer, could be fined $1 million—the same penalty for removing anti-pollution devices. Honourable members should remember that WSN Environmental Solutions copped a fine of only $5,000 for dumping 40,000 tonnes of toxic waste at one of its own tip sites.

Under the Act similar penalties will be applied for tier two offences relating to water and air pollution and for transporting waste to a place that cannot lawfully be used as a waste facility for that waste. Surely that applies to the 40,000 tonnes of toxic waste that was taken to Lucas Heights, because at no time was Lucas Heights licensed to accept that waste. The $1 million fine for a tier two water offence seems to significantly overlap the separate Marine Pollution Act. When the Government brought together five pieces of legislation I am not sure why it did not see fit to also try to amalgamate the Marine Pollution Act. That Act provides for maximum fines of up to $10 million for polluting our waterways, but again those fines have never been applied.

All sections of industry are opposed to the new fine regime. The Combined Industry Group says there is no justification for a fivefold increase in penalties. Dr Ray Johnson, Chief Executive Officer of the New South Wales Farmers Association, says the association is of the view that the current fines and penalty amounts provide a significant deterrent to potential environmental offenders. Further, the association believes that the current fines are significant and can be regarded as excessive, particularly for minor pollution offences, and that the attainment of good environmental outcomes in the longer term is better achieved through incentives, education and awareness—the carrot verses the stick. According to a letter received by the shadow Minister on 19 September, the existing maximum $1 million fine for a tier one offence has been applied only once, in a case involving the deliberate diversion of sewage from a caravan park at Karuah into the Karuah River.

The practice continued for more than two years—the same amount of time that toxic waste was going to Lucas Heights. The diversion of sewage threatened people's health as Karuah is an oyster-growing area, and the defendant consistently sought to conceal his crime. The necessity for a five-fold increase in that fine has not been established. One must ask why the Government wishes to increase the fine from $1 million to $2 million for negligence and to the nonsensical level of $5 million for wilfulness. If the Government has not utilised the fines at their existing levels how can it claim that increasing them by 500 per cent will prevent anything?

It was Robert John Carr, the great environmental Premier, who did not see fit to increase penalties ranging from $2,000 to $40,000 to a level commensurate with the scale of the offence. Bob Carr did not think that was important at all. This is the man who established his environmental credentials by playing God. He created national parks from land that was already owned by the Government and then failed to resource those parks adequately, causing enormous dissent and ill will in the bush as a consequence. The Coalition did not think the scale of fines was appropriate, and so it changed it. The maximum penalty for a tier one offence became $1 million in the case of a corporation and $150,000 or seven years imprisonment, or both, in the case of an individual.

We stand by the decision we took in 1989. It was principled and it was appropriate at the time. We understand the rationale for an increase in the scale of fines now being commensurate with inflation since 1989. But in that time we have not had inflation of 500 per cent—largely, I might add, because of the outstanding economic management of the Howard Federal Government. This outstanding economic management has given the New South Wales Labor Government a revenue stream the like of which New South Wales governments have never seen before. Yet it still cannot balance its books. If the Government wishes to increase the fines it should do so on a consumer price index basis.

The biggest concern that industry has with the bill is the proposed removal of section 169 (1) (a). This section offers a director or manager of a corporation a defence to the offence—potentially a tier one offence, carrying a penalty of $1 million plus seven years imprisonment—that the corporation contravened the provision:

> … without the knowledge, actual or imputed or constructive of the person.

In his second reading speech the Minister said:

> … the "no knowledge" [defence] currently available to directors … can undermine what are otherwise effective pollution control laws by encouraging directors and other managers to deliberately turn a blind eye to environmental offences being committed by their corporations.

I think that shows a complete lack of understanding of how companies work. It is absolutely inconceivable that a director of a major corporation such as Orica or BHP could wilfully or deliberately turn a blind eye to a major pollution problem. That certainly did not happen with Orica at Botany Bay. Orica committed almost $140 million to that clean-up. The Government should have acted sooner to assist Orica in its task of sucking pollutants from the groundwater rather than opting for the eleventh hour approach of sinking wells along Foreshore Drive, right on the edge of Botany Bay. Orica is doing the right thing.

Certainly when that pollution occurred, respect for the environment and pollution controls were very different from those of today. We are talking about the standards of the 1940s as opposed to the standards of the twenty-first century. I repeat: It is absolutely inconceivable that a director of such a company could turn a blind eye to a major pollution problem. Yet under this legislation, which will remove the no-knowledge defence, the director of a major corporation in Melbourne, for example, could be fined $1 million or gaoled for an event in Sydney of which he could not be expected to have had any knowledge. On that issue the Combined Industry Group said:

> To remove the 'no knowledge' defence will create a situation where a director or manager may be convicted of a serious criminal offence when they could not know of the contravention of the corporation …
>
> The current 'no knowledge' defence found at section 169(1)(a) of the Protection of the Environment Operations Act requires that directors and management undertake reasonable inquiries to fully understand the operation of the business so that they may comply with the Act.
>
> There is no reason in law or policy why individuals who have undertaken reasonable enquiries should be subjected to derivative criminal liability and punished where that person could not have known about the circumstances of the contravention.

The Combined Industry Group then directed a comment at the Minister. It stated:

> You suggested in the second reading speech that the current 'no knowledge' defence allows directors and managers to take a "head in the sand" approach: that is, avoid gaining actual knowledge of the circumstances that result in the contravention of the corporation.
>
> The suggestion is, in our view, based on a misunderstanding of the defence. The current 'no knowledge' defence under consideration is only established where the accused establishes (on the balance of probabilities) that the person did have actual, imputed or constructive knowledge of the contravention.
>
> In effect, this defence is only available if the director or manager has made reasonable enquiries to inform themselves …

It goes on to make several other comments. The Combined Industry Group concluded:

> … this provision does not allow directors or managers to avoid knowledge and liability of the circumstances of the contravention by sticking their "heads in the sand". In fact, it imposes a high standard for those that direct a corporation's activity to know how the corporation operates

The Minister said that the no-knowledge defence currently available to directors can undermine what are otherwise effective pollution control laws by encouraging directors and other managers to deliberately turn a blind eye to environmental offences being committed by their corporations. So far the Minister has been unable to provide a single example of a director or manager turning a blind eye to environmental offences. I cannot for the life of me understand why the Minister and the Government consider it necessary to remove that defence. It does not make any sense. I foreshadow that the Coalition will move in Committee a further amendment to omit that deletion provision from the bill.

The only other part of the bill to which I will refer relates to the proposal to increase from three to four years the length of time between the production of state of the environment reports. Green groups do not support this amendment, which would see the next state of the environment report published on or about 1 October 2007. They say that environmental reporting should be linked to the electoral cycle, with state of the environment reports provided in the first 12 months after an election and in the last 12 months before an election. Of course, that would mean that state of the environment reports would be prepared every two years. I agree with the Government on this issue. I think two-yearly reporting is too frequent, and the Coalition will not support any amendments to that. The bill certainly has good aspects, which we support, but we will reserve our position on it until we know the Government's response to the amendments that we plan to move in Committee.

Mr IAN COHEN [8.47 p.m.]: On behalf of the Greens I support the Protection of the Environment Operations Amendment Bill and welcome this important legislation. The Protection of the Environment Operations Act, which this bill amends, was introduced in 1997 and replaced various other pollution laws. The Greens felt it was not strong enough with regard to pollution offences and was a missed opportunity. I am pleased that this amending bill strengthens the provisions of the Act. The Greens welcome in particular the creation of a new land pollution offence, the removal of the no-knowledge defence for senior executives, improvement of the definition of "waste", the increase in fines, the expansion of the range of sentencing orders available, and the revision of the fit and proper person test for licences. The bill contains several provisions that the Greens do not support or that could be strengthened, and I will turn to those later.

Pollution is, of course, a major environmental problem in New South Wales. It assaults us in so many ways. It is in the air we breathe; it is in our river systems and oceans and on land. We smell it, we see it, and we hear it. We become sick from it, and some people even die from it. We see examples of pollution ranging from minor acts by individuals and small operators to environmental disasters, such as the Orica site at Port Botany. The company is currently looking for a regional area to accept the incineration plant that will dispose of the highly toxic legacy that it left behind at that site. I disagree with the perspective offered by the Hon. Rick Colless regarding the Orica plant. In 1987 I campaigned against the storage of hexachlorobenzene at that plant.

I have pictures of myself hanging a 20-metre long "toxic vandal" banner from one of its highest towers. I wrote about it and at the time I pursued the Government but the industry was very slow to act. It is a tragedy to

see the toxic plume that now impacts on local residents and the environment. The industry and many others have been very slow to come forward on the toxic legacy that they have left behind. I include Union Carbide and a number of sites at Homebush Bay, to which I will refer later. There are a number of significant polluters in New South Wales that have slowly come under control by this Government, and this legislation is a significant step forward. The Greens oppose any assumption about the right to pollute, which industry seems to take for granted. There should be a phasing out of the licence-to-pollute system under the Protection of the Environment Operations Act.

I will now turn to the individual provisions of the bill. The Greens support the insertion of a definition of "environmental values of water", which is consistent with the definition accepted at a Federal level. The New South Wales Water Management Act 2000 does not specifically define the "environmental values of water". The bill could be further improved by considering the practical measures that would maintain or improve environmental values, rather than simply restore them. That approach would be consistent with the environmental test under the Native Vegetation Act 2003.

I am concerned, however, about the amendment that terminates the classification system of named streams, and replaces it with general considerations of environmental values. Currently water quality standards are imposed on certified classified waters of the State under the Clean Waters Regulation 1972, as continued in force by the Protection of the Environment Operations Act. The standards do not apply to all the waters of the State. The amendments repeal a provision, continuing those regulations, and replace the current system with a general requirement that environmental values of water be considered when licensing functions are exercised, or prevention notices are issued under the principal Act.

The bill omits the provision that continues the Clean Waters Regulation 1972. A number of key streams could lose protection as a result of this change. The amendment fails to update the protection for streams generally. The bill also amends section 96 of the Act to require an appropriate regulatory authority considering issuing a prevention notice relating to an activity that causes, or is likely to cause, water pollution, to consider the effects of the activity on environmental values of water, and the practical measures that can be taken to restore or maintain those environmental values. The Greens support prevention notices for activities causing or likely to effect the environmental values of water. Earlier I referred to toxic pollution in Homebush Bay, which has been quite catastrophic in recent times. The Union Carbide site, the old paint plant—I think it was the Berger plant—

The Hon. Greg Pearce: You should go and have a look, Ian.

Mr IAN COHEN: I was on the site some years ago as part of an inquiry. There has been a great deal of controversy about the restoration of the various sites. One of my concerns is the different processes of restoration of the various sites under different control. Greenpeace is to be commended for its activities of highlighting how the remediation of those sites in the Homebush Bay area have been undertaken. There has been debate on direct thermal desorption, which is a little more than incineration, and the more upgraded method to deal with toxic waste, indirect thermal desorption, which was the method preferred by many of the environmental groups. I think in some cases the direct method has been used, and I understand it is now being used to deal with the waste from Botany. It is an incineration process that leaves a lot to be desired in the eyes of many people. I have spoken at various times to people who live in the Homebush Bay area about air pollution and headaches and various sicknesses associated with pollution in that area.

The Hon. Greg Pearce: You are definitely out of date.

Mr IAN COHEN: The Lidcombe Liquid Waste Plant is still functioning in that area, is it not?

The Hon. Greg Pearce: You should go out there.

Mr IAN COHEN: The honourable member is keen to defend the site, where there are still issues of pollution. The Lidcombe Liquid Waste Plant is of great concern to many local people. The bill also amends section 96 of the Act to require an appropriate regulatory authority, when issuing a prevention notice relating to an activity that causes, or is likely to cause, water pollution, to consider the effect of the activity of environmental values of water, and the practical measures that can be taken to restore or maintain those environmental values. The Greens support prevention notices for activities causing or likely to affect the environmental values of water.

The Greens welcome the new definition of "waste" for the purposes of the Protection of the Environment Operations Act. Under the current definition there have been instances in which clear pollution events have avoided liability because of the definition of "waste". An offender can only be prosecuted for wilful or negligent disposal if it is proved beyond reasonable doubt that the substance is waste. It must also be shown that the person was disposing of the substance as waste, and not using the substance as fill. The clearer definition will assist operators in correctly classifying waste and reducing levels of incorrectly classified waste, and it will assist courts in correctly assessing prosecutions.

The bill amends section 87 to remove the requirement for a supervisory licence relating to landfill sites used for the disposal of putrescible waste to be subject to a condition relating to the separate re-use, reprocessing and recycling of waste. The Greens do not support this amendment, as such conditions should be mandatory. While recycling rates are on the increase there is still far too much waste going to landfill. In 2004 Australia produced more municipal waste per person—690 kilograms—than any other OECD nation except the United States of America. There should be mandatory measures to keep as much recyclable material as possible out of landfill. I foreshadow that I will move an amendment in respect of that section.

The Greens support the amendment to make it clear that interest is payable on any part of an unpaid waste contribution. Section 143 of the Act is amended to extend the offence of transporting waste to a place that cannot lawfully be used as a facility for the waste to causing or permitting the transport of waste to any such place. The Greens support this extension of the offence and the liability of both the transporter and the owner of the waste. The maximum penalties are appropriate in this situation. Section 144 is omitted and replaced with new section 144 that extends the existing offence of permitting land that cannot lawfully be used as a waste facility to using land as a waste facility without lawful authority. This would cover the circumstances where a waste facility cannot be used to dispose of particular waste.

Proposed section 144AA makes it an offence to supply information, or cause or permit information to be supplied, about waste that is false or misleading in a material respect to another person in the course of dealing with the waste. The Greens support the increased penalty for corporations in this section, and we also support the new section 144AA offence of providing false or misleading information about waste. The Greens welcome the introduction of a specific new offence of land pollution. The proposed definition should be adequate to capture the relevant actions and avoid difficulties for prosecutions and is to be commended.

The bill seeks to confer on appropriate regulatory authorities the power to issue noise control notices to a person who proposes to carry on an activity, or use an article, at any premises. The Greens support the broadening of this provision. The bill also seeks to enable noise abatement directions approved by the Environment Protection Authority [EPA] to be given to the State, a public authority or an employee of a public authority. The Greens support this move. Various sections of the Act are amended to increase the penalties for certain offences under the Act. The Greens are strongly in favour of the increased penalties outlined in the bill. However, they will not be effective without the will to prosecute perpetrators. Comprehensive compliance and enforcement are necessary, otherwise heavy fines and penalties will be meaningless. Many pollution offences are intended and calculated crimes, and could therefore be deterred. Higher penalties could be effective in this regard. But if there were a perception that the likelihood of being caught is small, higher penalties in themselves would not act as a strong deterrent. They have to go hand in hand with adequate compliance enforcement.

The bill amends section 169 of the Act to remove the defence of no knowledge in relation to corporations that contravene the Act or regulations. The amendments also allow evidence to be given of the opinion, belief or purpose—in addition to intention—of an officer, employee or agent of a corporation as evidence of that corporation's state of mind in proceedings against the corporation for an alleged contravention of the Act or regulations. The Greens strongly support the removal of the no-knowledge defence and the positive reforms in the bill to tighten corporate liability provisions.

The bill amends section 213 to extend chapter 8 of the Protection of the Environment Operations Act, which relates to proceedings for offences, penalty notices, remedies and civil enforcement, to the Environmentally Hazardous Chemicals Act 1985. The Greens support this extension. The bill amends section 216 to provide that proceedings for offences under proposed sections 142A and 144AA, or the Environmentally Hazardous Chemicals Act, must be commenced within three years of the offence being committed or first coming to the attention of any relevant authorised officer. The Greens support the inclusion of offences relating to land pollution, false and misleading information about waste, and Environmentally Hazardous Chemicals Act offences.

The bill inserts section 218A into the Protection of the Environment Operations Act. The proposed section clarifies that an agent of an appropriate regulatory authority may institute proceedings under the Protection of the Environment Operations Act on behalf of the authority. This is supported by the Greens. The

Greens are in favour also of retaining the power in section 219 of any person to institute proceedings with leave of the Land and Environment Court. The bill inserts sections that provide for the recovery of costs of an appropriate regulatory authority associated with registering a charge and lodging a caveat on land to which a restraining order imposed under the Protection of the Environment Operations Act applies. The Greens support these additional provisions for the equitable recovery of costs. Section 248 of the Act is amended to include the costs of transporting, storing or disposing of evidence during the investigation of an offence in the costs that may be recovered from an offender by order of a court. The Greens support the extension of this cost-recovery provision. Such costs can be significant, and their recovery will assist in the effectiveness of the relevant compliance and enforcement authority.

Section 249 is amended to allow a court that finds an offence under the Act proved to order the offender to pay a further penalty of an amount that the court is satisfied, on the balance of probabilities, represents the amount of any monetary benefit to the offender as a result of the commission of the offence. The Greens support this amendment, as an essential part of the deterrence role that offenders should not benefit from the offence and are required to forfeit the relevant amount. The bill amends section 250 to enable a court that finds an offence under the Act proved to order the offender to publicise the circumstances of the offence. Section 250 is amended to enable a court that finds an offence under the Act proved to make additional orders in relation to the offender, including orders requiring payment of amounts to environmental trusts; requiring offenders, employees and contractors to attend training courses; requiring offenders to establish training courses; and providing financial assurances. The Greens support the inclusion of these new orders in the bill.

The bill inserts a new section 253A to establishe a scheme for the giving of binding undertakings to the EPA by a person in connection with matters relating to the EPA's functions under the Act. An undertaking may be varied or withdrawn with the EPA's consent and is enforceable by the Land and Environment Court, which may also make specified orders for breaches. The Greens welcome this new section, and support the range of court orders available in it. The bill amends section 45 of the Protection of the Environment Operations Act to make it clear that, in exercising functions relating to licences, an appropriate regulatory authority may take into account the pollution caused previously by an activity. The Greens support this amendment, as previous pollution caused should be an important consideration regarding licensing, and the current wording applies only to current and future pollution. The bill also amends section 50 of the Act to prohibit the variation of a licence relating to development for which development consent is required but has not been obtained. The Greens support this amendment.

Section 57 of the Act is amended to clarify that a penalty imposed for failing to pay a licence fee by the required date is not payable until notice is given of the default and penalty. This is procedurally fair and is supported by the Greens. Section 70 of the Act is replaced by a new section enabling a condition of a surrender of a licence to require a former licence holder to provide financial assurance. The Greens support the broadening of this clause to include conditions of suspension, revocation or surrender of a licence. Section 76 of the Act is replaced by a clause enabling a licence condition to be imposed requiring any licence holder to prepare a post-closure plan and to implement such a plan. Post-closure remediation can be vital, and the Greens support this amendment. The bill amends section 78 to extend the interval from three years to five years within which the appropriate regulatory authority must review a licence. The Greens do not support this amendment. Specific industry-focused reviews are not an adequate replacement for comprehensive reviews. In various areas the current trend is for the Government to increase time periods for reviews. This is not a trend to be welcomed. In Committee I will move amendments dealing with industry reviews.

The bill inserts a new part that provides for new offsets. The Greens do not support this amendment. In general such offsets are an unsound principle. They get away from the basic drive to clean up in situ. It is not acceptable to sacrifice one community or environment for another. Instead, we should work towards better goals and standards, not trade in pollution. This reduces the environment to just another tradable commodity. In reference to schedule 1 [129] the explanatory note states:

> A green offset scheme or green offset works may be used to prevent, control, abate, mitigate or otherwise offset harm to the environment caused by a licensed activity or to make good environmental damage arising from such an activity.

How can a green offset scheme prevent or control a pollution activity? Offset schemes have not been tried extensively in the Australian environment. Furthermore, there is a great lack of detail in the proposed offset schemes. With the offset regime established under the Native Vegetation Conservation Act 2003 an extensive assessment methodology has been developed to assess applications. Every applicant must meet the test of maintaining or improving environmental outcomes. The assessment methodology sets out criteria for determining what will meet this test. I would argue that even this is not strong enough, and that maintaining environmental outcomes is not enough.

In any offset situation there should be an improvement, rather than just maintenance of the status quo. The proposed offset regime under this bill does not have a strong environmental test or assessment criteria. There is no required nexus between the activity that causes harm and the offset under the bill, in terms of both qualitative connection and geographical connection. Arguments are put forward regarding the need for flexibility in the regime. This is not good enough. The lack of a qualitative nexus means that offsets can apply to a completely different part of the environment or different species being targeted instead of the one that has been damaged. The lack of a geographical nexus means that some areas could be prone to greater pollution with offsets occurring elsewhere, and thus suffer from cumulative impacts. I remember forestry schemes that were administered by State Forests to offset overseas industrial pollution, such as is occurring in Japan, and I find that rather ridiculous. I argued against that with the then Minister for Forestry in New South Wales, the Hon. Kim Yeadon, but I was met with his blanket refusal to acknowledge the absurdity of international trading in pollution offsets.

Trading may have the effect of increasing forests in New South Wales, which could result in environmental benefit, but the advantages diminish when the period of growth and the pollution involved in growing and harvesting the trees are taken into account. Nevertheless, the Greens believe that the concept of trading in pollution and making a commodity out of it detracts from the essential drive toward lowering the levels of pollution across the board so that people may live in a clean environment. In many respects, an offset scheme shifts the pollution from one region to another, and that is inappropriate and inequitable for the various communities that ultimately have to live with it.

The honourable member for The Hills, Michael Richardson, stated in the other place that "green offset schemes might end up being as flawed as the New South Wales greenhouse gas abatement scheme". I agree that this scheme has very serious flaws and has seen extensive double counting, as well as supporting dirty brown coal power generation in Victoria. There are inherent problems with trading in emissions, trading in pollution, and buying certificates to be able to spew out pollution irrespective of whether the trading involves greenhouse gases or the types of pollution covered by the Protection of the Environment Operations Act. While I do not support the concept of green offsets in principle, I will move a number of amendments to try to improve the Government's bill in regard to green offsets.

The Greens support the amendment conferring powers on authorised officers to turn off or disable a building's intruder alarm or a vehicle alarm that has been sounding in breach of the Act. Previously alarms were able to sound at all hours, and neither the police nor any other authority were able to do anything about them if the occupiers or owners were not present. However, I ask the Minister to clarify how, in practice, officers will be able to disable alarms. Will the officers be able to enter premises or vehicles if the owners are not contactable? I hope the Minister will address these practical issues in his reply. It is important to achieve a degree of practicability in relation to this legislation. We should find out how various authorities will deal with the problems of alarms.

Complaints have been made across the board in communities relating to weekend and night-time alarms that are set off continuously. I recall an occasion when I was being interviewed on radio, and a listener phoned in and said that in her area an alarm was continuously set off by hot weather. Apparently the midday heat activated the alarm, and people across a whole suburb were affected adversely, especially those who had been hoping to enjoy some rest and respite on a Saturday afternoon. The Greens also support the amendment conferring powers on authorised officers to require a person to attend to answer questions in relation to matters relevant to the Act. Another amendment authorises an officer to request a person who is required to state his or her name and address to provide proof of the name and address. It will be an offence not to provide the proof. The Greens support this amendment.

The Greens also welcome the amendment removing a limit on the quantity of a substance that may be removed by an authorised officer for testing. The Greens are in favour of amendments conferring powers on authorised officers to require a vehicle or vessel to be moved to a suitable place for inspection or testing. A new proposed section in the bill enables the Minister to enter into arrangements with Ministers of other States or Territories to provide for authorised officers to exercise functions under the principal Act in the other State or Territory. Such actions will relate only to matters that are relevant to the environment of this State. The Greens support this co-operative measure.

In relation to smoke abatement notices, a new division will be inserted into the current legislation to provide a new scheme for managing smoke pollution emanating from residential premises. An authorised officer will be able to issue a smoke abatement notice if it appears to the officer that a specified quantity of smoke has

been emitted from a residence. The notice will provide for the property to cease emitting excessive smoke over a period of 21 days, and it will be an offence to contravene a notice without reasonable excuse. A smoke abatement notice will be effective for six months, but may be revoked earlier.

The Greens support the inclusion of specific provisions relating to domestic air pollution. Wood heater based pollution can be a serious problem in winter, both in rural and urban areas. That is particularly the case when wood heaters are not used properly, or if the wrong fuel is used. It is entirely reasonable for people who are causing pollution in that manner to be given abatement notices and subsequently fined if they do not cease the polluting activity. The provision could be strengthened by inclusion of a penalty for repeated contraventions of a notice. It would not be unreasonable, for example, for on-the-spot fines to be issued to repeat offenders.

The Hon. Rick Colless referred to this matter and expressed concern about the practicalities of measuring domestic pollution. I accept the point he made about people living in colder climates in the country and enjoying wood fires. I also enjoy wood fires, but I point out that equipment is available to more effectively deal with smoke emitted by combustion heaters.

The Hon. Rick Colless: But not all people cannot afford that.

Mr IAN COHEN: I am coming to that. It is not only new models that effectively control pollution. There are older model heaters that people can buy second hand that are also effective. I am sure many honourable members recall the old Kosi coke stoves that resemble an old-fashioned 1930s radio. Although they were originally designed for coke, they work well as wood heaters because they are very well made and heavily sealed. There are Warmray stoves and other old-fashioned slow combustion stoves that work well. I have collected a few of them over time. Often it is open fireplaces that create offending pollution and it is a case of installing equipment—either new equipment or quite old equipment that has been purchased from a wrecking yard—to militate against creating pollution in residential areas. I certainly agree that an open fire can be enjoyable for whole families. Where I live, they are known as "hippie TVs" because people often stare at the fire instead of watching television. Relaxing in front of an open fireplace can be a very pleasant way of spending one's time. There are ways around creating smoke pollution. Quite often the source of the problem is firewood that has been obtained from native forests and has not been properly cured.

The Hon. Rick Colless: That could apply to any wood.

Mr IAN COHEN: I agree with the Hon. Rick Colless that any timber could be improperly cured. I have often lamented what appears to be very green timber on sale at nearly every garage in Sydney. It probably has been taken from the Pilliga!

The Hon. Rick Colless: Timber that comes out of the Pilliga is dry.

Mr IAN COHEN: I know that it is good timber and I stand corrected, but nevertheless I see timber for sale that has not been properly cured. I often lament that a great deal of unpainted framing timber from building sites is broken up and dumped in landfill whereas it could present an ideal opportunity for enterprising people who have a ute and a chainsaw to collect it and cut it up for firewood.

The Hon. Rick Colless: A lot of that is not very good.

Mr IAN COHEN: Much of that timber is suitable for firewood and includes fast-burning softwoods and slow-burning hardwoods. It is interesting that the authorities apply a 10-minute limit on smoke plumes when the big problem with home-based wood fires, industrial incinerators or diesel motors is that the cold start-up process creates pollution. There are many ways of educating people to control the types of material that are used and to use better equipment so that their wood-burning practices meet stringent environmental controls. When environmental pollution standards are not adhered to the result is the creation of smog-like conditions such as are observed in areas of Western Sydney where large numbers of wood fires are not properly controlled.

The Greens will support measures that are directed toward reducing smoke pollution. It constantly amazes me that although we tend to control pollution from residential wood-fire heating, we adopt an open-slather approach to other forms of smoke pollution, such as the annual sugarcane burn-offs. I well remember when I was a demonstrator hearing a speech in Queensland when the late Sir John Bjelke-Petersen extolled the beauty of cane fires in the evening skies throughout Queensland. The same practice is being followed today in northern areas of New South Wales, which also is a major sugarcane growing area.

It behoves the Government to encourage green harvesting to put an end to sugar cane burn-off, which is a massive polluter, and to find ways of using green waste for various products. Councils issuing notices and dealing with on-the-spot fines for repeat offenders are examples of councils being burdened with additional functions without additional funding. Monitoring of domestic air pollution would be dealt with by local authorities, and any monitoring of wood smoke emissions from houses would be best carried out in the evenings. The Government should ensure that sufficient resources are provided to councils to enable them to enforce this new provision.

An interesting parliamentary inquiry conducted into the amalgamation of councils gained considerable information as it travelled to country areas. Local mayors, council officers and general managers repeatedly complained that councils were constantly burdened with unfunded mandates. The State Government imposes laws and regulations on local councils that have to be policed and for which control mechanisms need to be put in place. It is very rare that local councils are given sufficient support by the State Government, which promulgates those laws, to enable them to implement the control measures and police them effectively. The bill makes some changes with regard to appropriate regulatory authorities. The Greens generally support the amendments.

Environment groups have raised a number of concerns in this regard. These include officers with appropriate regulatory authorities needing to be properly trained; mechanisms and policies needing to be in place to ensure a consistency of approach; mechanisms and policies needing to be in place to address issues pertaining to cumulative impacts; appropriate regulatory authorities needing to be adequately resourced; and the Environmental Protection Authority needing to retain overarching authority—in law and in practice—to intervene to ensure appropriate policy and regulatory outcomes that ensure the proper protection of the environment.

The Greens support the amendments that provide that an appeal lodged against a licence decision, breach notice, prevention notice, noise control notice or noise abatement order does not operate to stay the decision, notice or order appealed against except to the extent that the Land and Environment Court otherwise directs. These amendments also provide for the operation of the decisions, notices or orders if the stay is granted. Also welcome is the amendment to extend the circumstances in which a prevention notice may be issued when an activity is being carried out in contravention of, or is likely to cause a contravention of, a condition of a surrender of a licence or an exemption.

The Greens strongly support the cost recovery provisions and mandatory notification provisions in the bill. The inclusion of the emission of odours as pollution incidents is also welcomed. The bill proposes to amend the Protection of the Environment Administration Act 1991, but changes the time period between state of the environment reports from every three years to every four years. The Greens strongly oppose this amendment. Environmental reporting should occur on a more, not less, frequent basis. Moreover, the next state of the environment report is due in late 2006. Amending the frequency of reports to every four years would mean that the next report would be due after the next State election. This is the Government at its cynical worst. The public deserves to see the Government's environmental report card before an election, not after it.

The rationale for the four-year cycle is that it would align it with Natural Resource Commission standards and targets. The Greens do not believe that that is a satisfactory reason. Many issues under the Protection of the Environment Operations Act are not natural resource issues. I foreshadow that I will move an amendment to keep the reporting cycle at every three years. I acknowledge that this means that in some years the report will be due towards the start of an electoral cycle. However, the principle of more frequent reporting is an important one, so the three-year period between reports should be maintained.

I thank the Environmental Defender's Office, the Total Environment Centre and the Environmental Liaison Office for their advice and input regarding this bill. I also appreciate the Government's tabling of a draft exposure of the bill before the winter break, allowing environment groups to have input to the bill in a very meaningful way. I am pleased that some of the conservation movement's recommendations have been taken on board by the Government. In general, this is a positive bill and will improve the principal Act. The Greens support the bill, but will move a number of amendments in Committee.

Reverend the Hon. Dr GORDON MOYES [9.25 p.m.]: On behalf of the Christian Democratic Party I commend the Protection of the Environment Operations Amendment Bill, which amends the Protection of the Environment Operations Act 1997 in light of an exhaustive review of the Act after its first five years of operation. As Mr Ian Cohen did, I too commend the Government for making the bill available to us prior to our

winter break. The State of the Environment Report 2003 has identified achievements of significant gain in recent decades in some very important environmental areas. Report highlights include reductions in air emissions from factories and vehicles, leading to improvements in urban air quality, and greatly reduced pollution from industry and sewage treatment, resulting in better recreational water quality.

The Protection of the Environment Operations Act 1997 is one of the foundational elements to achieving effective environmental protection and providing effective regulation in New South Wales. It is an important piece of legislation because when it was introduced it enveloped a gamut of legislative measures, ranging from pollution control and environmental standards to waste minimisation and management, providing a holistic and clear approach to environmental protection. In particular, it is said that the Act has contributed to cleaner air. Lead emissions have been cut by 97 per cent and carbon monoxide emissions by 28 per cent. It is said also that these laws have resulted in industry spending more than $1.2 billion on pollution reduction programs. This is commendable, and it may be said that the Act has been more effective than its predecessors in achieving environmental gains.

In his second reading speech in the other place the Minister stated that in 2004-05 the Environment Protection Authority [EPA] completed 127 prosecutions under the Act and other related legislation. Incidentally, I do not regard that is a large number—only a little over two a week. Fines collected by the EPA have averaged close to $1 million a year. Further, courts are increasingly making use of the alternative sentencing order provisions in the Act, including, clean-up orders and environmental work orders. The amendments in this bill to the Protection of the Environment Operations Act are wide and various, including amendments to provisions dealing with land pollution, waste, notice powers, licence reviews and noise. Because of the excellent presentations by the Hon. Rick Colless and Mr Ian Cohen I will not detail all those, as I would be going over the same ground.

I draw the attention of members to a couple of salient amendments the bill will make. In relation to fines and penalties, the Protection of the Environment Operations Amendment Bill has three levels of offences—the first tier being the most serious and the third tier being more minor offences for which an on-the-spot fine is appropriate. The maximum penalty for corporations will be increased from $1 million to $2 million where negligent action has been involved and to $5 million where it has been demonstrated that the action has been intentional. Fines for individuals and for second-tier and third-tier offences will also be increased.

The Government hopes that increased penalties will be a deterrent to companies. It is clear, however, that some fines may not be adequate given the net profits of some entities. In my opinion, a sliding scale of liability, depending on annual net profits, may be a better option. But there would also be negative ramifications arising from instituting such an option, principally underreporting of profits to evade responsibility. That being said, there should be as little scope as possible provided to corporations to profit from harming the environment. Of great significance is the inroad initiated in the realm of corporate responsibility. No longer will directors and managers be able to claim, as a defence, that they had no knowledge that their organisation was contributing illegally to pollution.

This is important because current standards of corporate responsibility, including occupational health and safety standards, attribute knowledge of affairs involving the corporate entity to members of the executive board of an organisation. A previous speaker has indicated that it was impossible for directors of boards of listed companies to know what was happening. I have been a director for many years, both of public and private companies, of listed and unlisted companies, and I have been chairperson of such boards of directors, and let me clearly say that directors these days have an onerous responsibility to understand what is happening.

For example, everyone understands that when the board of directors meets with auditors the directors talk not only about issues of evidence of fraud but also about ways in which the general management of the company can be improved. Directors must also have responsibility for a whole range of issues on matters of occupational health and safety. The tasks of directors are becoming increasingly difficult. It is commonly talked about in the big end of town that people do not want to become directors because of the liability they take. That is because they know they are expected to know how an organisation develops and works, including whether or not they are contributing illegally to pollution. They should obviously not only be in charge of the typical business affairs of the company, but also, because of their placement and concomitant responsibilities, they should be aware of how their organisation's activities impact on their, and our, natural environment.

That is par for the course these days and directors must make themselves aware of these issues by asking the right questions of chief executive officers and general managers. We are living in a period of time

when, hopefully, individuals and corporations can see the ramifications of their actions and acknowledge that they are not in a corporate vacuum. A certain social responsibility is attached to individuals and corporations as citizens of this State, and ensuring that the environment is not harmed unnecessarily is one such responsibility.

I remember flying back to Australia on an all-night flight from the east coast of the United States of America. I happened to have a relative and friend who was a pilot in a 747 and he invited me up into the cabin. As we approached Australia, still a couple of hundred miles out from the coastline of Australia, I asked him about the unusual sunrise—because the sun was capturing the most beautiful colours on the horizon. Of course, they were very largely colours from all the smog that was coming from Port Kembla, Wollongong, Newcastle and the Sydney Basin. As we drew nearer I had not realised how thick a layer of urban smog was blowing out over the Tasman Sea. To me that was a wake-up call about emissions. Courts will have recourse to a wider set of sentencing options under this amendment. The courts, for example, will be able to order funding to third parties to carry out clean-up works, compulsory training, or payment of financial assurances. This bill will insert new provisions to stop the inappropriate reuse of waste that may be harmful to the environment or human health, specifically, the use of hazardous waste as fertiliser or landfill. There are untold consequences emanating from the use of hazardous waste in this manner, not only to the environment but also to human health, especially affecting those who live in areas where hazardous waste has been utilised as landfill.

The bill will make the definition of "waste" more clear so that it includes processed, reused or recycled materials produced from waste. The safe reuse of materials will be encouraged, without triggering waste controls. A new offence will make a person who causes or permits the land to be polluted liable. The Government has indicated this will stop unscrupulous operators from passing off their waste to unsuspecting landholders as fill or cover. Exemptions will be available for farmers, where fertilisers, pesticides and other common agricultural materials are used. This bill is commendable. However, I would like to point out that some gains are being made through this legislation. There is still an urgency to deal with the legacy of environmental problems left in previous decades. As expressed by the State of the Environment Report 2003, serious challenges still remain, including rising greenhouse gas emissions, which contribute to global climate change.

Greenhouse gas emissions may be seen as major "pollutants" of the environment that we live in, and if the Government took charge of mitigating pollution seriously, it would reflect on the level of greenhouse gases that will be emitted through the proposed desalination plant at Kurnell. In the second reading speech to the bill, the Minister for the Environment, the Hon Bob Debus, said, "The Government is committed to drive down air and water pollution." Well, the prospect of a desalination plant at Kurnell should be shelved if this commitment is real. The Government should not pay lip-service to its commitments. If plans for a desalination plant at Kurnell go ahead, it will contribute 600,000 tonnes of greenhouse gases to our atmosphere, equivalent to putting an extra 130,000 cars on Sydney's roads. We urge the Government to show integrity in meeting its commitment to bringing down air pollution by scrapping plans for the desalination plant at Kurnell.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [9.36 p.m.]: The Australian Democrats support the bill, which amends the Protection of the Environment Operations Act 1997 and other Acts and regulations in relation to penalties, regulation of waste, land pollution, water pollution, smoke pollution from residences, green offsets, environment protection licences, and reporting. Specifically, the legislation introduces increased penalties for many offences under the principal Act. For corporations, the penalty will increase from $250,000 to $1 million; and for individuals, the current penalty will more than double, from $120,000 to $250,000.

A new distinction will be created between penalties for wilful and negligent offences or tier 1 offences under the Act. New offences will be created in relation to land pollution and the supply of false or misleading information about waste. Existing offences will be amended and the "no-knowledge defence" to corporate responsibility will be removed. I would like to congratulate the Government on these initiatives. Additional amendments will make an offender liable to meet costs in relation to investigation of their offence under the legislation, provide for alternative sentencing orders, and establish a scheme for beginning court enforceable undertakings by offenders. The bill creates a new definition of "waste". Under the legislation the Environment Protection Authority will no longer be the regulatory authority for Sydney Olympic Park.

While I congratulate the State Government on the majority of provisions in the bill, after consulting with the Environmental Liaison Office [ELO] I am aware that some aspects of the legislation remain problematic. Schedule 2.3 item [1], under the heading "Section 10 State of the environment reports", amends the original Act by changing the interval for State of the Environment Reporting [SOE] from every three years to every four years. The rationale that a four-year cycle will align with the Natural Resources Commission [NRC] standards and targets framework, as noted in the Minister's second reading speech, is not satisfactory as many

issues under the principal Act are not relevant to natural resources issues. Further, the NRC process is still ill-defined, which makes it difficult to assess the impacts of land-use, agriculture, forestry and fisheries on biodiversity. The ELO submits that SOE reporting should remain on a three-year cycle so that it falls within the second half of an electoral term, although one could argue that with a four-year term it would fall in exactly the same time period as the electoral cycle. One cannot help but wonder if that is a significant reason for the reporting cycle being the way it is.

It would be nice if things such as state-of-the-environment reports had their own timetables, independent of the political cycle and whatever government was in power. It would be good if reports were separate from the political process and the government of the day made a decision based on the welfare of the environment. Perhaps that is too much to hope for. Items [25] and [26] of schedule 1 refer to the review of licences. Item [25] proposes an amendment to section 78 of the original Act to extend from three years to five years the interval within which the appropriate regulatory authority must review a licence.

The Environment Protection Authority [EPA] should be commended on its pilot approach to targeted industry licence reviews, for example, regarding the wood preservation industry. However, comprehensive reviews of high-risk industries, while necessary, are time and resource intensive. Those reviews cannot replace three-year across-the-board licence reviews and must not lead to other industry sectors being overlooked. Consideration should be given to how many of these intensive reviews could be run simultaneously. Care needs to be taken to ensure there is a limitation on the length of the cycle of a review for a particular industry sector. For example, it is hoped it would not be 10 years before resources were available to revisit the wood preservation industry, leaving any new operating licences unreviewed for a considerable period.

We seek an additional amendment that specifies a number of industry reviews each year. People might be aware of the effect of copper chrome arsenate, a very worrying chemical. It has been shown to be unsafe for children although it was widely used in making things such as children's playgrounds. Section 1 item [26] proposes an amendment to section 78 of the original Act which would remove the six-month notice requirement for the review of licences—the department's suggestion that requirements be relegated to management at an administrative level. Such requirements are more appropriately dealt with in the legislation to ensure accountability to the public. Accountability is a seemingly novel concept that this Government is just beginning to understand in light of recent events.

Schedule 1 item [36] deals with putrescible waste landfill sites. The bill proposes an amendment to section 87 of the original Act, which would remove the requirement that a supervisory licence relating to landfill sites used for the disposal of putrescible waste be subject to conditions relating to the separation, reuse, reprocessing and recycling of waste. The Environment Liaison Office asked the Democrats not to support this proposed amendment as it is currently drafted. Conditions relating to the separating, reuse, reprocessing and recycling of waste must be mandatory as they tie landfill into the waste strategy targets and act as a reinforcement from the end of the pipe to resource recovery.

The Minister would already be aware of problems encountered with local council groupings proposing tenders for waste contracts and diminishing or entirely ignoring waste recovery targets. Problems are also exacerbated in regional areas. It is unacceptable for a key statutory power to be removed. Many members might have noticed the unsatisfactory way in which the Government promoted the Collex waste scheme to an up-market private landfill technology monopoly. That had large local pollution effects and for a long period there was suboptimal management of the waste cycle. It did not look at stopping waste at source; it simply assumed that, once all that waste had been collected, this big corporation would manage it.

Looking at world's best practice of waste management it is not good to pass legislation such as this and then to make suboptimal decisions such as that. Schedule 1 item [129] deals with to green offsets, which are something of a worry. While it is a good concept it tends to be something of a sop. We require a more holistic approach to waste production and to the use of resources. That being said, the bill proposes an amendment to the original Act which would establish a scheme to require licence holders to provide or participate in schemes for the provision of green offsets to mitigate the effect of licence activities.

There are two key concerns in relation to offsets. As offsets are a relatively untried concept in Australia there must be appropriate monitoring and evaluation of the scheme, with adequate funding provided for that purpose. The bill should detail monitoring and evaluation requirements. Although the amendments to proposed section 295N (2) create criteria for assessing offsets, the bill does not go far enough in setting out the required content of offsets. For example, although it deals with the need for a geographical nexus between the offset and the proposed activity it does not detail that that offset must benefit the affected ecological community.

The bill fails to detail whether conservation measures and outcomes on offset sites will be safeguarded in future, where possible, an aspect that could be included in proposed section 295O (2). We believe there is a need for further details on regular reporting and reviews on offset sites and we advocate for public consultation and an engagement framework on proposed offset projects. Furthermore, clear plans must be made regarding the continuation of offset measures when there has been a cancellation or suspension of participation rates or credits under proposed sections 295R and 295S (3) (b).

We also call on the EPA to retain the exercise of its functions regarding green offsets in the initial stages, at least for the first two years, to avoid delegation of functions until the scheme has been tested, rigorously reviewed and found to improve environmental outcomes. If committees as provided for in proposed section 295V (2) are established at a later stage they must include community and environmental representatives. While I support the bill, unfortunately it falls short of achieving even greater things. It is a shame we have not made the most of this opportunity.

It is not just a fact that penalties are higher. Poor decisions have been made such as the Collex waste proposal. We must take a more holistic view of the production of waste and the meaningful evaluation of things such as packaging, bottle recycling, or container deposit legislation. We need regulations relating to the packaging of goods that could reduce waste immensely. The Government is promoting the Collex scheme despite a court case that found it did not come within the environmental protection legislation, as adjudicated by a court. That means this legislation becomes almost meaningless.

It is significant that the European approach to standards has not been adopted. This legislation assumes that standards will be set by regulation. If the European approach to standards can be achieved by industry this year, in five years that will become the mandatory standard. In other words, the amount of waste or pollution that is tolerated in industry spirals downwards as technology improves rather than being set at a maximum level. That is another aspect that must be looked at. I am interested also in the noise aspect. From a public health point of view noise has been greatly underrated. Noise is generally assumed to be ambient noise.

It has been difficult to monitor party noise and noise from entertainment venues. We need a competent measurement of noise, as it is difficult to measure. Noise has inhibited the live music industry as noise levels are measured outside those venues. If my experience as the occupational health physician with Sydney Water is any guide, a quite large percentage of people are deaf as a result of listening to rock music.

The Hon. Patricia Forsythe: This Government does not care about noise.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Many people suffer from industrial deafness at a young age. It is assumed that music promoters may set noise levels according to audiences' preferences, regardless of whether it damages their hearing. If we are to prevent an entire generation from going deaf—indeed, perhaps it has happened already—we must examine noise pollution not only in the external environment but in the venues where it is produced.

The Hon. Patricia Forsythe: This Government does not care about that sort of noise. Look at Luna Park.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I acknowledge the continuing and somewhat tiresome interjections from the Opposition benches about noise from Luna Park. Quite high noise levels emanate from Luna Park, especially cumulative noise. Noise strategies for the surrounding area should obviously have been put in place before the contract for Luna Park was let. A legal victory saw the removal of the Big Dipper and the bankruptcy of the park's previous owner-operators. Noise levels at the park were high and the noise pollution protection offered to nearby residents was not good enough. Those residents protested and the Government was forced to introduce retrospective legislation, which I was put in the somewhat invidious position of supporting in order to address that noise pollution problem. The Government pushed through Parliament in the previous sitting week legislation to enforce lower noise levels. It is ironic that the Government is pushing the Collex waste scheme even as it is legislating for a noise problem that should have been resolved years ago.

The Government has been extremely tardy in introducing greenhouse gas emissions penalties to encourage the use of clean energy. When I suggested some years ago an amendment to that effect the Government refused to support it. The Government eventually accepted that amendment but the provision has not been enforced. Although this legislation will impose larger fines for pollution, the Government is allowing

greater forces to pollute considerably. The Government should rethink its approach to environmental pollution and the quality of the environment. Although this bill reveals at least some degree of understanding of the issues it is dealing with the lower end of the scale. Much legislation that is passed in this place and subsequently enacted is simply not enforced if it involves inconveniencing the big end of town. That is most worrying. It is easy to increase the penalty to a fortune if it is never imposed.

During the inquest into the oil spill at Greenwich I remember asking the relevant expert about the level of benzine in the air. He assured me confidently that the level was not elevated. I then asked where the air pollution measurement was taken and he replied that the level had been measured at the place where such measurements were always taken, which was somewhere in Rozelle. The wind was coming from the south at the time and Greenwich is in the north so of course no benzine levels were detected. The expert also informed me that the levels were measured thoroughly at Greenwich on Thursday when the oil spill had occurred on Sunday. So naturally all traces of benzine had vanished completely and the measurement was a farce. The fellow was quite dismissive of my questions; his attitude was "What would you know? I am the expert". But in that case I was the expert and he came unstuck. That episode illustrated that the Environment Protection Authority did not have the resources or the technology to measure pollutants at the relevant time.

Measuring pollution requires considerable vigilance and resources. When I was the occupational health physician at Sydney Water there was a large discharge of pollution from the ICI plant at Botany that poisoned—that is not putting too fine a point on it—the staff of the underground sewage treatment plant at Malabar. We had not realised at that stage that the offices were not separate from the plant so staff were breathing the air in and around the sewage treatment ponds. The measurement of that pollution could not be done in real time. Indeed, I had a telephone call from ICI asking what pollutant levels I had found—I suspect it was on a fishing expedition to find out what penalties might apply, if any. The bottom line was that the pollution could not be measured in real time. I am unfamiliar with the circumstances surrounding the release of those pollutants—I do not know whether it was accidental or deliberate—but the environmental monitors were not capable of assessing pollution levels and doing something about them. This legislation must make a commitment to measuring systematically and properly any pollution that is generated. I have pointed out some of the problems with this type of legislation and with the Government's approach but I support the bill as far as it goes.

The Hon. HENRY TSANG (Parliamentary Secretary) [9.57 p.m.], in reply: I thank the Hon. Dr Arthur Chesterfield-Evans for adhering to family friendly hours and concluding his speech before 10.00 p.m. The Protection of the Environment Operations Amendment Bill represents a further step forward in the unparalleled record of environment protection that has occurred under this Labor Government. This world-class legislation was carefully conceived when it was enacted in 1997 and these amendments have been developed to ensure the legislation continues to work successfully in the years to come. Many stakeholders directly involved in the Act have contributed to the review and reinforced the practical success of the legislation. During the course of the bill's passage there have also been very constructive discussions with the New South Wales Farmers' Association and the Total Environment Centre, which have ensured that the bill has broad support among rural and environmental stakeholders. Industry groups, local councils and community groups have similarly supported the vast majority of the reforms in this bill.

I thank members of the House for their contributions to the debate and I turn now to address some of their points. Smoke from wood heaters has been identified across a wide body of research as a major cause of air pollution. The concerns raised by community groups, individuals and councils about wood smoke pollution during the review of the Protection of the Environment Operations Act has further drawn attention to the serious health and quality-of-life impacts that wood smoke can have. Not only can excessive wood smoke make life unpleasant for neighbours, but research has shown that wood smoke contains noxious gases and in higher concentrations can have a significant health impact.

NSW Health reports that the people who are most affected by excessive wood smoke are people suffering from existing cardiac or respiratory conditions such as asthma, people with vascular complications from diabetes, babies and young children, and frail elderly people. Wood smoke consists mainly of fine particle pollution. This can cause a variety of short-term health problems such as itchy or burning eyes, throat irritation and runny noses, and illnesses such as bronchitis. Smoke particles can aggravate existing heart and lung conditions such as angina and chronic bronchitis. People with vascular complications from diabetes are particularly susceptible to the effects of fine particle pollution.

NSW Health has reported that in many regional towns the use of wood fired heaters is associated with elevated levels of fine particle pollution, even inside homes that do not use wood heaters. Let me emphasise that

these amendments are not aimed at stopping the responsible use of wood heaters. Wood heaters are an important and cost-effective source of heating for much of New South Wales. These amendments are trying to stamp out the poor operation of wood heaters which causes excessive smoke and so much grief to surrounding neighbours and the general neighbourhood. Unlike those opposite, this Government cares about the health impacts of wood smoke on vulnerable members of our community and is seeking to do something about it.

An authorised officer will not be entitled to issue an unsuspecting householder with a fine for excessive wood smoke. The provisions specifically require that a warning must be given in the form of a smoke abatement notice. Residents will have 21 days following the issuing of a notice to fix any problems with the heater and will only have committed an offence if they fail to comply with the smoke abatement notice. This offence will generally be penalised by way of an on-the-spot penalty notice of around $200, which is similar to the provisions for littering offences.

Contrary to what the Opposition seems to believe, New South Wales has made great strides in waste reduction since 1995 and is now well placed to improve on this record. The waste levy is designed to reduce the amount of waste sent to landfill and is an important economic instrument. The 2001 Waste Act review introduced annual increases in the levy up to 2012. This allowed councils to project waste disposal costs, and provided forward planning certainty for local government and industry. The levy resulted in a rise in recycling from 26 per cent to 39 per cent of local government waste collections in Sydney between 2000 and 2003. This represents a 50 per cent improvement in just three years.

Recycling volumes jumped from 258 kilograms per household per year in 2002-03 to 272 kilograms per household in 2003-04. Local government has benefited in a number of ways. Resources have been developed to assist councils every step of the way. Recycling of construction waste has increased from 65 per cent in 2000 to 75 per cent in 2003. Concrete, brick and tile recycling in Sydney doubled in three years from 1.2 million tonnes to more than 2.5 million tonnes in 2002. We now recycle about 50 per cent of all our tyres. These figures demonstrate that the waste levy has been a successful economic mechanism for reducing waste taken to landfill.

The Government believes it is essential that those who breach environmental laws do not gain any advantage over those who act responsibly and protect the environment. At present, big companies may find it cheaper to pay a fine than prevent pollution. This makes a mockery of our laws. When the Protection of the Environment Operations Act 1997 was first introduced, it was the toughest environment protection legislation in the country. However, the penalties for serious tier one offences have not changed since 1989. Recently other States have passed legislation that provides penalties of up to $2 million for serious environmental offences, and other serious marine offences in New South Wales incur penalties of up to $10 million.

The Protection of the Environment Operations Act 1997 already contains strong enforcement and compliance provisions to deal with environmental offenders. However, these need to be reinforced and revised to keep pace with community standards and expectations. This is a clear justification for the Government's proposal to increase the maximum fines for environmental offences. As the Minister for the Environment said in the lower House, it is clear that society's expectations about corporate responsibility have changed as a result of cases such as James Hardie's. Many companies now actively promote themselves as good corporate citizens who operate in a transparent and accountable way and consider more than just the interests of their shareholders. This amendment is consistent with ensuring that directors who take a responsible attitude to preventing pollution, or could not have influenced the circumstances which led to the contravention, are not liable for their company's actions.

This amendment will bring the defences in the Protection of the Environment Operations Act 1997 into line with other legislation, such as the Occupational Health and Safety Act, and environment legislation in Queensland, South Australia, Tasmania and Western Australia. The trend in court decisions in other areas of law relating to corporations, such as insolvent trading, similarly reflects this progress towards requirements that ensure that directors are adequately informed about the affairs of their companies. I note that the intent of this amendment is not to target individuals who are directors of small, one-person or family-run corporations, such as farmers. In fact, it is directors from large companies who are more likely to be able to rely on the current "no knowledge" defence, because of their remote role in the activities that led to the contravention of the law.

This is an unacceptable loophole which needs to be closed, so that the law treats directors of large and small companies in an equitable way and reflects contemporary principles of corporate responsibility. When the Environment Protection Authority [EPA] was established, one of the new responsibilities it was given was to

prepare a report every three years on the state of the environment in New South Wales. Five state of the environment [SOE] reports have now been prepared. The most recent report, published in 2003, was structured around six major themes: toward environmental sustainability, human settlement, atmosphere, land, water and biodiversity. Since the introduction in 1991 of the state of the environment reporting requirement, an agreed national approach to natural resource management has been developed.

Statewide standards and targets, to be recommended by the Natural Resources Commission and adopted by the Government, are a key element of this approach. Since its establishment in 2003, the Natural Resources Commission has been committed to a process of developing statewide standards and targets for natural resource management in consultation with the community. The Government is currently considering the recommendations of the commission about these standards and targets. Future SOE reports prepared by the EPA should incorporate the targets in its reporting.

As the issues covered by the standards and targets cross over many of the issues covered by the existing state of the environment reporting framework, it would be preferable to delay the next SOE report so that it can be revised to be consistent with the new standards and targets framework. If there is no delay, an SOE report will be issued in 2006, followed by another natural resource management and environment report which will deal with many of the same issues a year later. This is unnecessarily complex. It would be far better to have a single, stand-alone report that deals with all the relevant environmental issues relevant to urban and rural New South Wales.

In conclusion, I am pleased that the Opposition has indicated its support for this change. This bill represents a range of significant, well-thought-out reforms to our key environmental legislation. Public consultation on the draft consultation bill showed that many of these reforms are welcomed by both industry and environmental groups. The reforms will ensure that our environment continues to be protected by the best possible world-class environmental laws. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

Consideration in Committee ordered to stand as an order of the day.

ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [10.11 p.m.]: I move:

That this House do now adjourn.

HILLSONG EMERGE NATIONAL COMMUNITY CRIME PREVENTION FUNDING

The Hon. IAN WEST [10.11 p.m.]: I raise some disturbing matters concerning Hillsong, the business unit of Hillsong Emerge, and the Federal Government. The first matter concerns the Chief Executive Officer of Hillsong Emerge, Mr Leigh Coleman, who recently attempted to pay off the Riverstone Aboriginal Community Association in return for its silence on Hillsong Emerge's rip-off of taxpayer funding of just under $415,000 from the National Community Crime Prevention Program, administered by the Federal Attorney-General's Department, for use in Blacktown and Riverstone. It appears that Mr Coleman is not only acting in a decidedly un-Christian manner but perpetuating the destructive approach of Europeans since 1788 when Aborigines were moved out of their land and had their day-to-day lives controlled by a mission manager appointed by the Government of the time.

The "mission manager" approach is alive and well in Australia today, and continues a culture of lies, deceit, welfare and dependency that has done so much damage to Aboriginal communities. It appears that Hillsong Emerge has misused the Riverstone Aboriginal community to get taxpayers' money for its own purposes. Hillsong Emerge has deceived the local people, and when confronted by community representatives Vilma Ryan, Sandra Bell, Chris McBridge and Dean Bell, the chief executive officer has lamely tried to dole out some of the money in return for their co-option. The problem for Mr Coleman is that the application that Hillsong Emerge has called its own plagiarises proposals put forward to it by local community groups that were made in good faith as part of a joint application.

On top of that, Hillsong's application then misrepresents the real situation in the community, stating that the local area is being overrun by Aboriginal gangs. This is simply a lie, calculated to deliver Hillsong Emerge a bucket of Federal taxpayers' money—and it has worked. Philip Ruddock's department rejected an

application made by Hillsong Emerge in concert with local community organisations, but then approved an application made by Hillsong without the knowledge of local communities. I am concerned about the assessment of those applications and the criteria that were applied, the approval and recommendation process, what evidence was provided to satisfy decision makers that Hillsong had the capacity to deliver the project, what evidence was provided that supported the need for the projects, and what monitoring and accountability mechanisms are in place to ensure the money is properly spent.

The Riverstone Aboriginal Community Association was formed recently to empower the local community and help them take control of their lives. But it appears that Hillsong is doing the opposite, and that taxpayer funding which is needed for local disadvantaged communities is now being channelled directly into Hillsong's bank accounts. In August this year the Prime Minister said:

> The Australian Government has provided $8 million towards strengthening grassroots initiatives to assist in the prevention of crime in the region.

But Hillsong is benefiting from the theft of "grassroots initiatives" of local groups. Later the Prime Minister said:

> This funding is in addition to $50 million for crime prevention projects that demonstrate strong community partnerships, target priority areas and provide ongoing benefit to the community.

It appears that Hillsong has failed the Prime Minister's criteria of what the funding is for. The announcement came in the same month as a Hillsong Emerge function that cost $40 a head. Held on 25 August in Redfern, the function was called "Inspiring Australians" and was co-sponsored by the Australian Government. On the letterhead of Hillsong Emerge was the crest of the Australian Government, with a note at the bottom stating, "Donations of $2 and over are tax deductible." Is it appropriate for the Australian Government to assist Hillsong Emerge's business and fundraising ventures in this manner? Where does the money go? I am concerned about whether the arrangements adhered to the legitimate use of taxpayers' money and resources. The joint invitation also canvassed a showcase of products and services produced by Hillsong Emerge as part of its micro enterprise development program that targets credit provision, training and mentoring at disadvantaged communities.

Hillsong Emerge is using its Government-endorsed and tax-free status to develop what Hillsong Emerge refers to on its web site as "increasingly other financial products like savings and insurance". Its parent, Hillsong, brought in $50 million last year, about half in cash donations from people attending its services and courses. I share community concerns about the appropriateness of Hillsong receiving taxpayer funding and credibility in pushing an ideological and religious approach—especially in the provision of counselling and support, and in delivering "financial literacy" and "independence" for disadvantaged communities and individuals. There also appears to be a crossover of Hillsong Emerge and Hillsong's business, membership and recruitment activities. Hillsong Emerge's web site contains a section on the micro enterprise development program that refers to the personal development course.

It appears that Hillsong Emerge channels people into its religious and fundraising activities through its Government-supported programs. The welcome comments on the Hillsong web site read:

> As a church, we are putting heightened emphasis on seeing souls come to Christ between now and the end of the year. We've always been blessed in this area, but we know we can see that increase.

Hillsong Emerge has as part of its vision statement the following:

> Yes, the Church that I see is so dependent on the Holy Spirit—

[*Time expired.*]

CROOKWELL II WIND FARM

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [10.16 p.m.]: I wish to update the House on a matter regarding the development of the Crookwell II Wind Farm and the impact it is having on the Dooley family of "Elmgrove", in Crookwell. As I have previously pointed out, the situation faced by Mr Dooley is akin to the situation faced by Daryl Kerrigan and his family in the movie *The Castle*. The Dooley family will be surrounded by a large development that will make their home life, as well as their farming life, unbearable. The Crookwell II Wind Farm development has cast the Dooley family in the role as the underdog, as they battle against the grapple of big business and big government.

While I have supported wind farms in the past, the treatment the Dooley family has received from the Government and developers of the Crookwell II Wind Farm has been appalling. Since I raised the plight of Mr Dooley earlier this year, several avenues have been explored in an effort to improve his situation. Despite my representations on behalf of Mr Dooley to the former and current planning Ministers earlier this year, urging them to meet with Mr Dooley before listing the Crookwell II Wind Farm as a development of State significance, these efforts have been in vain. As predictably as night follows day, "State significant" means that the Government wants it to happen now—and it will happen now, regardless of what happens to people like the Dooley family.

Earlier this year Colin Dooley lodged an appeal in the Land and Environment Court against the Department of Infrastructure, Planning and Natural Resources [DIPNR] and the developers of the Crookwell II Wind Farm. However, after threats as to their potential liability for costs by both the solicitors for the developers of the Crookwell II Wind Farm development and the DIPNR, reinforced by the Registrar of the Land and Environment Court, the Dooleys had no alternative but to discontinue the appeal. Should they have decided to fight this battle, it could have cost them their farm.

Mr Dooley's representations to his local council detailing his concerns and seeking assistance regarding the development of the wind farm have been met with little or no assistance. Mr Dooley's concerns relate to the fact that the property will be in an aircraft exclusion zone, and that both the aerial and mechanical spraying of weeds will not be possible. This will pose an enormous threat to the agricultural production and sound environmental condition of Mr Dooley's property.

While Mr Dooley has requested that council accept full responsibility and the cost of weed control, that request has been refused. Similarly, as aerial firefighting will be precluded as a result of the development, Mr Dooley has requested that council indemnify his family against all claims that may arise as a result of not being able to control a fire by using aircraft. Again, council has refused that request. While conditions of approval require leases between the developers and landowners of wind farms to contain provisions for the removal of the structures on decommissioning, Mr Dooley is concerned that he has not been able to peruse those leases. He, therefore, has no idea what provisions they contain and how that compliance can be enforced.

Mr Dooley is not being unreasonable: he is merely asking for a fair go and is not receiving one. The situation that Mr Dooley finds himself in is testament to the fact that in today's society consideration for the average Australian is being overlooked to accommodate big business, new developments and large industry. Everyone is doing fairly well out of this except the Dooley family. That does not only happen in big cities. It can happen in the country, and the example of the Dooley family is testimony to that. The Minister refused to meet with the Dooleys because of the litigation before the Land and Environment Court.

Now that the litigation has been dropped because the Dooleys could not fund themselves against the company and the Government, the Coalition urges the Minister to meet the Dooleys. The Dooleys' small farm is in the middle of this huge development that is being built at Crookwell by the Labor Government, under State significant provisions, against the wishes of the Crookwell community. The significance is that the Labor Party does not care for battlers like the Dooleys, a family that has been there since the early 1800s who now cannot sell, use or live on their farm. That is disgraceful.

NEW SOUTH WALES FIREARM SAFETY AND TRAINING COUNCIL FIREARMS SAFETY TESTING

CROSS-CITY TUNNEL CYCLIST SAFETY

Ms LEE RHIANNON [10.21 p.m.]: Testing of firearm knowledge and safety is in the hands of shooters organisations in New South Wales. The key organisation is the New South Wales Firearm Safety and Training Council Ltd [NFSTC], a wholly owned subsidiary of the New South Wales Shooting Association Ltd [NSA]. Some shooting associations are no longer affiliated with the NFSTC. The Sporting Shooters Association of Australia, the New South Wales Amateur Pistol Association, Field and Game Australia and various smaller groups are not affiliated with the NFSTC.

In 1991 the New South Wales Coalition Government, with Ted Pickering as police Minister, entered into a contract with the NSA for the provision of firearm knowledge and safety testing. The contract is for a 15-year period and expires next year. The contract was shrouded in secrecy and remains unavailable to the public. The contract with the Government allows the NFSTC to appoint firearms safety testing officers to administer

safety tests to first-time applicants. Successful applicants receive a safety awareness certificate. They send this certificate with their application for a first licence to the Firearms Registry.

In New South Wales it costs approximately $77 to take a firearm test—approximately $20 stays with the club where the test is organised and held, and approximately $50 goes to the NFSTC. The Government receives none of that money. The number of people who take the tests each year is not known. But the figures on the number of people who have a licence to own a firearm is known. In recent years, the number of people receiving their first firearm licence has fluctuated between 9,500 and 15,000. Taking the lower figure, 9,500 safety certificates at $50 per certificate is approximately $475,000 in revenue to the NFSTC per annum. So over the years since the contract was signed, total revenue for the NFSTC is in the order of several million dollars.

There is no public record of where that money goes, or how much revenue there has been in total. Questions deserve to be asked about just how much profit the NSA has made from this contract and whether the contract terms are fair and reasonable. Like private motorways, the public interest is not served by secrecy and hidden deals. Firearms safety testing is too important to be in the hands of the NFSTC. It should be carried out by a government agency. The current testing regime is defective, not only because of the secretive nature of the contract, but also because if an applicant fails the test she or he can immediately sit for the test again.

Many shooting clubs and associations are angry about the current arrangements. They are not happy that so much revenue disappears into the NFSTC, and many believe that the Government should take control of the testing regime. With the contract expiring in 2006, the Government has a rare opportunity to put this situation right. The Government must take over firearms safety testing. It is simply too important to be left to a private company under secret contract arrangements.

Turning to another matter, cyclists have been greatly disadvantaged by the cross-city tunnel. A number of people have contacted me about the dangers of cycling in inner eastern Sydney as a result of street closures and the narrowing of William Street. A cyclist wrote in an email to me about the danger of the crossroads at William Street, Park Street and College Street. He said:

> I have almost been knocked off my bike twice this week due to these changes. I have been cycling to and from work for a year now and I have never had such fear as I do travelling down College Street during rush hour as I do now. I understand "encouraging" drivers to take the cross city tunnel is one thing, but, at what cost? It is only a matter of time before someone (a cyclist) is seriously injured or killed on this stretch of road.

Subsequently he wrote in another email:

> On two occasions last week (in the wet) a car "lane hopped" into my road right in front of me! Bicycles do not stop quickly in the wet and I have had to take avoiding action into another lane! …
>
> I feel strongly that if the road layout remains the same then one day I or another cyclist will not be so lucky and be knocked off their bike.

The important warning to the Government is that it needs to do the right thing by cyclists. On the day of the opening of the cross-city tunnel I saw the spraying of bicycle stencils on the road in a last- minute attempt to pretend that the requirements for cyclists were being met. Those requirements were not met, and this is just one more cross-city tunnel stuff up.

PAPUA NEW GUINEA SEASONAL WORKERS

The Hon. CHARLIE LYNN [10.26 p.m.]: I want to update the House on my observations of our relationship with our closest neighbour, our former mandated territory, wartime ally and fellow Commonwealth member, Papua New Guinea. The recent celebration of the thirtieth anniversary of independence, and the hosting of the Pacific Forum by Papua New Guinea, provided another glimpse of the challenges we face and the opportunities we have in our Pacific neighbourhood. I have been travelling to Papua New Guinea for the past 14 years, and have been dealing with government members and officials at local, provincial and national government levels. I have spent time in Port Moresby, Goroka, Mount Hagen, Madang, Lae, Popondetta and in villages across the Kokoda Track, which I have crossed 40 times.

As part of my involvement in the country, I have established the Kokoda Track Foundation and have been able to enlist the support of the University of Technology Sydney, the Worldwide Fund for Nature in Papua New Guinea and consulting firms Templeton-Galt and Davendish to develop a strategic plan for the

Kokoda Trail to be proclaimed as a National Memorial Park with a view to establishing a self-sustaining eco-trekking industry for the Koiari and Orokaiva people, who live along it. Our aim is to present the plan to the Australian and Papua New Guinea governments so it can be used as a model for the development of a sustainable eco-trekking industry in Papua New Guinea, which I regard as the last adventure.

We also fund a scholarship program which allows village students to study at provincial and national high schools as boarders, and provide a grant of $2,500 to each of the village community schools along the track. We also provide medical centres in the villages with supplies. During that time we have developed a close relationship with the people we have dealt with and with the villagers, who are excited about the prospect of having an economic alternative to subsistence gardening. During my travels to Papua New Guinea over the years I have been helped by a large number of Australian expatriates who went to Papua New Guinea prior to independence as young patrol officers, or Kiaps, and stayed on to become Papua New Guinea citizens.

I have also been made to feel welcome by Papua New Guinea government Ministers and officials I have met who completed their university studies in Australia and who have a very good understanding of us. Unfortunately, we are now coming to the end of this era as the Kiaps approach retiring age, and Papua New Guinea students now have their own university to complete their tertiary studies. I feel the empathetic understanding we once had is diminishing and there is a widening gap in our mutual understanding of each other.

The threat of terrorism in the region, an emerging AIDS epidemic, a deterioration in law and order, increasing examples of corruption in government departments and poor governance has caused a number of academics, aid agencies and think tanks to present a number of research papers over the past 18 months. Some have been extremely pessimistic about the future of Papua New Guinea. Professor David Denoon, in his recently published book on Australian's decolonisation of Papua New Guinea, *A Trial of Separation*, wrote:

> In the minds of some influential Australians, Papua New Guinea has become a political tragedy, an economic disaster and a strategic nightmare.

The Australian Strategic Policy Institute has suggested that we now need to think about developing policies that will bring about long-term attitudinal change for children that have not yet been born. I would suggest that this should be aimed at both Australian and Papua New Guinea children and the studies of each others' history, geography and culture should be an integral component of our primary and secondary education systems. Our Government's response was to implement an enhanced co-operation program, but that was thwarted by a constitutional challenge in the Papua New Guinea courts. My view is that nothing positive will happen in our relationship with Papua New Guinea until we bite the bullet and end our discrimination against our Papua New Guinea neighbours in regard to seasonal work visas. I have spoken about this before in this House and I was disappointed to see that it was dismissed recently as an option by our Federal Government.

I do not accept the argument that Papua New Guinea citizens will overstay their visas or that we should deny them access because we are only interested in permanent migrants. I have met with senior Papua New Guinea government Ministers, officials and senior defence force officers. I also met with the raskol gang leaders in Port Moresby at their request. They are all prepared to commit to a controlled, disciplined system of management for a program which would involve Papua New Guinea workers from specific wan-tok groups establishing working relationships with farms and farming communities in rural Australia. As part of the program they would have to pass stringent medical examinations and would have to remit some of their wages to bank accounts in Papua New Guinea, which would allow them to invest in small enterprises on their return.

They would also be advised that this would be the start of a long-term relationship with these communities and that if they overstayed their visas or did not comply with the conditions they would ruin the opportunity for their wan-toks to be involved in future programs. I would like our Department of Foreign Affairs and Trade and Department of Immigration and Indigenous Affairs to place a moratorium on excuses and establish a trial seasonal visa system specifically for Melanesians. It is a distressing fact that our rural farmers cannot get sufficient labour to pick fruit and harvest vegetables and, therefore, cannot maximise their potential. It is also a fact that Papua New Guinea citizens have been picking fruit and harvesting vegetables for centuries and are qualified and willing to come here to work. Such a program would lead to the establishment of warm personal relationships between our communities, a better understanding of each other, and would provide mutual economic benefits for each other. If we cannot work out a way to welcome our Melanesian neighbours into our rural communities as seasonal workers, then any other aid initiatives are doomed to failure. That would be a great shame.

CHINA GUANGDONG-AUSTRALIA BUSINESS CONFERENCE

The Hon. HENRY TSANG (Parliamentary Secretary) [10.31 p.m.]: This morning I had the great pleasure of attending the opening session of the China Guangdong-Australia Business Conference. It is the first Australia-China business conference of its kind to be held here, with an impressive business and government delegation from Guangdong Province flying to Sydney for the occasion. As members would know, since 1979 Guangdong Province has had a sister-State relationship with New South Wales, an initiative of the Wran Labor Government. What started with diplomatic links has recently turned into a mature relationship based on trade, tourism and cultural exchanges. That has been aided by a combination of Australia and New South Wales paying closer attention to China and Asia in general, and also China's developing economy and emergence in global trade.

The Guangdong delegation is led by the party secretary, Mr Zhang Dejiang, and comprises 400 officials and business people, including mayors from 20 of the largest cities in the province. On our side, hundreds of Australian companies and organisations responded to this great opportunity of meeting with potential partners from various fields requiring investment. The Guangdong Department of Foreign Trade and Economic Co-operation identified 150 major investment projects for closer co-operation in areas such as agriculture, infrastructure, textiles, machinery, biotechnology, pharmaceuticals and services. China's economic development has helped reduce poverty and brought benefits to its people. This economic development has also brought opportunities for New South Wales and Australia. As the Minister for Primary Industries said on the Premier's behalf:

> I am not one of those who feel threatened by China's rapid economic expansion. There is no way that China could have stood apart from the global free market economy. And we must accept that no bilateral trading partnership can bring equal benefits to both sides. In our trading relationship with Guangdong the benefits so far have gone mainly to the Chinese side. NSW buys from China roughly eight times as much as China buys from NSW. So I welcome this conference as an opportunity for Australian businesses to discover new and fruitful export markets in Guangdong and other parts of China.

The Minister is right. That is why the New South Wales Government focused early on in its trade and investment strategy with Asia and created the New South Wales-Asia Business Advisory Council. As well as promoting the trade relationship between New South Wales and Asia, the advisory council provides advice to the Government. One of its recommendations was adopted by the Government and acted upon: business migration. The Premier has said:

> I lead a government committed to growth and development, and if Australia is to secure the higher population and the skilled workers we need to compete in the global marketplace, we need more migrants.

That creates jobs locally for young Australians and helps us to address the trade imbalance with the region. Using expatriates who have a deep knowledge and existing links in these markets helps us greatly, and with Guangdong's gross domestic product increasing at an annual rate of more than 10 per cent over the past decade, the climate is right for our exporters to seize this opportunity—not only traditional exporters of raw materials and mineral resources, but new, innovative, knowledge-based industries.

The Premier has identified the massive investment in the ports and other infrastructure which will benefit trade and exports: tripling the capacity of Port Botany, transforming Port Kembla into the leading port for handling motor vehicles, and the provision of a third coal loader in Newcastle. These facilities will be used for exports as well as imports. I congratulate the Guangdong delegation for choosing to hold this conference in New South Wales. We value our bilateral relationship and hope that through exchanges such as this conference we can forge new trade links and promote economic growth and development for our mutual benefit. Growth and development creating jobs for young Australians, securing our future, and maintaining Australia as the most successful multicultural society in the world.

SIXTIETH ANNIVERSARY OF ALLIES VICTORY OVER JAPAN

The Hon. DAVID OLDFIELD [10.35 p.m.]: When I last spoke on the adjournment, I started setting the record straight on the use of atom bombs to bring World War II to an end. My object is to address ill-conceived and ignorant articles that argue the dropping of the atom bombs was unjustified. I seek to highlight factual material and, hence, appropriately balance the nonsense that continues to be printed on this issue. It is easy to look back 60 years and say the use of the atom bomb was a terrible tragedy and that the deaths of all those Japanese was horrible: it is easy because it is true. It was a tragedy and those deaths were horrible, but that does not remove the necessity of the action, because it was appropriate given the circumstances at the time.

It has been suggested Japan was on the verge of collapse, but Japan held vast territories and had millions of men under arms and the only way to change that was by invading Japan. I might point out that not only were those millions of men under arms but also at the peril of those soldiers were hundreds of millions of innocent civilians who were, of course, in occupied territories. However, the atom bomb forced Japan to surrender without invasion. It has been suggested the atom bomb could have been demonstrated without loss of life. That is rubbish. I again remind the House of the conventional firebombing of Tokyo five months before the atom bomb was dropped: more devastation, more property damage and more people killed than by either of the atom bombs, and yet Japan was not pushed to surrender. So much for the value of such demonstrations. It is documented that Japanese military leaders were willing to sacrifice 20 million people if invaded. No atom bomb demonstration was going to cause the Japanese to surrender. The notion of such a thing is plain silly and completely denies the determination of the Japanese people, something which had been demonstrated time and time again. Indeed, even the first atom bomb did not make the Japanese surrender.

On 13 September I outlined the enormous military and civilian death tolls that accompanied the defeat of the Japanese at Pelelui, Saipan and Okinawa—illustrating the commitment of the Japanese to fight to the death. Such was a small example, but there are countless others—Iwo Jima, New Guinea, China, Burma and so on. I mentioned the increasingly commonplace massacres of allied prisoners of war. The Japanese demonstrated an absolute disregard for the lives of their enemies. They did not differentiate between soldiers, nurses, men, women, children or infants. After surrendering in 1942, 141 members of the Netherlands East Indies Army were disarmed and, strangely, permitted restricted freedom of the town of Samarinda in Borneo where most of the soldiers lived with their families.

On 30 July 1945, after more than three years of this arrangement and only days before the war would end, the Japanese rounded up these soldiers and their families. The men and children with their hands tied behind their backs watched as the Japanese systematically cut the women to pieces with swords and bayonets. The screaming children were then seized and hurled alive down a 600-foot deep mine shaft. Having witnessed the slaughter of their wives and children, the men were then executed by beheading. When the grisly ritual was over, the bloodied corpses and severed heads of the 141 men were thrown down the mineshaft on top of the bodies of their murdered wives and children.

This massacre was discovered by Australian troops searching for the missing Dutch soldiers, and serves as but one of many examples of the kind of murder awaiting hundreds of thousands of soldiers and civilians held captive by the Japanese if Japan had been invaded. Millions of Japanese soldiers were prepared to defend mainland Japan. History clearly shows that the majority would have died in that defence. The Americans estimated they would suffer 1.2 million casualties, of whom 267,000 would be killed. We will never know how many Japanese civilians would have died because the scenes of women, children and old men charging at American machine guns and artillery were averted by the atom bombs. While human loss is a distasteful matter to consider in simple mathematical terms, the overwhelming pragmatic view is the dropping of the atom bombs saved lives, and no amount of moral posturing or sorrow after the fact will change that.

TRIBUTE TO MR BILL BROWNE, JUSTICE OF THE PEACE

The Hon. JAN BURNSWOODS [10.40 p.m.]: It is interesting that the speaker I am following should have devoted his whole speech to 1945 because in part I want to do the same. I pay tribute to Bill Browne of Epping, who was reappointed recently as a Justice of the Peace and who has now clocked up 60 years as a Justice of the Peace, starting in 1945. I do not know whether honourable members saw the recent story in the *Sydney Morning Herald*, but Bill, who is now 96, is a long-term member of the Australian Labor Party. He is still working part of the week as an accountant and he has been a Justice of the Peace for 60 years. I asked the Attorney General if we could establish whether Bill is the longest-serving Justice of the Peace but, unfortunately, as the article points out, the records do not go back far enough to establish that absolutely. However, I very much hope that Bill Browne is the longest-serving Justice of the Peace.

[*Time for debate expired*.]

Motion agreed to.

The House adjourned at 10.41 p.m. until Wednesday 9 November at 11.00 a.m.