

LEGISLATIVE COUNCIL

Tuesday 13 May 2008

The President (The Hon. Peter Thomas Primrose) took the chair at 2.30 p.m.

The President read the Prayers.

The PRESIDENT: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

BOARD OF ADULT AND COMMUNITY EDUCATION REPEAL BILL 2008

HIGHER EDUCATION AMENDMENT BILL 2008

EDUCATION AMENDMENT BILL 2008

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2008

JUSTICES OF THE PEACE AMENDMENT BILL 2008

GAS SUPPLY AMENDMENT BILL 2008

Messages received from the Legislative Assembly returning the bills without amendment.

LEGISLATION REVIEW COMMITTEE

The Hon. Amanda Fazio tabled, on behalf of the Chair, a report entitled "Legislation Review Digest No. 6 of 2008", dated 13 May 2008.

Ordered to be printed on motion by the Hon. Amanda Fazio.

DR GRAEME REEVES APPOINTMENT

Production of Documents: Further Order

The Clerk tabled, pursuant to the resolution of 7 May 2008, documents relating to a further order for papers regarding the appointment of Dr Graeme Reeves received on 9 May 2008 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of 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.

PETITIONS

Camden School Development Application

Petition requesting that an inquiry be held into the development application to Camden Council for a primary and secondary school and calling for suspension of the application until the identity, funding sources, capacity, ideology and competency of the landowner and prospective school proprietor are fully ascertained, received from **Reverend the Hon. Fred Nile**.

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Presentation of an Irregular Petition****Motion, by leave, by Reverend the Hon. Fred Nile agreed to:**

That standing orders be suspended to allow the presentation of an irregular petition from 48 citizens concerning a development application to the Council of Camden.

IRREGULAR PETITION**Camden School Development Application**

Petition requesting that an inquiry be held into the development application to Camden Council for a primary and secondary school and calling for suspension of the application until the identity, funding sources, capacity, ideology and competency of the landowner and prospective school proprietor are fully ascertained, received from **Reverend the Hon. Fred Nile**.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business**

Ms LEE RHIANNON [2.39 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 123 outside the Order of Precedence, relating to a further order for papers regarding World Youth Day 2008, be called on forthwith.

This is a matter of urgency as World Youth Day is only 63 days away and is a costly event.

[*Interruption*]

I acknowledge the strange noises coming from the Treasurer.

The Hon. Robyn Parker: Animal noises.

Ms LEE RHIANNON: I acknowledge that interjection also. Again the Treasurer is failing to do his job by not releasing papers detailing the costs of World Youth Day 2008. That underlines the urgency of this motion. World Youth Day is a costly and important event, but the New South Wales Government is being highly secretive about the costs. This motion needs to be debated today as the Government refuses to publicly disclose the details of the cost. This urgent issue warrants the immediate attention and consideration of this House. The Government has committed more than \$100 million to World Youth Day 2008. Surely this House has the responsibility to require the Government to release the documents that will reveal what money is being spent. This is a matter of urgency as the planning, coordination and delivery of services for World Youth Day is well advanced and this House must understand how that money is being spent. The public has a right to know how World Youth Day is being managed and how much it will cost.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

Mr Ajaka
Mr Clarke
Mr Cohen
Ms Cusack
Ms Ficarra
Mr Gallacher
Miss Gardiner

Mr Gay
Ms Hale
Dr Kaye
Mr Khan
Mr Lynn
Mr Mason-Cox
Ms Parker

Mrs Pavey
Mr Pearce
Ms Rhiannon
Tellers,
Mr Colless
Mr Harwin

Noes, 22

Mr Brown	Mr Macdonald	Mr Tsang
Mr Catanzariti	Reverend Dr Moyes	Ms Voltz
Mr Costa	Reverend Nile	Mr West
Mr Della Bosca	Mr Obeid	Ms Westwood
Ms Fazio	Ms Robertson	
Ms Griffin	Mr Roozendaal	<i>Tellers,</i>
Mr Hatzistergos	Ms Sharpe	Mr Donnelly
Mr Kelly	Mr Smith	Mr Veitch

Question resolved in the negative.

Motion negatived.

MINING AMENDMENT BILL 2008**Second Reading**

Debate resumed from 7 May 2008.

The Hon. TREVOR KHAN [2.50 p.m.]: I lead for the Opposition on the Mining Amendment Bill 2008 and indicate that we will not oppose the bill. However, the Opposition has some concerns that reflect representations that my colleagues and I have received from the mining industry. I thank the Hon. Penny Sharpe for seeking to clarify the Government's position in relation to several issues that were raised by my colleagues in the other place and I will attempt to not raise concerns that have been addressed satisfactorily by her. The bill seeks to change the environmental regulations and the enforcement provisions of the administrative processes within the mining industry.

The Opposition believes it pertinent to note that in 2005 the State Labor Government released a positions paper concerning the proposed changes, but the bill was not introduced until 2008. Although the Opposition believes that the proposed changes are significant, three years is far too long to hold the industry in limbo over these amendments. The mining industry is vital to the New South Wales economy; it is a significant export earner, it provides thousands of jobs, provides the Government with hundreds of millions of dollars through royalties, and holds together many rural communities. The industry deserves consideration.

Whether exploration, mining approval or a regulation concerning actual mining is involved, years are lost with the industry forced to comply with ever-increasing legislation or regulations. The Coalition believes in sustainability and environmental neutrality of the mining industry. However, it equally supports the need to bring this great State back to its economic prominence—back into distinction, after being dragged backwards by a tired and arrogant State Labor Government crippled by inaction through numerous scandals.

The mining industry, along with most other forms of commerce in New South Wales, is being forced to comply with ever-increasing regulation. This once mighty State of ours is going backwards during the time of a minerals boom, prompting economists from the ANZ Bank to describe Australia late last year as a "two-speed economy", referring to the booming economic growth of Queensland and Western Australia compared to the sluggish, and some say recessive, nature of the New South Wales economy. It is the Opposition's contention that the State is engulfed in red tape.

Notwithstanding what honourable members of the Government have said about the bill, the Opposition shares the concerns of the Minerals Council of New South Wales that these amendments will increase red tape and restrict the viability of mining operations. The bill brings the Mining Act, the Environmental Planning and Assessment Act and the Protection of the Environment Operations Act essentially under one umbrella. I accept what honourable members on the other side have said—that the Government intends to reduce red tape through the enactment of amendments to the assessment processes under the Mining Act that allow for recognition of either agency's assessment processes.

However, the Coalition believes that by doing so, and without express exemptions, that will lead to situations whereby one bureaucracy is frozen into inaction while other bureaucracies go through their assessment processes. That would prove to be the case, because the original bureaucracy knows full well that it

can now—nay, must—recognise other agencies' processes and to act themselves could leave the door open for a challenge of lack of due process. As a result, not only will red tape and the time involved to process applications increase, but also the Opposition envisages that turf wars between bureaucracies will develop.

The Minerals Council believes that the bill needs to go further to address the most serious concerns of the industry—cutting red tape—if it is to deliver on the original intent of improving mining administration in New South Wales. The Coalition agrees wholeheartedly. It has been noted by the Minerals Council that the bill has a number of amendments that appear to increase red tape for the mining industry, contrary to Government policy. The key concern of the Minerals Council is how the Mining Act and the Department of Primary Industries, as the overseer of that Act, will interact with the legislation and other government agencies in their roles. The Minerals Council informs that this is particularly the case where many of the proposed amendments will result in further duplication with other government agencies, particularly the Department of Environment and Climate Change and the Department of Planning.

Again, I accept from honourable members opposite that there is not an intention for duplication or multiple prosecutions and that "prosecutions will be coordinated across agencies wherever possible". However, the Coalition hears a lot from those opposite of integrated and coordination action of the State's bureaucracies. I fear that by enacting a bill that opens the door for further interagency lack of communication and inaction, we will witness the exact opposite. In response to the assertions that the Government does not intend multiple prosecutions and that the Minister is committed to delivering guidelines and supporting materials establishing an enforcement policy by the end of 2008, I again draw to the attention of the House the three-year time lag between when the discussion paper outlining the proposed changes was released and the bill being brought before Parliament. The Opposition supports the Government's action on these guidelines and hopes that they are delivered to the industry in a timely fashion and not delayed through bureaucratic processes.

An industry that has been waiting for three years to implement the changes of this Government will now have to wait a further six months before fully knowing the Government's enforcement policy. That is not an ideal situation. The Minerals Council further believes a significant duplication arises from the application of section 75V of the Environmental Planning and Assessment Act. The amendments make it clear that the environmental impacts associated with the exploration and mining of minerals will be assessed prior to those activities being approved and carried out. Although the Opposition supports such integrated assessment, it questions the seriousness of the Government to actually implement changes in any sector in an integrated fashion. Experience tells us that whilst buzzwords such as "integrated assessment", "whole-of-government approach" and "interagency communication" are oft touted by the Government, all it takes is a simple examination of how different departments communicate with one another to find basic flaws.

Almost every committee undertaken by honourable members throughout the spectrum of views in this place and the other place hears from bureaucrats and front-line service providers of a lack of communication between departments and, depending on the context, that can have grave consequences. In the other place the member for Wollongong, a Parliamentary Secretary, said:

The assessment will take place in an integrated fashion ...

She went further, and said:

... aspects of the assessment may take place under the Mining Act approval processes or another environmental approval process such as a Department of Planning approval.

The Opposition identifies a conflict between those two statements and foresees a situation arising that would lead to a lack of integration and communication between the various government agencies that are involved with these amendments. The Coalition recognises the significance of the bill and will not, as I said, oppose it. Government members in both places have attempted to satisfy the concerns of the Coalition and the industry about the changes. Essentially, the Coalition does not oppose the legislative changes. Our concerns, that we all hope prove to be inaccurate, lie with the operation of the law and the role played by State bureaucracies within a vitally important industry of New South Wales—an industry, may I add, that will play a key role in any economic revival of the State.

The Hon. HELEN WESTWOOD [2.59 p.m.]: I support the Mining Amendment Bill 2008. Mining has long been an important contributor to the wellbeing of communities across this State. Mining is providing great economic returns. However, the mining industry must be sustainable and minimise impacts on the environment. The Government recognises the need for sustainability by incorporating ecologically sustainable

development in the new objects clause of the bill. The integrated approvals process proposed in the amending provisions of the bill is the primary means of achieving ecologically sustainable development. One of our most important responsibilities is to regulate mining in such a way as to minimise adverse impacts. This means ensuring that impacts are managed and rehabilitation of mine sites is undertaken to restore land and water to a state that will be suitable for use by future generations. The Government has a strong legislative framework in place to make sure that the impacts of mining activities on the environment are minimised. The proposed amendments to the Mining Act strengthen regulation of the mining industry, consistent with other New South Wales environmental legislation. The bill does not duplicate that legislation.

Today I want to speak about the role each element of the legislative framework plays to ensure that impacts on the environment are minimised throughout the life of a mine. The legislative framework for mining is made up of three main Acts, the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997 and the Mining Act 1992. The three Acts work to protect the mining environment in different ways. The Environmental Planning and Assessment Act provides an assessment and approval process for new projects. Under that Act mining proposals must be assessed for their environmental and social impacts well before they are allowed to commence.

Under the Environmental Planning and Assessment Act, the Minister for Planning is the approval authority for major mining proposals, while councils and shires are the consent authorities for small projects. Exploration proposals are assessed by the Department of Primary Industries. If a project is approved under any of the department's processes, conditions may be imposed on a project to make sure the environment is protected. The upfront assessment of environmental impacts is a key mechanism in achieving that objective. Encouraging ecologically sustainable development is an object of the Environmental Planning and Assessment Act. That Act coordinates the upfront assessment process for mines in the State. The second of the three Acts that provide environmental management is the Protection of the Environment Operations Act. Its role is to ensure that mining operations effectively control any air, noise, water and waste pollution. That Act requires that anyone seeking to carry out an activity that could pollute the surrounding environment must have a licence.

I turn now to the Government's role and responsibilities under the Mining Act for environmental management of exploration, mining operations and rehabilitation. The Department of Primary Industries is responsible for regulating the rehabilitation of mine sites. To do so effectively, the department must ensure that the industry manages its impacts on the environment during the life of a mining project to minimise the area that will require rehabilitation. The bill will provide additional powers and strengthen the requirements for environmental management. On a regular basis companies will be required to provide an updated rehabilitation plan, report against achievement of that plan, and provide security against achievement of the rehabilitation.

Securities cover the full rehabilitation costs of activities on all titles to ensure that the State does not incur financial liabilities if a titleholder defaults on their rehabilitation obligations. Only when the department is satisfied that all rehabilitation requirements have been met will the security be discharged. The Department of Primary Industries currently holds more than \$820 million in rehabilitation security bonds. Given the necessary range of approvals required, it is important to coordinate and streamline the requirements. This is a key objective of the proposed amendments. The amendments draw on powers in other legislation to enable the integration of agency processes, as their powers will be similar.

Those powers do not duplicate—rather, they complement—other environmental legislation, and facilitate the reduction of red tape. For example, having consistent legislation will mean that companies will be able to produce one environmental report to satisfy the reporting requirements under a number of Acts and one audit could be undertaken to meet the requirements of a number of agencies. Reporting requirements will be streamlined under the proposed amendments because all agencies will have similar powers of investigation and will be required to treat information obtained in the same way. This will reduce the administrative burden for operators while ensuring that each agency receives the necessary compliance data and maintains appropriate oversight of operations.

The proposed amendments do not increase or duplicate the existing approvals framework but rather specifically recognise that if an issue already has been assessed under another process, the assessment under the Mining Act does not need to duplicate the consideration. This is a significant benefit for industry as it will reduce administration costs and streamline the approvals processes. Taken together with the Environmental Planning and Assessment Act and the Protection of the Environment Operations Act, the existing legislative framework to protect the environment from mining impacts is effective: but, as effective as the present environmental regulation of the industry is, the bill's proposals for amendment will significantly strengthen that

framework. In addition, the amendments will assist in achieving consistency across the legislative framework in managing the environmental impacts of mining, facilitate streamlining, and reduce duplication in the approvals framework. The bill's amending provisions are designed to ensure that the mining industry is responsible for the environment and that the industry is sustainable in the future. I commend the bill to the House.

Reverend the Hon. FRED NILE [3.05 p.m.]: The Christian Democratic Party supports the Mining Amendment Bill 2008, which deals with a number of important aspects. The bill amends the Mining Act 1992, which regulates mining activities in New South Wales by requiring certain titles to be obtained prior to the commencement of mining operations. These titles, together with other statutory approvals, such as environment protection licences under the Protection of the Environment Operations Act 1997 and planning approvals under the Environmental Planning and Assessment Act 1979, regulate the impact of mining on the environment. The Mining Act, among other things, regulates the rehabilitation of mine sites during the course of mining, and that is very important.

The environmental management provisions in this legislation have not been updated since the Act commenced in 1992. As a result, some parts of the Act no longer represent contemporary environmental standards. The bill will amend the Act to ensure it is consistent with contemporary environmental standards, particularly by the inclusion of objects that are extremely important. The bill will incorporate the principles of ecologically sustainable development within the Act. The objects of the principal Act already deal with a number of aspects but the bill will make the objects very specific from the Government's perspective and particularly from the mining industry's perspective—they will know where they stand. As a result of this bill being passed, the objects of the Act will recognise and foster the significant social and economic benefits to New South Wales resulting from the efficient development of mineral resources.

We all know that mining has been of great economic benefit to New South Wales. Previous debates have discussed the need to remove bottlenecks suffered by the mining industry, particularly those relating to the transportation of exports or at loading facilities in our ports. The Christian Democratic Party supported new developments in Newcastle to provide adequate shipping facilities for the transportation of minerals to wherever they need to go, which is mainly China. The objects of the bill provide for an integrated framework for the effective regulation of authorisations for prospecting and mining operations. This will ensure that there are no hillbilly operations, and that prospecting and mining operations are properly authorised as well as conducted lawfully.

A most important new object is a framework for compensation to landholders for loss or damage resulting from mining operations. There are ongoing reports of subsidence in certain areas of New South Wales, for example, in the Hunter Valley and in the Camden area. In some cases longwall mining may have brought about the subsidence. It is therefore extremely important that landholders have a legal entitlement to compensation. The new objects also will ensure an appropriate return to the State from mineral resources. In other words, royalties will be payable and those royalties will go into Consolidated Revenue, which will benefit the people of the State and not simply the owners of the mines. Two of the new objects deal with the rehabilitation of mine sites—a most important endeavour in which great advances have been made in recent years. The legislation will require the payment of security to provide for the rehabilitation of mine sites, and will ensure effective rehabilitation of disturbed land and water. The new objects also will ensure that mineral resources are identified and developed in ways that minimise impacts on the environment.

It is very important to spell out in detail the area of rehabilitation, the security to be paid by the mine company, which is its guarantee of carrying out rehabilitation of mine sites and that the rehabilitation is effective. Although it may be debatable whether land can be restored to its original state, the Government must ensure that after mines, especially open mines, are closed, the land is restored as close as is humanly possible to its natural state. The Christian Democratic Party supports the legislation, which will strengthen existing environmental requirements to effectively manage environmental impacts of mining without unnecessarily adding to the costs of compliance by the industry or creating more extreme green tape that prevents the efficient operation of the mining industry in the State.

The Hon. TONY CATANZARITI [3.11 p.m.]: I support the Mining Amendment Bill 2008. Mining in New South Wales has a long and significant history. In 1797 Lieutenant John Shortland noticed, while he was searching for escaped convicts, a coal seam in a headland near an area that later became Newcastle. By 1799, just two years after the discovery of coal and only 11 years after European settlement, the first shipload of coal was exported from Newcastle to Bengal. A Department of Lands surveyor made the earliest recorded discovery of gold in 1823 at Bathurst. In 1851, the first Australian gold rush began in the central west of the State. The New England region also has a rich history of mining—for some years the greatest amount of blue sapphire in the world was produced annually from the New England region.

Diamond mining in the nineteenth and twentieth centuries was estimated to have produced up to 500,000 carats. Tin mining was undertaken when demand was high. Broken Hill provided one of the greatest minerals bonanzas of the nineteenth and twentieth centuries, with its lead, zinc and silver resources. The wealth derived from the mineral resources of New South Wales has played a significant role in the history and development of Australia. But there was a problem with all this mining activity, and that problem was the frequent degradation of the countryside around mine workings. Often just as much of a problem were the safety issues from unsafe ground, abandoned shafts and machinery. In the past the need to rehabilitate land was not recognised. Environmental damage was seen simply as the cost for winning the wealth associated with mineral resources.

As time went on, community and Government expectations changed and mining operations were required to make sure that the environment was managed. Standards of care regarding pollutants and the need for effective rehabilitation were introduced. As we know, such requirements have since been extended significantly and the current bill proposes a further enhancement of the requirements. In the meantime, many of the old abandoned mines were left un-rehabilitated and in a derelict state. Currently more than 570 New South Wales mine sites are classified as derelict, the majority of which are small metalliferous mines. The Derelict Mines Program commenced in the 1970s with an annual allocation of \$125,000. The program was created to fund the rehabilitation of the most environmentally damaging and unsafe of these unrehabilitated areas. The program continues today, with an annual allocation of around \$1.8 million.

Funds are applied to the rehabilitation of former mine sites when companies no longer exist and individuals who may be held responsible cannot be found. For land to be included in the Derelict Mines Program, mining must have been authorised under the Mining Act 1992 or its predecessors, the mining title must be extinguished, and mining must have ceased. Due to the current requirement for securities to cover rehabilitation obligations, the funds from the program will be applied only to mining operations that had been abandoned prior to the introduction of these requirements. The Department of Primary Industries, in consultation with the Department of Environment and Climate Change, the Department of Lands and the New South Wales Minerals Council, administers the program.

Projects that are eligible for funding under the program are selected on a priority basis. Priorities include the risks to public safety, pollution impacts, contamination, erosion or land degradation, and public concerns. In 2006-07 approximately 37 rehabilitation projects were completed under the program. One of these was the rehabilitation of the former Yerranderie silver mine, which is south west of Sydney. This project was undertaken in partnership with the Sydney Catchment Authority, which contributed funding of \$100,000. The work done under the Derelict Mines Program is both essential and a great service to the New South Wales environment and our community. However, until proposals were included in the Mining Amendment Bill, the Derelict Mines Program had no legislative basis and that led to practical problems for those carrying out the rehabilitation work on the mine sites. For example, there can be difficulty in obtaining access to some sites where the abandoned workings and affected areas are located on private properties. If access cannot be obtained, the issues associated with the sites cannot be remedied. Without remedial works, impacts such as pollution, erosion, unsafe mine shafts and equipment could represent continual exposure of both the environment and the community to risks.

The amendments proposed in the Mining Amendment Bill 2008 are designed to overcome unwanted possible outcomes. First, the amendments provide a statutory basis for the New South Wales Derelict Mines Program as they propose to declare sites as derelict mine sites. Such declarations will allow authorised officers and contractors engaged by the State to enter sites to undertake appropriate rehabilitation works. Second, the amendments provide for the establishment of a Derelict Mines Fund. The Government will continue to support the fund financially, as it has for over 30 years. The fund also will have access to proceeds from the disposal of unclaimed mining plant and equipment.

The amendments clarify and bring up to date provisions for the removal and disposal of plant and equipment under the Mining Act. Further, the proposed amendments will define the extent to which forfeited securities from other mine sites can be used for the rehabilitation of abandoned mines. The amendments will support the existing good work carried out under the Derelict Mines Program and will ensure that the State has appropriate powers to carry out works on abandoned mine sites so that adverse impacts are reduced.

The Mining Act already provides for the holder of a mining authority to lodge a security to cover obligations arising from the Act. The Mining Amendment Bill 2008 further strengthens the legislative provisions relating to securities, which means that, in the future, should a mine be abandoned, the securities will

be a source of funds for rehabilitating the site. Rehabilitation of modern mine sites therefore will not become an impost on the Government or the community. The Derelict Mines Program takes care of rehabilitation from mining that has long past. The requirement to lodge securities takes care of the costs of rehabilitation of mine sites in the future. The amendments will provide a more certain basis for both the collection of securities and the rehabilitation of abandoned mine sites, for the benefit of the environment and the broader community of New South Wales. I commend the bill to the House.

Ms LEE RHIANNON [3.20 p.m.]: Three years ago when the Government briefed the Greens and environment groups on the review of the Mining Act, the Greens welcomed the Government's intention to strengthen the environmental provisions of the Act. We are pleased that some of the improvements discussed at that meeting in 2005 have made their way into the bill. It has been a long time coming, but this aspect is positive. I point out that once again the Minister responsible for legislation—in this case Mr Macdonald, the Minister for Mineral Resources—is not in the House when a major legislation is being debated.

The Hon. Christine Robertson: His Parliamentary Secretary is in the Chamber.

Ms LEE RHIANNON: I acknowledge that interjection, but I still note that there has been a major change in the way the House works. Rarely are Ministers in the House when their own legislation is being debated, and that reflects an attitude of disrespect for parliamentary process that appears to be coming from this Government.

The Hon. Amanda Fazio: Oh, rubbish!

Ms LEE RHIANNON: I acknowledge all the interjections. It is disappointing that Labor members defend such actions. The Greens recognise that the Government has updated and improved the environmental provisions of the Mining Act in line with other environmental legislation. We support the inclusion of the principles of environmentally sustainable development in the Act and the broadening of the definition of the environment, which had not been updated since 1982. Though the bulk of the amendments are technical in nature, there are some good things in the bill, such as tightened environmental management of mine rehabilitation and improved regulation of rehabilitation bonds, with regular audits of mine operations; the right of the Minister to vary mining titles that govern the mine area, rehabilitation plans, compensation liabilities and royalties over the life of the mine; the capacity of the Minister to examine the past environmental performance of mining companies; and greater liability placed on directors of mining companies for offences committed by a mine and for damage caused to off-title lands.

Although the Greens support the bill, we do so with profound concern and regret that the seven-year process did not go further. The amendments do not address the ongoing environmental destruction mining causes to rivers, farmlands and regional communities and, in particular, the longer-term need to curb expansion of the coal industry as a response to climate change. Despite what staff of the Department of Primary Industries describe as a lengthy review process—one staffer told us it began in 2001-02—the Government has failed to address most of the key mining-related environmental considerations: the impact of coalmining and coal-fired power on Australia's carbon dioxide emissions and our response to climate change; the continued environmental destruction, especially of rivers and water catchment areas, caused by open cut and underground mining activities; the speculative public money being spent on clean coal research that should be invested in proven renewable energy technologies; the excessive subsidy of the coal industry at the expense of investing in renewable energy industries; the loss of potential jobs growth in renewable and sustainable industries; the impossibility of ever rehabilitating the mega coalmines that have burgeoned in this State; and the severe shortcomings of public participation in the environmental decision making processes for mining approvals in New South Wales.

Fundamentally, mining is at odds with the environment. It destroys habitats and agricultural lands, damages rivers and wetlands and pollutes communities. But the Greens are not against mining, as the Minister and Conservative members of both Labor and the Coalition parties like to make out.

The Hon. Rick Colless: You want to close the mines.

Ms LEE RHIANNON: I note the interjection. Once again the member has it totally wrong. We are not calling for the closure of mines.

The Hon. Rick Colless: Yes you are.

Ms LEE RHIANNON: You will not find that in our policy anywhere. We are saying there should be no new coalmines. Read our policy, listen to our statements and get it right. We are advocating a balanced policy that limits—

The Hon. Greg Donnelly: Throw the coalminers out of work!

Ms LEE RHIANNON: No, we are making sure. The Government is throwing them out of work. The number of coalminers in this State has decreased by thousands under the Labor Government. Our policy advocates and sets out how we can ensure that they and their children will have jobs well into the future.

The Hon. Greg Donnelly: That is the Government's position.

Ms LEE RHIANNON: It certainly does not play out that way. We are advocating a balanced policy that limits environmental damage and negative health impacts while ensuring the economic benefits of extractive industries flow to local communities, not to overseas interests. I was hoping there might have been an interjection at this point because that is where Mr Macdonald and his ilk are really backing the overseas companies. The Greens acknowledge there are some benefits from the mining interests but so much of it is going directly overseas. The thrust of the Mining Act has always been the regulation of mining for the benefit of mining companies, their profits and State royalties. The changes that the Government is proposing do not alter that. The Government spent seven years reviewing the environmental provisions of its pro-mining laws, passed up crucial opportunities to protect environmentally sensitive areas from mining and overlooked the urgent need to respond to the demands of climate change. That amounts to an abandonment of responsibility for managing the protection of the environment and is deeply disturbing to the Greens and to everyone who is concerned about the future of our natural world.

I know the Minister will deny he has responsibility for the environment—he has told us that time and again—but that is rubbish. We all know that for years the State has sheltered the mining industry from the laws that other industries must follow to ensure the protection of the environment. Mining companies have historically enjoyed an elevated status of State significant development. Until very recently section 74 of the Mining Act exempted mining companies from many environmental controls in the Environmental Planning and Assessment Act and the results for the environment, rivers and wetlands have been disastrous. Any genuine attempt by the Government to improve environmental outcomes of mining must include an examination of all the legislation that regulates and approves mining—the planning legislation that governs conditions of consent and the environmental legislation that governs pollution licences—as well as the Mining Act. Mining regulation in New South Wales is a multifaceted beast. Any review should have covered the regulatory role of both the Department of Planning and the Department of Environment and Climate Change. To do less in the current era of climate change was sheer negligence on the part of the Government.

The regulation of mining in New South Wales has failed to prevent environmental damage. The review could have shifted the outdated emphasis of New South Wales laws from predicting and monitoring mining damage and patching it up afterwards to preventing damage, and constraining the obscene grab for profits by the industry so that waterways and sensitive ecosystems may be spared irreparable damage. That is the point that the conservative members in this place need to understand. We can have balance; we can have mining but simultaneously we need to work on environmental protection rather than sacrifice it. Let us face it: our rivers, creeks, rich farming lands, wetland and native woodlands have been sacrificed to the insatiable hunger of greedy mining giants intent on bloating their already obscene profits. The big winners are overseas investors.

The Hon. Charlie Lynn: What is an obscene profit?

Ms LEE RHIANNON: I am not saying there is anything wrong with profit. I am objecting to the profit going overseas. The members interjecting are backing the multinational coalmining companies owned in China, the United States and Scandinavia, and that is where the profit is going.

The Hon. Greg Donnelly: What about BHP Billiton?

Ms LEE RHIANNON: Where does the Hon. Greg Donnelly think most of its profit is going? He is living in the past, about 40 years ago, if he thinks its profits stay here.

The Hon. Charlie Lynn: We are doing all right.

Ms LEE RHIANNON: When we talk about BHP Billiton, we are talking about big profits. In 2006, in six months, BHP Billiton's profit was more than \$11 billion. All we are saying is that a lot of that money should be staying here and put to work in Australia. The big winners are overseas investors and the losers are the people who live in mining communities as well as the health of our environment. The Greens had hoped the review would result in a tougher regime to avoid and minimise mining damage to environmentally sensitive lands and water. We also hoped it would result in a legislative framework for assessing and managing the cumulative impact of mining on regions, water catchments, river systems, biodiversity and climate change. It did not. This failure goes to the heart of the Greens' regrets over this bill. Incorporating the principles of environmentally sustainable development [ESD] into the objects of the Mining Act is little more than tokenism if specific laws are not introduced to achieve those objectives, just as the principles of environmentally sustainable development are little more than tokenism in the Environmental Planning and Assessment Act when the Minister for Planning, Frank Sartor, can exercise broad discretion to determine the environmental conditions of consent for a coalmine based on little more than a concept plan and a streamlined environmental assessment.

Without adopted laws to achieve the environmentally sustainable development objectives, one has to be suspicious that this aspect of the bill is a public relations exercise. I can already hear the Minister the next time local communities, environment groups and the Greens object to a new mining operation. The Minister will be issuing media releases and making speeches about how the law requires the Government to judge each mining application according to environmentally sustainable development objectives. But it is just another deceptive smokescreen, which allows business as usual for the mining companies. During the Legislative Assembly debate on the bill, when Opposition members were not moonlighting as lobbyists for the New South Wales Minerals Council—

[*Interruption*]

There has been a loud moan from the Opposition. Would Opposition members like that interjection to be recorded in *Hansard*? Their objection was extreme—and not surprisingly. They have been ousted because of the job they did, but I imagine the Minerals Council was very pleased with it. They hopped up and down about the turf war between the Department of Primary Industries and the Department of Planning and the excessive red tape that the poor mining companies have to wade through to get a mining approval.

Coalition members revealed their parties' true colours with their callous disregard for environmental outcomes or sustainable development, instead complaining that there is too much environmental regulation in New South Wales and bemoaning that mining companies can be prosecuted under three different Acts for breaching their licences, breaching their conditions of consent and polluting the environment.

The Government's integrated approach to environmental management is consistent with the national strategy for ecologically sustainable development, which has been recognised in Australia since 1992. So it is fortunate that the Coalition did not have carriage of this review. Part 3A of the Environmental Planning and Assessment Act is sinister. It seriously weakens the environmental assessment of mining. It handed a gift to the mining industry in June 2005 when the Government guaranteed that any mining project approval under section 75V of part 3A would also have to be granted a mining lease. No mining company has had an application for a mining lease rejected under part 3A, even when the mine threatens to cause major environmental damage, and that status quo is unchanged by this bill.

Protecting rivers from mining is one such example. Subsidence caused by longwall coalmining was listed as a key threatening process in July 2005 in very strong recommendations from the New South Wales Scientific Committee. This was about the same time that part 3A was passed by the Government with the support of the Coalition. Since then not one threat abatement plan has been prepared for a longwall mine, yet mines have been approved under part 3A and rivers have been undermined, especially in the Sydney and Illawarra water catchment areas. The Government has systematically ignored its own advice, and the mining approval processes of the planning and minerals departments have completely disregarded this important environmental ruling from the New South Wales Scientific Committee.

In October 2006 I moved a motion in Parliament to debate the damage being caused to rivers, creeks and wetlands in New South Wales as a result of subsidence from longwall mining and to place a one-kilometre buffer zone around at least 49 rivers threatened by mining damage in New South Wales. Both Labor and the Opposition refused to debate the issue or support the one-kilometre buffer zone. Mining has now damaged some of those rivers. It is such examples that make Mining Act amendments look so meagre. I have inspected rivers such as the Nepean River, the Goulburn River in the upper Hunter and the Cocks River, which are suffering from the impacts of mining. This review will do nothing to prevent that damage from continuing to occur.

In recent weeks we have learned that the disused Canyon Colliery near Lithgow has been discharging 500 times the safe levels of zinc into the Grose River for many years. Nothing has been done to manage the pollution risk of this old mine. The Government has not tested for this damage; an academic researcher discovered it. Surely the Environment Protection Authority should prosecute this company, but in view of the record of the Environment Protection Authority to date in prosecuting mining companies which breach their conditions of consent, it is doubtful whether anything will happen. The Environment Protection Authority is toothless and very rarely prosecutes mining companies. This is simply unacceptable at a time when our future water supplies are in crisis. These examples are further reminders that we needed a lot more from the review of our mining laws.

Native vegetation will not be better protected from mining as a result of the review. The site of the Anvil Hill coalmine near Denman, the largest intact stand of remnant vegetation on the central Hunter Valley floor, is home to 178 species of birds and animals, many of them threatened, like the grey-crowned babbler; 420 plant species—

The Hon. Amanda Fazio: We only know they are there because the mining company did an impact statement.

Ms LEE RHIANNON: I acknowledge the interjection of Ms Fazio telling us how good the mining company is for its studies. Once again she is wrong.

The Hon. Amanda Fazio: Don't paraphrase my interjections, if you don't mind.

Ms LEE RHIANNON: I acknowledged it, so it will be on the record. Again Ms Fazio is wrong because maybe the mining company has done it, but it failed to find some of the rare endemic orchid species in this area that were found and documented by many of the locals who feel so strongly about protecting the area. There are 420 plant species, including three beautiful and rare endemic species of orchids, and 22 distinct vegetation communities, and the area is rich in indigenous heritage. The site will be utterly devastated by the massive open-cut mine if it goes ahead.

I have acknowledged the stronger rehabilitation provisions in this bill, but the very notion of rehabilitation of the Anvil Hill mine site is ludicrous, given the gross proportions of that mega mine and the sheer devastation it will bring to the countryside. The entire soil structure and seed bank of the Wybong woodlands will be eradicated and cannot be replaced. The reality is that the Government's and the company's version of rehabilitation does not restore native vegetation. It cannot. Few, if any, of the threatened species displaced by mining will ever return.

In 2006 I flew over the Upper Hunter mines from Muswellbrook to Singleton. Two coalminers who work closely with the Greens had suggested, "To understand the impact of coalmining in the Hunter, you need to see it from the air." I appreciate to this day the information and the briefings we obtained from the coalminers. What I witnessed from the air can only be described as a wasteland: a 30-kilometre to 40-kilometre stretch of continuous coalmines, so vast and so deeply gouged into the earth that they are beyond any hope of ever being rehabilitated. The entire soil structure has been obliterated. There is simply not enough soil available to repair them. Much of the Hunter Valley floor has been laid to waste and much of it is beyond repair—not just the woodlands and farming lands, but also many of the rivers and creeks. This Government has little credibility when it comes to strengthening rehabilitation laws. I remember the flight I took over the vast moonscape expanse of coalmines. When I hear the Minister speak about rehabilitation I see before me the Minister's press releases, which talk about how tough he is on cleaning up after mining operations, when in fact it is business as usual for the coal companies and many of the changes are just a cover to allow the companies to continue with their usual operations.

One of the biggest threats that remains unaddressed by this amending bill is pollution in mining communities. A number of Hunter residents have contacted my office in recent years to express their concern about the impact of heavy dust storms in their region. For example, many locals believe the large amount of dust that settles across Muswellbrook is due to the poor management of the open-cut coalmines in the area. I have witnessed huge dust clouds from the hill above the BHP Billiton Mount Arthur mine, not far from the town. Although the conditions of consent for the Mount Arthur mine state that the dust should not exceed the height of the trucks, it is regularly much higher and was about 10 times that height on the day I was there. These dust storms put at risk the health and safety of mine workers, local residents and townspeople.

This serious public health issue is a result of the Government's failure to enforce the environmental conditions that coalmines are supposed to follow. Heavy dust storms in the Upper Hunter are a result of poor regulation of mining companies. As I have said, I have flown over the Hunter Valley open-cut coalmines. Much of this area is now a dustbowl caused by poor coalmining practices. Rather than fund an Environment Protection Authority [EPA] office in the upper Hunter to investigate the pollution and prosecute the mining companies, this Government gives the mining companies awards for environmental excellence. That is just disgraceful.

It is nothing other than a con job! Mining companies are parading around our communities, going to our schools and making out that they are everybody's friends when the dust from those mines is causing serious pollution and health problems for many local people and, in particular, children. What an insult to those who have to breathe in that polluted air and expose their children to the increased risk of respiratory illnesses! In 2004 BHP Billiton was awarded the Hunter Catchment Management Trust Coal Industry Award in Environmental Management for its Mount Arthur coalmine in Muswellbrook—the same mine I spoke about earlier where I witnessed huge plumes of mine dust billowing across the district.

In 2005 BHP Billiton was a part finalist in a Banksia Foundation Award for Environmental Leadership in Protecting Bush, Land and Waterways and for funding research to develop sustainable techniques for rehabilitating the Upper Hunter River—an astonishing contradiction, given that Mount Arthur mine draws so much water from the river and generates massive amounts of dust pollution, which makes its way into the river. Companies such as BHP Billiton use these awards to create a public relations profile to demonstrate that they are responsible environmental managers when they are nothing other than environmental culprits. The New South Wales Government likes to run the line that mines are responsible corporate citizens governed by strict consent conditions that are closely monitored when in reality it is very different.

Last year the Greens analysed the coal industry's record of non-compliance with EPA pollution licences. Data from the EPA's website showed that during the period 2000 to 2006 there were 2,639 reported incidents across New South Wales in which 75 coalmining companies failed to comply with their EPA licences. Of the 488 prosecutions that were made by the EPA during 2000 to 2006 only a handful were against coalmining companies, with fines totalling a mere \$95,000. I note that at present there are no interjections from or wailing by members on either side of the Chamber.

[*Interruption*]

The Hon. Charlie Lynn did not disappoint me. I am quoting Government figures.

The Hon. Christine Robertson: Do you know the trouble you caused the communities up there? That is why.

Ms LEE RHIANNON: I acknowledge the member's disappointing interjection. After all her work in the area of health services she should know about the difficulties and hardships that are being faced by coal communities because of noise, air and water pollution.

The Hon. Christine Robertson: I understand the science of epidemiology instead of hysterical imagination.

Ms LEE RHIANNON: That is insulting to many of the local people that Country Labor members should be representing. The member belittled me but I am quoting figures from the EPA's website. Disputing those figures places the member on weaker ground than she was when she first started interjecting.

The Hon. Christine Robertson: Jobs.

Ms LEE RHIANNON: Under this Government, jobs in the mining industry are going downhill because of industry mechanisation—an issue with which I will deal later. Hunter Valley and western coalfields were the areas with the worst record for breaking EPA conditions. Twenty-seven mines in the Upper Hunter region had a high rate of non-compliance. During the period 2000 to 2006 twenty-seven mines reported 1,041 incidents of non-compliance with their pollution licences. Eighty per cent of those reports related to a failure to conduct pollution monitoring, 10 per cent related to water pollution, 8 per cent related to noise pollution, and less than 1 per cent related to air and dust pollution, which represents 36 per cent of the State's total licence non-compliance.

The worst offenders were Hunter Valley Energy in Muswellbrook, which reported 143 incidents of a failure to carry out pollution monitoring, and Theiss Pty Ltd in Ravensworth, which reported 235 similar incidents. The bad record of Theiss Pty Ltd is not confined only to New South Wales; it has done some appalling things in Queensland. In 2005 it ended up in court and was fined a miserable amount of \$50,000, which is typical when mining companies around the country ruin the environment and compromise people's health. In this case an embankment wall at the mine's facility collapsed, causing 400,000 cubic metres of coal slime to escape across areas on the mine site and in areas surrounding the mine site. Referring again to EPA incidents, Anglo Coal in Muswellbrook reported 27 incidents of water pollution breaches along with 24 other incidents of failure to conduct monitoring; Bengalla Mine in Muswellbrook reported 20 incidents of failure to carry out monitoring; and BHP Billiton's Mount Arthur mine in Muswellbrook reported 35 incidents.

These rates of failure to monitor are clearly unacceptable, particularly for mines located so close to towns. In the Lithgow region 60 mining companies had 921 incidents of non-compliance with their pollution licences. There were 796 non-compliance incidents of non-reporting and 178 incidents of water pollution. Springvale Coal failed to comply with its pollution licence a staggering 803 times without prosecution. That mine did not suffer many consequences for its callous disregard for residents who live near the mine and for the Lithgow environment. When I questioned the Hon. Ian Macdonald, the responsible Minister, about this he played down the seriousness of the pollution and its impact on human health, dismissed the breaches as "minor" and said that he had not heard of any serious breaches of the environmental protection arrangements in the Lithgow area or in the Hunter.

The Department of Primary Industries [DPI] certainly knew about this huge problem but it allowed the review process to overlook such a glaring weakness in the law. Surely the scope of the problem should have inspired the DPI to broaden its review to include tightening the management of planning conditions and the licence conditions that the EPA placed on coalmines. That is proof, if more proof is needed, that this Government is serving the needs of the mining industry at the expense of coal communities and the environment. For years the Greens and these coal communities have called for EPA offices to be opened in Lithgow, Mudgee, Muswellbrook, Wollongong and Mittagong to monitor, investigate and prosecute mining companies that breach their EPA pollution licences.

At present, coal communities have to rely on mining companies to conduct monitoring and report their environmental performance. Clearly, they are not upholding their responsibilities. Mining companies give ridiculous reasons for failing to carry out pollution monitoring or for discharging polluted water. Some of their excuses include guard dogs making it hard to access samples, feral animals chewing power cables, horses rubbing against gauges, and even excessive bird droppings on samples. If members read some of these EPA reports that is what they will establish. New South Wales coalmining companies pay over \$2.3 million in annual licence administration fees to the EPA, with each company paying an average of \$31,000 each year. That amount should be increased dramatically to fund the creation of new EPA offices in mining communities.

I again challenge conservative members on both sides of the House. Why can they not agree to such a proposition? If they are committed to the health of local people and to the protection of the environment—which is what they tell us all the time—why do they not back EPA officers in country centres? I am not talking about undermining mining companies that are going about their business and making mega-profits; I am talking about looking after the locals. Why do those members not tell us why they will not back such a clear and sensible proposition? Another stone that is left unturned is the devastating impact that coalmining is having on our agricultural communities.

Farmers around New South Wales are losing to coalmining interests precious agricultural land and water allocations. Much of the Hunter Valley's rich farming land has been lost to massive open-cut coalmines. Prime agricultural land is now under threat from coalmining applications in the Gunnedah Basin. I visited the regions of Gloucester and Gunnedah to meet with farmers who are opposed to local coal exploration and the threat of mining expansion in their regions. I forged a strong working relationship with some of those farmers and we keep in regular touch. Farmers in Gunnedah are deeply concerned that the coal expansion in their area will cripple their livelihoods, destroy their rivers, creeks and underground aquifers, and push them off the land that their families have farmed for many generations.

When BHP Billiton struck a secret deal with the New South Wales Government in August 2006 and paid up to \$250 million in up-front fees and inducements to gain a coal exploration licence in the Gunnedah basin, it sent shockwaves through the community and environmental groups. Environmental assessment, climate

change targets and community concerns in the Gunnedah basin were eclipsed by the lure of \$250 million worth of up-front payments. The rich and fertile Liverpool Plains, the land of sweeping plains, that Dorothy Mackellar—

The Hon. Christine Robertson: Dorothea.

Ms LEE RHIANNON: Dorothea; it is spelt here correctly. I apologise for my pronunciation.

The Hon. Christine Robertson: I love a sunburnt country.

Ms LEE RHIANNON: If the Hon. Christine Robertson did love her sunburnt country, surely she would work to protect it. Ms Mackellar immortalised in Australia's most famous poem *My Country* the area now set to be destroyed forever if BHP Billiton opens up coalmines. Some farmers have tried to stop coal exploration proceeding on their properties. They have a tough battle as the New South Wales Government is working closely with the coal industry to open up this area for rapid movement of coal down to Port Newcastle. The third coal loader in Newcastle is being fast-tracked and the Government is financing a new coal railway line across the Liverpool ranges to haul coal by rail to Newcastle.

The fast-tracking of this rail infrastructure must be compared with how the Government allocates and maintains rural rail branch lines in western New South Wales farming areas. The regional impact of mining expansion into the Gunnedah basin has not been assessed thoroughly. The Government should consider the cumulative impact of these mines on climate change, the extra demands placed on local water supply, the potential damage to rivers and underground water used for agriculture, and the threat to the future food security of New South Wales.

It is irresponsible for massive mining expansion to proceed in the Gunnedah basin without weighing the negative impacts against the profits of BHP Billiton. Already a massive coal expansion program is underway in the Gunnedah basin. In 2006 the Boggabri open-cut coalmine commenced production, the Tarrawonga coal project commenced production, Whitehaven Coal Limited lodged a major coalmining application for its Belmont open-cut coalmine proposal 25 kilometres north of Gunnedah, and Namoi Mining Pty Limited proposes a new open-cut coalmine 15 kilometres west of Gunnedah known as the Sunnyside coal project. In 2007 Narrabri Coal Pty Limited proposed a new underground coalmine in Narrabri.

BHP Billiton had its massive exploration licence approved with no cumulative impact assessment. No doubt the \$250 million influenced the Government's decision more than the concerns of local farmers and environmentalists. I ask that the Minister in reply to explain the circumstances around the \$250-million up-front fee and why the Government does not require the industry to consider the cumulative impacts of mines on communities when assessing their placement. The overall impacts of coalmining cannot be ignored, particularly in agricultural areas and those of high environmental sensitivity when new coalmines are coming online.

Systematic assessment of the cumulative impacts of coalmining on each region could have been introduced in this review if the Government had been genuine about delivering sustainable mining and better environmental outcomes. Farmers living alongside coalmines will be more disturbed when I share with them the Greens latest research into the impacts of coalmining pollution on agricultural communities. The National Pollutant Inventory reported on two local government areas—Gloucester, north-east of the Hunter Valley, and Liverpool Plains, between the Upper Hunter and Gunnedah—in which agricultural communities share their region with coalmines and experience coalmining-related pollution. We compared those areas with the Gunnedah council area, which has a similar agricultural community, where coalmining has only recently begun to expand and where coalmining pollution levels were still low in the 2005-06 reporting year.

Gloucester is a rich agricultural producing region with good soil and high rainfall that is being steadily overrun by coalmining. At present 84.6 per cent of all pollution measured in Gloucester by the National Pollutant Inventory comes from the coal industry. The impact of coalmining pollution on Gloucester is evidenced when compared with the Gunnedah council area, which has minimal coalmining pollution. Our research shows that the people of Gloucester experienced drastically increased pollution compared to the people of Gunnedah: a 39,167 times increase in beryllium levels, a 14,000-times increase in chromium levels, a 26,437-times increase in cobalt levels, a 7,948-times increase in lead levels, a 6,000-times increase in selenium levels and a 222-times increase in mercury levels. The National Pollutant Inventory credits this pollution in Gloucester directly to coalmining. The people of Gloucester are still coming to terms with the implication of this pollution level on their health and their community. An earlier interjection stated that the Greens are scaring people about the consequences of coalmining; we are alerting them.

The Hon. John Hatzistergos: It is true.

Ms LEE RHIANNON: Again I hear the interjection saying that it is true. The Greens are alerting the coal communities to figures available in the National Pollutant Inventory. The community should be alerted to these figures by any responsible government. A stark comparison may be made of the neighbouring council areas of Liverpool Plains and Gunnedah. Liverpool Plains experiences dramatically higher levels of coalmining pollution than its Gunnedah neighbours with over 15,000 times more beryllium and over 3,600 times more lead compounds. The coal industry is getting away with this terrible impact on human health and the environment. Drastic changes are needed. I shall refer now to the jobs myth. The Government's response to these environmental issues is always the same: it argues that we need the coal industry to uphold the New South Wales economy.

The Hon. John Hatzistergos: It is true.

Ms LEE RHIANNON: The Government tells us that coal means jobs. I acknowledge the interjection, "It is true." Again these members do not explain why the number of jobs created by the coal industry has dropped so considerably in recent years. In her speech on this bill in the Legislative Assembly the member for Wollongong once again cited the 55,000 indirect jobs in the New South Wales mining industry. It is hard to accept the Government's continued citing of coal jobs figures as justification for mining expansion, given that the number of coal jobs started to decline 10 years ago. According to Australian Bureau of Statistics data, between 1996 and 2001 coalmining jobs in the Lower Hunter fell 27 per cent.

The Hon. Michael Costa: Yes, because of the Greens. You're putting miners out of work.

Ms LEE RHIANNON: It is good that the Treasurer has joined us. He is going on about the Greens causing the decrease and putting miners out of work. Once again we could not have a clearer indication of how wrong the Treasurer is. Why has the number of jobs in coalmining decreased so dramatically when productivity in this industry is going through the roof? It is because of technology.

The Hon. Michael Costa: The Greens would not know about technology.

Ms LEE RHIANNON: Absolutely. The Treasurer suddenly realised he had made a bad mistake and he is trying to correct himself. I shall do him a service and get it on the record. The number of coalmining jobs in the Lower Hunter fell 27 per cent to 3,560.

The Hon. Michael Costa: How much coal? Coal output increased.

Ms LEE RHIANNON: If the Treasurer remains in the House, he will hear about that from us later. For the rest of the Hunter, coalmining jobs fell 18 per cent to 2,443. Mining makes up only 2 per cent of employment in the Lower Hunter, or just over 4,000 jobs, and 8 per cent in the rest of the Hunter, 2,717 jobs. The Government has perpetrated an enormous deceit that the transition from coal to renewable energy will cost the State jobs. It is part of the Government's strategy to deny, delay and deceive: it denies coal is causing harmful pollution, environmental damage or climate change; it delays the transition away from coal towards renewable energy by pumping money into speculative and unproven clean coal research; and it deceives the public with the mantra that jobs are at stake and the economy will collapse without coal. The truth is that investing in green energy solutions instead of coal will create jobs and boost our economy.

For example, a comparison of Australian coal industry and wind power industry jobs published in the International Journal of Environment, found that per kilowatt hour of electricity generated, wind power creates two to three times the number of Australian jobs as does coal. Investing in wind power would stimulate jobs growth and economic activity. The report found also that 20 per cent of Australia's electricity could be generated from wind power by 2040, the same percentage that was achieved in Denmark in 2003. During the early 1980s Denmark built a wind power industry, creating tens of thousands of new jobs globally. In 2002 Denmark obtained 18 per cent of its electricity from wind power. By 2004 the industry generated enough to power more than 10 million homes. Denmark plans to reduce its greenhouse gas emissions by 50 per cent by about 2030. The Greens are planning ahead for new jobs growth and increased economic activity with our no-new-coal policy. This is a strategic response to counter the coal industry's massive contribution to climate change.

Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

SINGLE-OFFICER AMBULANCE CREWS

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance. Has the Minister, or WorkCover, been approached by the Health Services Union in relation to its ongoing concerns about single-officer ambulance crews in the Hunter? Is the Minister aware that the Health Services Union has been involved in talks with the Ambulance Service of New South Wales for two years to increase the number of paramedics from one to two, and yet nothing has been done? Given that the union organiser, Jim Arneman, last week claimed that lives are put at risk each day, what action will WorkCover take in relation to this issue?

[Interruption]

The Hon. JOHN DELLA BOSCA: Jim has been an outstanding union representative. Will the Leader of the Opposition listen to my answer?

The Hon. Michael Gallacher: Well, don't say he is a good bloke, because he is not. He is a dud.

The Hon. JOHN DELLA BOSCA: I most emphatically say that Jim Arneman is indeed a good bloke; he is a fantastic union organiser, and a great representative of his community.

The Hon. Michael Gallacher: They voted accordingly for him in March 2007.

The Hon. JOHN DELLA BOSCA: Notwithstanding the Leader of the Opposition's continual and foolhardy interjections, I inform him that WorkCover pursues all matters in relation to occupational health and safety upon report. I am very happy to provide to the Leader of the Opposition and the House with details about any WorkCover intervention in these matters.

The Hon. Michael Gallacher: Have they approached you, Minister?

The Hon. JOHN DELLA BOSCA: No, they have not approached me. I would not necessarily think it appropriate for them to approach me. If they had, I would have immediately referred them to the authority, which would have taken swift and appropriate action.

The Hon. Michael Gallacher: The authority has ignored them. For two years I have been raising this.

The Hon. JOHN DELLA BOSCA: The Leader of the Opposition continues to make fatuous interjections.

The PRESIDENT: Order! The Leader of the Opposition will cease interjecting.

The Hon. JOHN DELLA BOSCA: I give him and the House an undertaking to provide details as soon as I possibly can.

NATIONAL LITERACY AND NUMERACY TESTING

The Hon. PENNY SHARPE: My question is addressed to the Minister for Education and Training. Will the Minister update the House on tests being undertaken by New South Wales school students this week?

The Hon. JOHN DELLA BOSCA: This week, more than 350,000 students in public, Catholic and independent schools in New South Wales in years 3, 5, 7 and 9 will take the first national literacy and numeracy tests. Students are sitting tests over three days, covering spelling, grammar, punctuation, writing, reading and numeracy. These tests will be familiar to many New South Wales parents, older students and teachers. New South Wales was the first State to introduce standard statewide literacy and numeracy tests. For the first time, students around Australia will sit common tests rather than different State-based tests. Although that will allow interstate comparisons, it is not the point of the exercise.

The cornerstone of the tests is the 20 years experience of New South Wales. The teachers know, and the parents can verify, that these tests are primarily designed as a diagnostic tool. They give teachers and parents

critical information about the educational progress of each child. They tell teachers and parents what children know and where they need assistance. Parents in New South Wales are familiar with reports that tell them how their child has performed within a series of performance bands. That is essentially the reporting system pioneered by New South Wales and now adopted by the nation. In previous years, the Howard Government's focus of national analysis was on a minimum point and those students who failed to meet it.

The new tests will focus on performance across the whole spectrum. By looking at the full range of achievement, these tests will provide information to stretch those who are capable and help lift those who need further help from their parents and teachers. Importantly, teachers will be able to work with parents to develop strategies to show them how they can help to improve their child's literacy and numeracy skills. Teachers and schools will be able to analyse any areas of strength and weakness using the same sophisticated software that has been developed and used successfully in New South Wales for a number of years.

The Hon. Catherine Cusack: Does it contain anything the teachers will use?

The Hon. JOHN DELLA BOSCA: The Hon. Catherine Cusack is always running down teachers; that is the problem with her side of politics. She has nothing positive to say about teachers or public education. The point to remember is that the primary purpose of national testing is to gain diagnostic information that will assist parents and teachers to improve their child's literacy and numeracy skills. The Lemma Government is determined not to make the errors that were made in the United Kingdom, where there has been a strong backlash against testing as a result of so-called league tables. Wales scrapped the tests, because league tables forced teachers to drill students to pass a multiple-choice test, rather than give them the needed balanced, enriched curriculum.

Schools wrongly moved away from the appropriate way of teaching to simply coaching for the test. A national initiative of this magnitude would not have been possible without effective cooperation between the Commonwealth, State and Territory governments. All States have agreed that the results of the tests will be combined to provide a national picture, and a State-by-State picture of how we are achieving as a nation. The results will also help us to track how we are going against our ambitious targets to close the achievement gap for indigenous students. The results of individual students will not be identified in any way, and we will not be using this data in a simplistic way to determine funding levels for individual schools. New South Wales has welcomed the opportunity to work with all governments around Australia to improve literacy and numeracy standards for our students. This spirit of cooperation will continue to be important to the ongoing success of these tests.

AUSLINK

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Roads. Does the Minister recall that he and his Government failed to submit a formal AusLink submission last year? Is the Minister aware that every other Labor State put in a submission and received millions of dollars, but New South Wales missed out? As the Treasurer said, it was a policy not to do so. Has the Minister bothered to submit an AusLink application this year, or is New South Wales going to miss out on millions of dollars again?

The Hon. ERIC ROOZENDAAL: The premise of the question is faulty. As members would be well aware, the previous regime that ran Canberra—the now completely discredited Howard-Costello Government—played a great game with AusLink. It told the States to provide a list of all the projects they wanted funded by the Federal Government, and it would cherry pick the projects that suited it and its Nationals colleagues. In that way the Federal Government would not have to base its decision on any real road safety program or real benefit to this State or the economy, but on its political interests. As I said previously to the Federal Government and to Jim Lloyd, the New South Wales Government was happy to furnish it with a list of projects for AusLink 2. I remind the House that my forecast on Jim Lloyd has come true. I asked Jim Lloyd to tell us how much the Federal Government would give us, and I would tell him the projects that we have prioritised in New South Wales.

The then Federal Government refused to participate in that process. In the lead-up to the election the now completely discredited Howard Government made a lot promises and, of course, lost. The Rudd Labor Government has a new attitude to dealing with States; it has a genuine commitment to funding and improving roads. I look forward to the Federal budget because I know that Wayne Swan will do a terrific job as Treasurer, and Anthony Albanese will do a fantastic job as the Minister for Infrastructure, Transport, Regional Development and Local Government; they will ensure that New South Wales gets its just desserts in terms of road funding.

The New South Wales Government is also genuinely committed to funding and improving roads in this State. It accepts that a State and Federal partnership is the way to move forward and that roads do not finish at the borders of Sydney and the Federal Government should participate with States in reducing urban congestion. I look forward to receiving some serious funding from the Federal Government through AusLink because it will be a far better process than it was under Howard.

Under Howard, the Federal Coalition Government deliberately discriminated against the people of New South Wales. The Coalition on the other side of this Chamber was deadly silent, and asleep. The Opposition always praised the Liberal Federal Government even as it sank down the drain. Now it has the audacity to question this Government's relationship with the new Federal Government. The road initiatives under the new Federal Government have already improved and could not be achieved under Howard. A national truck licence for drivers driving between States could not occur under Howard and now it will happen as a result of cooperation with the Federal Government, and that is how this Government will continue into the future.

The Hon. DUNCAN GAY: I ask a supplementary question. In light of the Minister's indicating that he did not put in an application to make a political point, I ask how many millions of dollars did New South Wales lose in order for him to make a political point?

The Hon. ERIC ROOZENDAAL: I refer to my previous answer.

CO.AS.IT. ITALIAN BILINGUAL SCHOOL

Ms SYLVIA HALE: My question is addressed to the Minister for Education and Training. Is the Minister aware that in February 2004, the then Deputy Premier and Minister for Education and Training, Dr Andrew Refshauge, ruled out providing accommodation to the Italian bilingual school because "it will operate in direct competition with government schools". Why did the Government change that policy in 2007 and lease to the Italian bilingual school public land directly adjacent to a public school for its proposed 250-student private school? Has any analysis been undertaken by the Department of Education and Training on the likely impact of a private school of that size on enrolments in public schools?

The Hon. JOHN DELLA BOSCA: I make a number of points on the persistent questioning about the Co.As.It. school at the Yasmar site. The primary function of Co.As.It. is to preserve and teach the Italian language and culture in Australia. That basically is a mission relating to our multicultural destiny and something I would have thought the Greens, among other groups in the Parliament, would strongly support. It is strange that Ms Sylvia Hale is going out of her way to denigrate the efforts of Co.As.It.

Ms Sylvia Hale: Point of order: I ask that the Minister withdraw those remarks. There was nothing in my question that in any way denigrated the Italian community. The question related to the policy of the Department of Education and Training towards public and private schools.

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

The Hon. JOHN DELLA BOSCA: I thank the House for the approval of my comments. I was not suggesting that the member was denigrating the Italian community—

The Hon. Amanda Fazio: No, I was suggesting that.

The Hon. JOHN DELLA BOSCA: That is right. It may have been done by interjection. I put in a proactive and positive way something that I would have thought Ms Sylvia Hale, as a member of the Greens, would support, and that is, multicultural initiatives such as Co.As.It. Ms Sylvia Hale seems to be deriding the successful attempts by the Minister for Lands to make sure that the heritage properties on the site are used continually and positively for the benefit of the New South Wales community. In this case they are being used by Co.As.It. and its affiliates to perform their cultural and language functions. It seems to be a very good outcome, and this kind of facility would hardly compete with public education.

The primary target of Co.As.It. is the education of adults and young adults in the Italian culture. It does not seek to compete with public education in any respect. The policy about which Ms Sylvia Hale speaks is one that I routinely enforce, although it does not necessarily attract support from everybody in the House. The

Government says that no education land zoned by the Government will be released to private school organisations, or organisations seeking to compete with public schooling. Of course, the Yasmar site was Crown land and housed an old Juvenile Justice Centre; there was no public education ownership of the site. The assumptions in the question asked by Ms Sylvia Hale are wrong on both grounds.

First, there is no proposal that Co.As.It. will compete with the Department of Education and Training. Its very good objective relates to the advancement of the Italian culture and language in Australia, which should be generally supported. We should be proud of the Government's supporting that. Second, no Government policy has been in any way traduced in relation to the release of the land.

REGIONAL ECONOMIC DEVELOPMENT

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Regional Development. What is the Government doing to assist regional communities with economic development?

The Hon. TONY KELLY: I thank the honourable member for his interest in economic development of communities in regional New South Wales. The Government is 100 per cent committed to working with regional communities to make sure they thrive and prosper. It means business. It knows that building investment in business is the key to more jobs and economic prosperity for regional communities—unlike the Greens. The Government wants to create positive business environments in its regions. That means encouraging and supporting regions to diversify their industries and to develop their skills base, which in turn will attract more investment.

Regional New South Wales offers a diversity of business and investment opportunities, and the Government has been working to build on those opportunities, and it is seeing some fantastic results. During the past year, the Iemma Government's business development services and programs have attracted more than \$630 million in capital investment for regional New South Wales. That assistance was for approximately 235 projects, and that direct intervention has resulted in more than 5,000 jobs in regional New South Wales. The Government will continue to work towards strengthening regional communities to better respond to challenges impacting on their ongoing sustainability.

A recent article in the *Land* headed "Jobs boom in the bush" attests to the great results that the Government is achieving in rural and regional New South Wales. On Sunday 4 May I opened the 2008 Community Economic Development Conference in the Murray shire town of Moama. The Department of State and Regional Development coordinated the conference on behalf of this Government. Community economic development practitioners acknowledged the conference for its inspirational case study-based program and the opportunities it provided to meet with other people working towards similar goals.

Its importance was reflected by the number of delegates who attended. This year there was a record number in excess of 260. Conference delegates represented some 150 different organisations, including 50 local councils and 88 communities. Most people attending were from New South Wales, but the quality of the program and the opportunity to network with other community economic development practitioners attracted 21 delegates from Victoria and Queensland.

This was the first time we have held this conference in the Murray region and hosting the conference proved to be a great boon for the Murray shire. The delegates were able to experience the attractions and visit many of the development projects undertaken in the Murray shire. Field trips included visits to the shire's attractions and community projects, such as the starting point of The Long Paddock, at Mathoura. Some of the delegates also visited the Moama Adventure Playpark to see the community-funded project that was built in just six days by a group of local volunteers. These are the kinds of projects and attractions that demonstrate the commitment and ingenuity in our regional communities.

Funding assistance for these kinds of community projects is vital. At the conference I announced a total of \$144,000 in new funding under the Government's Community Economic Development Program for 10 projects across the State, including a significant amount for Yeovil, which is reputed to be the greatest little town in the west. The Government's Community Economic Development Conference is just one way in which we can recognise the people and organisations that support regional communities. These conferences are great opportunities for regions to showcase their work to encourage economic development and promote their thriving communities. That is why I encourage local councils and economic development organisations in the State's western region to consider hosting the next Community Economic Development Conference from 2 to 4 May

2010. All those councils in the western region—about 27 of them—are eligible. Applications are available through the Department of State and Regional Development and should be lodged by 1 August. [*Time expired.*]

PUBLIC SECTOR ASSOCIATION PLEDGE

Dr JOHN KAYE: My question is directed to the Minister for Education and Training, in his capacity as Minister representing the Premier in this Chamber. Can the Minister explain how the Premier is respecting the Public Sector Association's "Save our Jobs and Services" pledge that the Premier signed on 15 March 2007 in Sydney Town Hall in front of 1,000 public sector workers—

The Hon. Michael Costa: Were you there?

Dr JOHN KAYE: I was there, indeed. That was in respect of the State's electricity generation and retail industry. In particular, can the Minister explain to the House how he is fulfilling the following parts of the pledge—to commit to maintain public sector job levels in real terms as at the 2006 State Budget level—when he is transferring many of those jobs to the uncertainties of the private sector, and his guarantee to protect public sector delivery of services in New South Wales? [*Time expired.*]

The Hon. JOHN DELLA BOSCA: I will start by answering the question this way: New South Wales needs significant investment in power generation to meet the demands of the future. All sensible people, even people in the Labor Party who are concerned at the moment about the way in which this is going, agree that is a priority. I do not know if the member agrees that is a priority, but everybody else does. The Government will be working with all elements in the community to make sure that these matters are resolved and that we go forward as a community. I want to say one thing about pledges and activities and election campaigns and everything else—

[*Interruption*]

It is not the Hon. Melinda Pavey's question. She should stop behaving like the mean girls again. We thought she had reformed. The Hon. Amanda Fazio interjected to say "I was there." I do not remember Dr John Kaye being there. I will take him at his word; I am sure he is an honourable man, so I am sure he was there. He read out very carefully a pledge that is not inconsistent with any of the things that the Premier has said about electricity or any other aspect of the public service organisation or any other part of the public sector. None of this is inconsistent, so frankly I do not understand what the member's point is. He is trying to make some capital or some relationship—

The PRESIDENT: Order! Members will please cease interjecting.

The Hon. JOHN DELLA BOSCA: Thank you, Mr President. The member is trying to make some point about a public sector pledge and services. He also talked about employment levels. All of those things are absolutely consistent with everything the Premier has said about these matters, so I am not sure what point he is making. Perhaps he can make it clear in a subsequent question. I can say that nothing the Premier has said recently or at any time since the election is at all inconsistent with that pledge.

GOVERNMENT OPERATING SURPLUS

The Hon. GREG PEARCE: My question is directed to the Treasurer. Does the Treasurer recall the statement in the Stokes and Vertigan audit of New South Wales Government finances that:

The government should build an operating surplus of at least \$1 billion to fund the State's expanded Capital Works Program.

That was on page 8. Noting that the Government's response failed to address this recommendation at all, what is the Government's target operating surplus?

The Hon. MICHAEL COSTA: The honourable member has raised an important point and it is one that we will cover in the budget this year. Budget Paper No. 2 will give a full and transparent account of the state of the State's finances. It is interesting that the honourable member has asked me a different question—it is not about fiscal targets this time. I suppose it reflects the fact he has now been lifted from 19 to 15 in the shadow Cabinet as part of the recent change that occurred when Peter Debnam decided that he could not support the Opposition's backflip on energy policy. It is interesting that the movement from 19 to 15 has not helped lift his public profile. The other night there was a quiz on Stuart Bocking's show on 2UE about who the shadow Treasurer was.

The Hon. Greg Pearce: Point of order: The question was very specific. It related to a recommendation of the Stokes and Vertigan report and the target operating surplus.

The PRESIDENT: Order! I ask the Treasurer to be generally relevant.

The Hon. MICHAEL COSTA: There was a quiz to name the shadow Treasurer of New South Wales. They sought an answer for 12 minutes. Thirteen people rang up and could not come up with his name. Some of the guesses were Stoner Anthony, whoever that is, Wayne Swan, Michael Egan, Julian Skinner, and two calls on Barry O'Farrell. The presenter had to suggest listeners think of Michael Costa's opposite number in the Parliament as it should be etched in everybody's mind. Of course it was not. They even asked a reporter who covers the State parliamentary round, Latika Bourke, who it was and her response was—

The Hon. Matthew Mason-Cox: Point of order: I ask you to interrupt the Treasurer's diatribe and bring him back to the question. Let us have some relevance to the question.

The PRESIDENT: Order! I ask the Treasurer to continue to be generally relevant.

The Hon. MICHAEL COSTA: Latika Bourke covers the State parliamentary round but she said to the presenter, "Look, you're killing me. I don't know who it is. I thought it was Barry O'Farrell." Then someone said maybe it's Malcolm Turnbull. A guy named Tom rang in and said it was Mike Griffiths. Somebody else rang in and then Bocking had to give a hint. He said that his first name was Greg—so he gave the audience a hint about who the shadow Treasurer was. The next caller rang in and said, "Is it Greg Knowles?" Then it was "Greg Alpine". Finally the presenter had to give in and tell them it was Greg Pearce. The presenter finished up by saying, "He's missing in action. Where is this man? He's been a member of the Legislative Council since 2000. I'd say, based on this, he hasn't done a whole lot while he's been there." That sums up the career of Greg Pearce.

DOMESTIC VIOLENCE

The Hon. GREG DONNELLY: My question without notice is addressed to the Attorney General. What is the latest information on the New South Wales Government's efforts to support victims of domestic violence?

The Hon. JOHN HATZISTERGOS: There are many achievements of which the Government can be proud, but none more so than its commitment to the prevention of domestic violence, the punishment of its perpetrators and its care for victims. That is why we are continually improving our domestic violence programs and building on their success, ensuring they reach more and more people throughout the State.

I am pleased to inform the House that the Government is expanding a key element of the domestic violence integrated court model to a range of rural, regional and metropolitan locations. A new domestic violence integrated court model guideline has been issued targeting delaying tactics by the accused and ensuring that domestic violence complaints are expedited in the court system. By preventing domestic violence cases being dragged out in the court system, the practice note helps victims change their situations and get on with their lives. The Government has expanded the use of these court guidelines from the initial locations of Wagga Wagga and Campbelltown, so that they are now in place in Sutherland, Nowra-Milton, Penrith, Blacktown and Mount Druitt local courts. By the end of May 2008 they will also be in Albury, Taree-Forster-Gloucester, Batemans Bay and Bega local courts.

The prevention of family and domestic violence is a key element of the State Plan: priority R1—reduced rates of crime, particularly violent crime—and the Government has backed this up with funding increases. On 1 February this year the Premier announced a centrally located unit to coordinate a whole-of-government response to family and domestic violence. An expert advisory group on preventing violence against women will be established and the Government will deliver more than \$2 million in new funding each year supporting partnership programs with non-government organisations. These are measures that victims groups have been calling for, with Betty Green from the New South Wales Domestic Violence Coalition welcoming the new unit as a much-needed resource. This builds on the Government's \$40 million domestic violence prevention four-year package, 2007 to 2011.

Recent data illustrates how well these reforms are working. Police data has shown that early guilty pleas have risen from 17 per cent to 40 per cent during the trial period and that finalisation times in the Campbelltown court list for domestic violence victims have halved. It also received one of last year's Australian

Violence and Crime Prevention awards recognising its innovation and effectiveness. It is interesting that the Opposition has been silent on the success of the domestic violence integrated court model. Given its ambivalent attitude towards domestic violence reform, victims should not be anticipating any support from the Coalition.

When the Government fulfilled its election commitment to create a new offence of domestic violence last year the shadow Attorney General changed his mind on the laws three times on the first day. On 2GB on 11 November 2007 he supported them cautiously. On 2SM a little later he said he did not think any law could work to prevent domestic violence. Finally he said that he would not oppose the legislation if the Government wound it back and limited what it could achieve, "Provided it's got reasonable checks and balances, I will recommend that we should support it or at least not oppose it". You have to ask whether the Liberal Party has progressed far from Alexander Downer's "Things that Batter" speech where he dismissed domestic violence as a trivial matter. Unlike the Opposition, the Government has a history of working to put an end to domestic violence in this State and a plan to address it in the future. The measures that I have outlined in the House are indicative of the commitment

HOSPITAL STAFF SURVEY

Reverend the Hon. Dr GORDON MOYES: I ask the Attorney General, on behalf of the Minister for Health, the following question without notice: Is the Minister aware of a recent survey conducted by the Workplace Research Centre at the University of Sydney that examined the views and experiences of doctors and nurses about their current working conditions? Is the Minister aware of their findings, which stated:

Around 60% of nurses and doctors in NSW public hospitals have seriously considered leaving the system in the past 12 months. While 50% of Australian workers report that more and more is expected of them each year at work, among NSW public sector doctors the proportion was 80% and among nurses a staggering 95%.

Given these alarming statistics in combination with the public health system's chronic underfunding, can the Minister indicate what specific arrangements and programs are in place in order to improve the working conditions and morale of our doctors and nurses?

The Hon. JOHN HATZISTERGOS: I will refer the matter to the Minister for Health.

MINISTER FOR EDUCATION AND TRAINING DRIVER LICENCE SUSPENSION

The Hon. MARIE FICARRA: My question without notice is directed to the Minister for Education and Training, and Minister for Industrial Relations. Following his recent public comments regarding the status of his driver's licence, could he inform the House has he lost his licence? If so, as of what date?

The Hon. Greg Donnelly: Point of order: The honourable member is well aware of the standing orders and specifically Standing Order 64 (1), which I will read for her information:

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which the Minister is responsible.

The question relates to none of those matters and should be ruled out of order.

The Hon. Don Harwin: On the point of order: The Government Whip is making a habit of taking a point of order while the clock is still running before honourable members have concluded asking their questions, so it is not possible to conclusively decide whether or not the questions are in order.

The PRESIDENT: Order! I have on a number of occasions allowed members to complete questions in order that I can assess them. However, in this case clearly the member outlined a number of points on which she predicated her question and those points contravene Standing Order 64 (1). Accordingly, I uphold the point of order.

DROUGHT

The Hon. CHRISTINE ROBERTSON: My question is addressed to the Minister for Primary Industries. Could the Minister please update the House on the latest drought situation in New South Wales and its effect on rural communities?

The Hon. IAN MACDONALD: I thank the honourable member for her question and continued interest in this unfortunate, long-duration drought. The drought situation remains very serious for farmers and rural communities in New South Wales. Our farmers are now bracing themselves for another horror autumn with almost half the State once again drought declared. Figures released this week show that 48.4 per cent of New South Wales is in drought, up from 42.9 per cent last month; 23.6 per cent is marginal, and just 28 per cent of the State is now considered satisfactory. These figures represent a real fear in regional New South Wales that our winter crop may yet again be savaged by this drought.

The crucial autumn break that hundreds of croppers are anxiously waiting on has not arrived and time is running out. The big problem many farmers face is that there is some subsoil moisture, but no seedbed moisture to be able to sow. Many farmers have suffered more than seven years of consecutive drought, failed crops and dwindling water supplies. The New South Wales Department of Primary Industries is estimating that between 5 per cent and 15 per cent of the crop has been dry-sown, which means it has been sown without a drop of rain in recent times. This is the desperate gamble many in the winter cropping belt have had to take in their bid to get a successful crop planted and then harvested to generate that much-needed income. Unfortunately, the New South Wales canola crop alone has been slashed by 30 per cent to an expected planting area of 200,000 hectares due to the dry start to the sowing season. Predictions are for a 5.4 million hectare winter crop comprising 4.69 million hectares of cereals and 0.71 million hectares of pulses and oilseeds.

The reality of the current situation is that the next two to three weeks are crucial for croppers to see this predicted crop realised. The bare minimum we need is about 25 to 50 millimetres in southern New South Wales and 50 to 75 millimetres in northern New South Wales. This would be enough to let farmers get this crop into the ground. The areas showing the worst effects of the lack of rain in recent weeks are the Bourke, Braidwood, Central Tablelands, Forbes, Goulburn, Molong and northern New England rural lands protection boards. Parts or all of these boards have slipped into drought. April rainfall was very patchy across New South Wales. Coastal areas received falls, but inland regions generally were not as fortunate.

At the same time that there was lack of rain in some parts of the State there was moderate flooding in parts of the mid-North Coast, Central Coast and Hunter. This just goes to show the unpredictable nature of the drought and the constant weather challenges our primary producers must face. I stress that, while the situation remains grim for many in the rural sector, the State Government remains committed to supporting our farming families.

The drought support worker team is a key component of these drought assistance measures. With the recent addition to the team in the Griffith area of Lou Revelant, a former Department of Primary Industries horticultural expert, a total of 11 part-time and full-time drought support workers will now be based at various critical locations around the State. The Government has committed more than \$370 million in assistance measures and it will continue to do so. However, that is not the impression that members got from the ill-informed comments on radio this morning. The policy-free comments made this morning on Sydney radio by Pru Goward, the member for Goulburn, on town water supplies showed just how little that member understands about the issue.

In regional New South Wales towns already recycle almost 30 million litres of water every year. The New South Wales Government has committed more than \$47 million for emergency drought works for country towns across the State. The Government also provides financial assistance to local water utilities for the preparation of integrated water cycle management plans. To date, over \$500,000 in assistance has been provided. The Government will continue to stand shoulder to shoulder with farmers until the rains finally come and this drought breaks.

CYCLING FATALITIES

Reverend the Hon. FRED NILE: I ask the Minister for Roads a question without notice. Is the Minister aware that, in any given year, roughly 2 in every 1,000 males between the ages of 13 and 19 years will be hospitalised due to injuries sustained while cycling on Australian roads? Is the Minister aware that between 2003-06 cycling fatalities increased by 27 per cent, with the vast majority of those fatalities resulting after a collision with a motor vehicle on roads where the speed limit was in excess of 70 kilometres an hour? Will the Government take urgent action to prohibit cycling on highways where the speed limit is in excess of 70 kilometres per hour and require cyclists to use other alternative scenic routes?

The Hon. ERIC ROOZENDAAL: As cycling on our roads has been a topical issue recently I appreciate the member's question. At the outset it is worth stating that the road is there for everybody to use

and share. Road users must show respect for one another on the roads. Cycling is a legitimate usage of the road. However, it is worth differentiating between the different sorts of cyclists. Commuting cyclists cycle to work every day; casual cyclists enjoy cycling on weekends and after hours, often with their families; and professional cyclists, such as those recently involved in the incident on Southern Cross Drive, train for the Olympics.

We have different sorts of cyclists on our roads but they are legitimate road users and they have a right to be on our roads. For their safety and for the safety of the community they should take into account the types of roads on which they are riding. This Government has provided extensive cycleways throughout New South Wales in an attempt to encourage cyclists to use them. However, they are not necessarily suitable for professional cyclists who want to travel at a decent speed for long periods. I ask all road users to be respectful of one another on our roads and to ensure their safety and the safety of others.

MINISTER FOR EDUCATION AND TRAINING DRIVER LICENCE SUSPENSION

The Hon. MATTHEW MASON-COX: My question is directed to the Minister for Education and Training. Will he be capable of performing his ministerial duties servicing all schools and TAFE colleges in New South Wales now that he has lost, or is about to lose, his drivers licence? Will he now fully detail to the House how he came to be in that position?

The Hon. JOHN DELLA BOSCA: I am a capable person. I am capable of walking and I am capable of catching a train.

[Interruption]

I am capable of walking to all sorts of places. Earlier this year I made it clear—and I am happy to repeat it for the benefit of members—that as a result of accumulated demerit points from under 15-kilometre-an-hour speeding infringements I moved on to a probationary licence. Each infringement was for travelling at a speed less than 15 kilometres an hour over the designated speed limit. Regrettably, I have now received another infringement notice. Today I advised the Roads and Traffic Authority that I was the driver and, as a result, I expect to lose my licence for six months. Although I have not yet received official notification about the status of my licence, I have ceased driving. Of course, I have personally paid all associated fines. In addition to the penalties provided by the law, I surrendered my general entitlement to a ministerial vehicle, although I anticipate that, in order to fulfil my official duties and functions as a Minister, some driving services will be required. I regret my carelessness and can report that speed cameras are very effective.

SYDNEY HARBOUR BRIDGE TOLL

The Hon. IAN WEST: My question is addressed to the Minister for Roads. Can the Minister update the House about the Iemma Government's plan to turn Sydney Harbour Bridge into a fully cashless road?

The Hon. ERIC ROOZENDAAL: I acknowledge the member's interest in this important matter. I am pleased to inform members that the Iemma Government is taking the first steps towards making Sydney Harbour Bridge a fully cashless road. Last Sunday, in order to accommodate the increasing number of motorists taking advantage of electronic tolling, a further e-tag lane was added to the bridge, and in July another four lanes will be converted from cash to electronic tolling. The Iemma Government is committed to making the entire Sydney motorway network cashless to improve traffic flows and to ease congestion. It is getting on with the job and it is building on the success of having made the Sydney Harbour Tunnel cashless in July last year.

The tunnel, one of the few toll roads to be converted from cash to cashless anywhere in the world, was made cashless smoothly—a credit to motorists who accepted the move to cashless tolling and a major step forward for the Sydney road network. Starting the process of making the Sydney Harbour Bridge cashless reflects the growth in e-tag use on the bridge. Around 86 per cent of toll payments are made electronically during the peak—up from 83 per cent nine months ago. Cashless tolling means that motorists do not need to fumble for change at a toll booth, and many lane merges before and after tolling points can be taken out to improve traffic flow. The time is right for the bridge—a Sydney icon built in the 1930s—to move into the twenty-first century with fully cashless tolling arrangements.

We will now closely monitor e-tag use on the 160,000 vehicles that cross the bridge each day and we will set a date for transition to fully cashless tolling when e-tag use increases to 93 per cent. The Iemma Government will also introduce new e-tag products for people who do not use e-tags regularly, including

motorists from rural and regional New South Wales who do not often come to Sydney. The Roads and Traffic Authority has developed a short-term e-tag to be made available for casual users of all Sydney's motorways. From 27 May the new short-term e-tag will be available on a trial basis from five RTA motor registries. This new product will mean that motorists will be able to rent an e-tag for just \$5 a week with no deposit, use it all over Sydney, and give it back when they are finished.

The Hon. Rick Colless: That will be handy for somebody from Warialda!

The Hon. ERIC ROOZENDAAL: What a goose! I have just said that we will first conduct a trial at five registries. Opposition members should listen. Trials are how we introduce products to the system. It addresses the problem of visitors to Sydney having to call individual motorways as they use them and pay for the tolls over the phone. The Lemma Government asked the Roads and Traffic Authority to ensure that options are available for motorists who do not use the bridge every day because it wants to ensure that no motorist is disadvantaged by cashless tolling. The Lemma Government is committed to making the Sydney Harbour Bridge fully cashless but it will not set a final date until it is confident that e-tag usage has increased. I look forward to continuing to update the House on this important plan.

GREAT WESTERN HIGHWAY UPGRADE: LAWSON MECHANICS INSTITUTE HALL DEMOLITION

Ms LEE RHIANNON: I direct my question to the Minister for Roads. Is he aware that after lengthy negotiations about the Great Western Highway upgrade at Lawson, the Roads and Traffic Authority [RTA] designated a route that does not involve the demolition of the Mechanics Institute Hall? Is he aware also that in an early stage of negotiations concerning the Lawson upgrade when the RTA was considering demolishing that historic building it offered to pay Blue Mountains council for the cost of the demolition? As there is growing concern amongst some residents that Blue Mountains council will use this original RTA offer of payment for demolition as a way to proceed with the demolition, will the Minister instruct the RTA to withdraw its original offer of payment, or will he sit back and allow what should be a good news story for the RTA and the Government to fall apart because of his inactivity in relation to this matter?

The Hon. ERIC ROOZENDAAL: I am advised that the Mechanics Institute Hall is on community land, which is the responsibility of Blue Mountains City Council. The Roads and Traffic Authority [RTA] acquired part of the land in order to allow the widening of the Great Western Highway at Lawson. I am advised that council voted to have that building demolished as part of its local management plan. Council submitted a development application to proceed with the demolition. The RTA offered to modify the road design to conserve the major section of the Mechanics Institute Hall on the basis that council is responsible for the ongoing costs of maintaining the hall. I understand that council did not accept the offer.

PUBLIC SCHOOL TEACHER TRANSFER SYSTEM

The Hon. RICK COLLESS: My question is directed to the Minister for Education and Training. Acknowledging that incentives for teachers in rural and remote areas should remain, is the Minister concerned that, after changes to the teacher transfer system were announced, teacher transfer applications in New South Wales government schools increased by more than 975 per cent over the same period for the previous year—from 58 to 624 applications? Is the Minister prepared to acknowledge that this surge in transfer applications, along with widespread and well-supported teacher strikes on this issue, are a clear indication of an overwhelming level of distrust amongst New South Wales public schoolteachers in these changes and their complete lack of confidence in the State Labor Government? Can the Minister confirm that teachers in far western schools applying for positions in coastal schools will be required to travel to the coast for job interviews? Will he confirm that travel and accommodation expenses will be met by the department and not by teaching job applicants or these schools seeking new staff?

The Hon. JOHN DELLA BOSCA: I thank the member for his question. Indeed, I am surprised, in some respects, that The Nationals has a new faction: it has a militant tendency.

The Hon. Duncan Gay: We have always been militant.

The Hon. JOHN DELLA BOSCA: Obviously, they have. I do not know what the Hon. Duncan Gay is—he must be the central executive; then there is the Hon. Melinda Pavey—she is obviously the Trotskyite faction; and of course, now we have the militant tendency in the Hon. Rick Colless. The New South Wales

Department of Education and Training, as the Hon. Rick Colless is aware, is undertaking a number of steps to help teachers and communities with new staffing improvements. The first point I make in response to the question is that the priority schools—those that I believe he was referring to as the outer western schools—have no change to the incentive transfer system that has been in place for a long time. Members may recall that as a result of the modest changes school communities will be able to advertise for permanent teacher positions as they become available. This means that teachers can choose to meet the needs of their students and school communities can choose the teacher that best suits their needs. The other point the member raised concerned the so-called surge in transfer applications—that still represents a tiny percentage of the total public sector teaching workforce.

It is important for the member to understand that the priority system of transfers remains in place. Teachers in the western division schools—the so-called hire-the-staff schools—will keep their entitlements, as they always have. The Government never proposed to change any of those entitlements. Many teachers, some people in the community and many others, who have accidentally stumbled into this debate rather than examined what the Government actually proposes, are worried about things not in the Government's package.

The Government has never proposed to abolish the staff transfer system or the priority transfer system and never proposed that all vacancies be filled by application or interview, as the question suggests. Briefings about the new procedures to all regional directors, school educational directors and selection panels to manage advertisements and applications, of course, are an important step in what we are doing. We have specialised training for school education directors and we have school education directors working with schools and principals to explain the new procedures. Principals are providing information to all staff and parents about the new procedures, and information can be easily accessed on the department's website.

In addition, working parties comprising representatives from the department, the respective principals associations and, hopefully, as the dispute proceeds, the Teachers Federation will look at ways to ensure there are new incentives that need to apply to particular schools, that each school has quality teaching and leadership, together with teacher recruitment, transfer and promotion. The staffing codes used to denote particular school requirements and the statewide computer staffing system used to appoint teachers will ensure that any difficulties will be subject to ongoing review. Improvements in all of these areas will help us better manage staffing arrangements across the State. [*Time expired.*]

GENETICALLY MODIFIED CROPS

The Hon. MICHAEL VEITCH: My question is addressed to the Minister for Primary Industries. Will the Minister please update the House on the latest information about the economic benefits of genetically modified crops?

The Hon. IAN MACDONALD: An independent report has found the use of genetically modified [GM] crops could increase agricultural production by as much as \$8 billion. Opposition members may have seen the report. The report was released this week by the Australian Bureau of Agricultural and Resource Economics [ABARE] and indicates that bumper crops and lower pesticide use are just two of the potential benefits of using GM varieties. Most importantly, the report suggests that New South Wales would benefit most from the adoption of GM crops. The findings of this comprehensive report were reported in today's *Sydney Morning Herald*. The report is welcome news for New South Wales producers, who this year have been given the opportunity to plant GM canola for the first time under changes to New South Wales legislation.

In March this year I lifted the moratorium on commercial production of GM canola following advice to do so from the New South Wales Expert Committee on Gene Technology. The ABARE report suggests that if we pursue an aggressive strategy of planting GM canola only, it could earn New South Wales \$273 million in the 10 years to 2017-18. In addition, by expanding into other GM crops such as wheat, rice, soy beans and maize, New South Wales could earn up to \$3.45 billion. This independent report illustrates the huge potential GM crops represents for New South Wales growers and, indeed, throughout Australia. While some community groups continue to raise concerns about potential presence of GM traits in non-GM crops, research conducted to date leans overwhelmingly towards the benefits far outweighing the negatives when it comes to GM technology.

A wide range of issues surrounding GM were thoroughly examined last year by an independent panel appointed to review the impact of the previous moratorium on the cultivation of GM crops. This independent panel received strong evidence that the introduction of GM canola to New South Wales would have minimal impact on market access or prices for the majority of Australian canola, and recommended removal of the

current moratorium on the cultivation of GM canola in New South Wales. This led to the amendment of the Gene Technology (GM Crop Moratorium) Act 2003 by extending the Act until 1 July 2011 and replacing the GM canola-specific moratorium orders with a blanket moratorium on all GM food crops in New South Wales.

The amended legislation provides for the approval of the commercial cultivation of a specific GM food crop where the relevant industry makes an application that addresses strict criteria on industry preparedness to manage the GM food crop. As part of this criteria, an industry application must address a range of issues, including the ability to identify the requirements demanded by key domestic and international markets. It must demonstrate the supply chain management processes, including segregation of GM food and non-GM crops. This is a new era of choice for the State's farmers, and it brings us into line with Victoria and overseas countries, such as Canada, where GM crops are produced as an important component of farming systems. In fact, GM crops now are grown in more than 20 countries by more than 10 million farmers. This latest report by ABARE not only outlines the potential economic benefits for New South Wales growers, but also notes that we could miss out on important opportunities if we delay progression. On releasing the report, ABARE's Executive Director Phillip Glyde stated:

Delaying GM uptake means we are forgoing significant economic benefits for regional Australia.

The report states that delaying the adoption of GM crops will lead to significant forgone benefits to Australia. Finally, the report also states that we need to not only continue to progress the broader adoption of GM canola, but also look at extending this to include other identified potential GM crops. I look forward to continuing to work closely with New South Wales growers and industry groups to ensure the best economic benefits can be gained for our valuable cropping sector, and to taking the advice of the expert panel seriously.

GENETICALLY MODIFIED CANOLA

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. Last week the Minister told the House in relation to the approval of GM canola varieties:

The legislation sets out the procedures I must follow with regard to any proposition put before the GM Technology Committee by any proponent. That procedure is set out very plainly.

Will the Minister indicate why two months after the approval he has failed to comply with the simple procedure under section 7A (12) of the Gene Technology (GM Crop Moratorium) Act and still has not made public the reasons for the approval?

The Hon. IAN MACDONALD: I believe the member today gave notice of a motion to seek the production of papers on this very issue; I am sure it will be well debated at that time. I remind Mr Ian Cohen that the changes to the Act last year were passed overwhelmingly in this House. In fact, only the Greens voted against the key clauses and against the second reading. This bill is supported overwhelmingly by the Parliament: I cannot remember how many voted against it in the Legislative Assembly, but I do know that it received overwhelming support in that House. In fact, in this Chamber the Hon. Rick Colless voted for the bill at the second reading stage. Even he, who had some queries about it, voted for it.

This House and the other House were very solid on the issue. Members understand the potential benefits of genetically modified crops in some areas. A process was required to be entered into involving an expert panel. In recent times the expert panel has been traduced by a couple of members of that panel, one more than the other. The general composition of that panel has not changed over time. In 2003 this House agreed to the composition of the panel, by name and by organisation. However, as soon as the Act was changed by Parliament—not by me—they started traducing the work of the committee.

I find the work of the committee to be absolutely of the highest order. Its work has been excellent, considering the application that had been made for the release of GM canola in New South Wales. I understand that producer organisations distributing the seed were overwhelmed by applications from farmers wishing to plant the seed this year. Unfortunately, not enough seed was available to meet the demand in Victoria and New South Wales. I am happy to debate this issue at any time, but I remind Mr Ian Cohen that this House passed the legislation with which the Legislative Assembly concurred. Whichever way it is put, both Houses of Parliament overwhelmingly supported the legislation. The opposing votes in both Houses can be counted on two hands.

The Hon. JOHN DELLA BOSCA: If members have further questions, I suggest that they place them on notice.

SHOALHAVEN CITY COUNCIL

The Hon. TONY KELLY: On Thursday 8 May 2008 Reverend the Hon. Dr Gordon Moyes asked a question without notice relating to the Shoalhaven City Council's landfill levy. The Minister for Local Government has provided the following answer:

The NSW Waste and Environment Levy is prescribed in section 88 of the Protection of the Environment Operations Act 1997.

As this Act falls under the administration of the Minister for Climate Change and the Environment, the Hon. Verity Firth, MP, the honourable member should redirect his question to the Minister representing the Minister for Climate Change and the Environment.

Questions without notice concluded.

MINING AMENDMENT BILL 2008**Second Reading**

Debate resumed from an earlier hour.

Ms LEE RHIANNON [5.02 p.m.]: As I was saying earlier, the Greens have called on the Government to stop approving new coalmines and new coal infrastructure projects. We need a transition away from coal whereby workers currently employed in the coal industry may undertake retraining to gain employment in new clean energy industries funded by government, such as manufacturing solar, wind, energy and water efficient technologies and public transport infrastructure. It would be a bold and crucial step to prepare the New South Wales economy to operate under the new set of rules that climate change is ushering in.

Instead of remaining hopelessly addicted to coal royalties, the Government should be expanding its trade opportunities with China. China is bound by law to take 15 per cent of its energy from renewable energy sources by 2020, and that rate will soon increase to 20 per cent. China is committed to invest \$180 billion in renewable energy over that period. New South Wales should try to reverse its trade deficit with China by exporting renewable energy technology, but because Chinese companies have invested so heavily in New South Wales coalmines, much of our export coal is sold to China at the production cost of about \$30 per tonne rather than the export value of \$180 per tonne.

The economic contribution of coalmining to the New South Wales economy is grossly overstated. I will share with the House some financial advice I received to help the Treasurer and members consider the point I am making. The figures are drawn from the New South Wales Mineral Industry Profile and from data produced by the Australian Bureau of Statistics. The total production figure for the New South Wales coal industry in 2005-2006 was \$8.5 billion. The coal industry directly employs just over 12,000 people out of a total State employment figure of 3.3 million, and that represents 0.37 per cent of the State's jobs. When the Government's indirect employment figure of 55,000 is taken into account, coalmining still accounts for only 1.6 per cent of total employment. In the same period, coal export values totalled \$6.7 billion, which represents 13.6 per cent of total exports of goods and services from New South Wales.

Australian Bureau of Statistics figures for 2005-06 list the total exports of goods and services from New South Wales at \$49.1 billion. However, that is a gross export figure. Coalmining companies are substantial importers in three areas. With the demise of manufacturing in Australia, the majority of mining equipment is purchased from overseas suppliers, either directly or indirectly. New capital equipment purchases are from overseas specialist manufacturers, with local value added limited to local installation and final assembly labour. With many coalmines being funded by overseas investors and shareholders, a large proportion of the substantial profits made by those companies is remitted overseas. As there is very little industry information available on import costs, we can only assume that these three import costs would substantially reduce the export income received from coal. Given that total international imports into New South Wales total \$82.9 billion, compared to total exports of \$49.1 billion, it is reasonable to question whether coal is delivering the huge benefit to our State's balance of trade that the Government suggests. The Government refuses to come clean and publish the actual figures.

The Greens stand by their position that the economic contribution of coalmining to the New South Wales economy is being grossly overstated, and that if the externalised cost of environmental damage and the resulting greenhouse gas emissions caused by coalmining are internalised, then any further expansion of the coal

industry in New South Wales would simply not add up. The economist Sir Nicholas Stern argued that global warming could shrink the global economy by 20 per cent. New South Wales cannot afford that level of economic damage. We need strong leadership as we approach an uncertain future.

Premier Iemma and Treasurer Costa cannot lead New South Wales into the new economic era of climate change because they are pinned down to somewhere in the twentieth century when destroying the environment to exploit coal reserves made sense for those with an economic rationalist view of the world. The Stern report shows us that a price can be placed on the damage wrought by climate change, and that price must be factored into any perceived economic benefit that the expansion of the coal industry may bring. And let us make no mistake—this bill is about business as usual for the coal industry. It says to the coal industry "We will create only the most minor obstacles to your business dealings in New South Wales". That is the message from the Coalition and the Labor Government today.

The Government's support for the third coal export terminal at Newcastle Harbour is a prime example of backward thinking in a new age where everyone else is asking how can we best avert global warming? This is illogical at a time when Australia faces increased extreme weather patterns of drought and flood, declining crop yields and rising temperatures, accelerated species extinction and water shortages. So why is it happening? It is because the New South Wales Government, along with the previous Federal Government, has made us beholden to the coal industry. Liberal ex-staffer and industry lobbyist Guy Pearse wrote a stunning exposé of the Howard Government. The book is titled *High and Dry*. The following quote applies equally to this Labor Government and all those members of Parliament and staffers who help push this line. He wrote:

I started to think the unthinkable—that the Liberal Party was taking the country in precisely the wrong direction on climate change. It had been captured by a small cabal of powerful greenhouse polluters, and had no intention of reducing Australia's greenhouse pollution, ever.

My party was complicit in an unforgivable negligence against the planet, and their actions were leaving Australia exposed to even greater risk. As other countries in the world moved down a clean energy path, we were on track to become a greenhouse ghetto—the place where the world's dirtiest industries would choose to do business.

New South Wales has become a greenhouse ghetto. Currently the Department of Planning website shows that in the greater metropolitan Sydney area there are 11 projects for big resource industry polluters awaiting approval, in western New South Wales there are 12 new projects awaiting approval, and in the Hunter there are 18 polluting projects waiting for the go-ahead. Goldmines, gas mines, coalmines and aluminium smelters employ fewer and fewer people, import huge amounts of machinery, send their profits offshore, cause enormous damage to our environment, and make a significant contribution to our greenhouse gas emissions. In the near future the economic benefits of these projects may no longer outweigh the costs involved.

I will reiterate the Greens position. We are calling for balance. At the moment there is no balance. The bill does not ensure balance between the needs of the mining industry, the needs of the environment, and the health of communities. Clearly, policy in New South Wales is still loaded in favour of the big coal companies and other mining interests. In March this year the Queensland Government announced that from 1 July 2008 all relevant Cabinet proposals will be required to include an assessment of the climate change impacts of the submission. The Queensland Government said:

The requirement to prepare a climate change impact statement is in response to the cross-cutting nature of climate change and the need for a whole-of-government response to this critical challenge. The economics of climate change in Australia, currently under consideration by the Garnaut review, show that the cost of acting too late is greater than the cost of acting now.

As each sector of the economy contributes greenhouse gas emissions, so must each government agency consider policies and measures to avoid or reduce emissions and prepare for climate change impacts. A climate change impact statement in relevant cabinet submissions will assist all government agencies and cabinet to evaluate immediate and longer term climate change issues prior to the implementation stage of any proposal, thus saving potentially costly adjustments at later stages.

That is an outstanding initiative. I would be proud if the Greens had said that. The initiative comes from Andrew McNamara, the Queensland Minister for Sustainability, Climate Change and Innovation—a Labor Minister. What a stark and depressing contrast with our climate sceptic-in-residence, Treasurer Michael Costa, who to this day continues to make outrageous remarks. For example, on 8 March 2008 the *Sydney Morning Herald* quoted the Treasurer as saying, "We must be open minded to evidence that might well show human beings are not contributing to climate change."

On 25 October last year the Treasurer said in this House, "Al Gore is wrong: the science is not in." On another occasion in this House the Treasurer said, "The climate change issue is subject to a great deal of debate and there are reputable scientists who disagree with the premise." The Treasurer also stated that New South

Wales has "been the lead State jurisdiction in terms of dealing with purported, alleged or real climate change—depending on one's view of the subject." When my colleague Ian Cohen suggested to the Treasurer that he build a solar power plant, the Treasurer replied:

Putting a light bulb in my mouth would be a much more reliable source of energy than what Mr Ian Cohen has proposed. At least people will get refrigeration and ice cream.

It would be interesting to know what the Treasurer thinks comes out of his mouth. As usual, he is not in the Chamber. Those statements come from a man who is steering the New South Wales economy into the uncharted waters of global climate change. The Greens' concerns with the shortcomings of the bill are not restricted to the coalmining industry. Goldmining in New South Wales also has had a destructive impact on the environment. The environmental assessment of cyanide-leach goldmines, the regulation of shipping cyanide across the State to goldmines, and containing cyanide tailings ponds at the mine sites should have been tightened under this review. The Lake Cowal goldmine project owned by Barrick Gold has been riddled with problems since it began. It is a fundamentally ill-conceived mine that should never have been granted approval. The mine places at risk the Lake Cowal-Wilbertroy wetlands aquatic environment, the quality of drinking water, the fishing industry, endangered flora and fauna, sacred indigenous sites, farm stock, as well as migratory birds.

I note that the puff seems to have gone out of some of the conservative members of the House. Usually when I speak about Lake Cowal they go on about jobs. As I have said before, only a handful of jobs have been created at that mine. If a spill from the tailings dams occurs, the loss of productivity at the farming level would be so huge that farming jobs in that area would be decimated for a long time. Once again I ask: Where is the balance coming from conservative members on the Labor and Coalition benches? The Lake Cowal goldmine uses cyanide to leach gold from ore stock, creating the risk of spills and leaks both at the site and during transportation, and poses the real danger of arsenic and other heavy metals entering the water system.

The Hon. Matthew Mason-Cox: So do you want to close it?

Ms LEE RHIANNON: Yes, in this case. That mine should not be there. I thank the member for his interjection. There is sufficient gold available in the world today for industry purposes. The bulk of the gold being mined at Lake Cowal is used for jewellery and similar purposes. In this era, when sustainability should be our chief concern, we do not believe that mine is justified because it is an environmental disaster waiting to happen. In 2008 our laws should be able to prevent such a wholly inappropriate mining project from ever making it past the drawing board.

Over the years the Greens have raised with the Government a number of significant concerns about the environmental impact of opal mining as well as its cultural impact on local indigenous communities, particularly in the Narran-Warrambool areas of Lightning Ridge and more recently in Walgett. The major concerns have been weak standards of environmental assessment, the lack of testing for contamination in the mullock material that is created as a result of opal mining, uncontrolled clearing of native vegetation with negative impacts on local fauna, and inadequate rehabilitation of mine sites with poor accountability. Also of concern to residents is the impact of opal mining on water resources, air quality, noise pollution and vibrations, and waste management.

We acknowledge that the bill's amendments have brought opal mining more into line with other forms of mining, with better regulation of the compensation agreements at Lightning Ridge. However, we have grave concerns that other problems being faced by these communities have not been addressed. The issue of rehabilitation is simply a joke. If one visits these areas and sees white mullock spread out like a moonscape across many of these opal mining areas, it makes all the Minister's fine statements not worth the paper they appear on. The rehabilitation levy is an embarrassment.

Recently Danny Hatcher, who is the President of the Lightning Ridge Miners Association, phoned me to discuss these matters. I appreciate the phone call and much of the information he gave me. I congratulate the people of Lightning Ridge on approaching UNESCO about their area becoming a geopark. There is a great deal of heritage in that area, and I wholeheartedly acknowledge that, but we also need to be doing something about the environmental issues. Currently the rehabilitation levy per miner is \$30 per claim. That is an absolute embarrassment. That levy should have been left in the twentieth century. Again, this bill has failed, and failed miserably.

Perhaps the greatest failure of the review and these amendments is the failure to improve the quality of community consultation in the mining assessment and approval process. The Greens regularly speak with

community and environment groups who devote countless hours to researching environmental and health issues affecting their community and preparing submissions to community consultation committees and inquiries, only to feel extreme frustration and disappointment when their concerns go unheard and unheeded. Only last week a group of people from coalmining communities met outside Parliament and tore up the submissions they had put in to inquiries and coal consultation committees. Year after year they have suffered absolute insult as they have been ignored and their hard work has not been taken into consideration. Many people from coalmining communities are now treating submissions they have prepared in that way: they do not think it is worth their hard work any longer.

The industry has the community consultation process stitched up and the Government is in its pocket. Compared with the level of public participation in the environmental assessment and planning process in other jurisdictions around the world, such as the United States and Europe, New South Wales's is bordering on farcical; it is simply becoming a rubberstamp to justify the business-as-usual approach that the Government has worked out with the mining industry. In the United States, the more controversial a project's impact on the environment, the greater is the public involvement in the process. It is by no means perfect but at least the public can say their piece and put pressure on the government of the day.

In New South Wales the most controversial projects are placed straight on the desk of the Minister for Planning. On the rare occasions when the public contributes its ideas and concerns, its views are disregarded. As we know, the Minister, with the powers he has today, has no responsibility even to consider public input. The public wants greater participation in the assessment process, access to information, such as environmental monitoring, and the results of pollution testing. I have met many people from mining communities who feel frustrated that their concerns, which they have expressed in carefully researched and written letters and submissions, are ignored by the Government.

In a community I have visited several times, the town of Wilpinjong not far from Mudgee, local residents have had horrendous problems with noise pollution and vibration coming from mining operations. Many of those people moved to Wilpinjong to escape the bustle of the city and to enjoy the offer of a clean country lifestyle that their families so looked forward to. When a resident dared to complain about 24-hour mining operations, the seriousness of distress caused by low frequency sound resulting in severe sleep deprivation as well as other health problems for locals, such as associated dust and noise levels, the giant mining company Peabody harassed him and took him to court. The Government did nothing to help that man. The environment and mining departments gave him the run-around and would not help him to establish an evidence-based case to force Peabody to reduce the noise and dust from its mining operations.

The Greens work with many local people who do not call for mines to be closed down and they often do not agree with the policy of the Greens of no new coalmines. However, they want the impacts that they are suffering to be acknowledged and they want the Government to give them support. They ask me to prevent mines from operating 24 hours a day. While local residents understand that in many, not all, cases mining operations run all night, it is often impossible for them to sleep. Mining companies should not be allowed to operate round the clock when the impact on the community is so great. But when the community tries to get involved they are stymied, sidelined or even sued.

In an earlier incident in 2007 residents of Wilpinjong learned that their town water had high levels of lead and other contaminants. The community called for regular monitoring by an independent authority, such as the Environment and Protection Authority, but again their calls went unheeded. Where is the support and concern from the conservative members of this House about the impacts on health of the mining industry? I have approached some colleagues in the Coalition about having an inquiry into the impacts on health of the mining industry, but again it seems to be a no-go area. I call on the Opposition to revisit that health issue in isolation, not from the point of view of closing down the industry.

By failing to properly monitor compliance with mining conditions of approval and by not taking enforcement action against breaches, the Iemma Government is acting negligently. I receive many complaints from residents living near mines who are convinced that coal companies are breaking consent conditions. Access to regular environmental monitoring information is vital for people living alongside mines. The Greens are disappointed that the Government will not fund Environment Protection Authority offices in mining communities. The Greens also are disappointed that audits carried out by mining companies will be protected documents and will not be available to people who breathe the air and drink the water polluted by mining operations. The bill has passed up a crucial opportunity to increase public participation in environmental assessment and the monitoring of mining projects.

On balance, the Government's review of the Mining Act has been a piecemeal gesture in the face of enormous environmental challenges presented by mining to local communities, the natural environment and our planet's future climate. The Government has spent seven years tinkering with minor amendments to the Mining Act while the rest of the world has been scrambling to respond to the insurmountable challenges of climate change. For years the coal industry has bullied New South Wales governments to feed the expansion of its carbon-rich polluting empire. The time has come to stand up to the bullies, but major political parties are cowering. The Government's deliberate inaction and the Opposition's failure to offer alternatives will be judged harshly by the next generation. As future students of climate change policy read today's debate in *Hansard* they will see that the Government had the knowledge, the opportunity and the community support to take real action, to make lasting changes, but lacked the conviction to cut its historical ties with the coal industry and take the bold step forward of protecting our environment and future generations from the damaging impacts of mining in New South Wales. The bill is a disappointment.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.35 p.m.], in reply: I thank all honourable members who contributed to the debate. The bill, as extensively discussed, will update the provisions of the Mining Act so that they are consistent with contemporary environmental standards and community expectations. The bill provides a comprehensive and transparent framework for managing environmental impacts and rehabilitation for exploration and mining activities. The bill provides for more effective enforcement of the Act, with a greater range of enforcement options to enable a more flexible enforcement strategy. The bill also improves administration of the Act, reducing unnecessary red tape and streamlining requirements for the industry and government. In addition to this legislation, every effort will be made to reduce duplication of administrative requirements by government agencies.

I have already outlined the Government's commitment to working with other agencies to streamline processes. The Minister for Mineral Resources is committed to the Department of Primary Industries development of guidelines and other supporting materials in consultation with industry and other key stakeholders by the end of this year. I will address a number of issues raised in the debate. The Greens are concerned about rehabilitation, but the simple fact is that it works. A number of former mine sites are now occupied by farms, bushland, housing and industrial developments. The Government requires rehabilitation security deposits to cover the full rehabilitation costs of activities on exploration, mining and petroleum titles. This ensures that liabilities are not transferred to the New South Wales Government. The full security amount is released only after successful rehabilitation has been demonstrated.

The bill strengthens the Government's powers to regulate off-title impacts, such as cracking of riverbeds. The subsidence management planning process requires a subsidence management plan to be prepared and approved whenever underground mining is likely to lead to subsidence. Broad public and interagency consultation processes apply to approval of those plans. The subsidence management plan will be a required element of the rehabilitation and environmental management plan for all underground coalmines. To enhance the requirements for monitoring and risk management, the Government is currently undertaking a review of the subsidence management plan policy and process.

The Government notes Ms Lee Rhiannon's concerns about pollution, which were comprehensively presented today. Obviously, those issues are captured by the integrated regulatory framework for mining, but are not regulated under the Mining Act and therefore are not relevant to debate on this bill. Ms Lee Rhiannon asked for specific comment in relation to Caroon. Provisions for payments for the Caroon exploration licence are detailed in the special conditions to address probity issues and provide a high level of transparency in the process. I refer her to those provisions. In relation to opal mining, Lightning Ridge opal mining district is characterised by many small mineral claims over large Western Lands leases.

An administrative scheme has been set up to manage compensation for landholders affected by mining operations. Amendments to the Mining Act will clarify operation of the scheme by establishing a statutory process and minerals claims district compensation fund that will manage collection and payment of compensation. In addition, mining at Lightning Ridge will be subject to the same environment management requirements as those applying to the rest of the State. The Department of Primary Industries will work with miners at Lightning Ridge to address and meet those new requirements.

I want to make two further comments in relation to the speech by Ms Lee Rhiannon. If members listened to what she said they would think the Government was doing nothing to combat climate change or that we did not take this issue seriously. Nothing could be further from the case. As a result I wish to again document to the House and let people know the range of activities that the Government has undertaken to combat climate change—activities that demonstrate not only our commitment but also our determination to deal with greenhouse gases.

The New South Wales Government has been a national leader in combating climate change. In June 2005, New South Wales became the first Australian jurisdiction to commit to a long-term target of a 60 per cent reduction in greenhouse gas emissions by 2050. New South Wales is also a world leader in combating greenhouse gas, notably through the Greenhouse Gas Abatement Scheme, the world's first mandatory emissions trading scheme. The New South Wales Greenhouse Plan sets out action for the Government for 2005-08 to reduce emissions from its own activities and to work with other stakeholders to reduce emissions from their activities. One of the many initiatives in the New South Wales Greenhouse Plan is the \$200 million Energy Savings Fund. The State Plan includes progress on greenhouse gas reductions as one of its key priorities.

In December 2007, the New South Wales Government announced the Clean Energy Fund to support renewable energy and clean coal research. One hundred million dollars will go directly into a Clean Coal Fund to focus on the commercialisation of clean coal technologies and \$60 million will go towards a substantial boost of the Government's \$40 million Renewable Energy Development Fund. The Government is making a substantial investment but is also committed to getting on top of greenhouse gases.

Finally, I want to make a point about the role of the coal industry in New South Wales. If one listened to the Greens one would think it is not of great importance and does not actually provide jobs. The reality is that exploration is occurring in a number of areas across the State. The coal industry is a significant part of our State's economy. It provides regional development and job creation and generates export revenue. At the end of June 2006, the coal mining industry directly employed almost 13,000 people across the State. The industry produced 124.7 million tonnes of saleable coal in 2005-06 worth \$8.5 billion. This is 73 per cent of the total value of the mining sector. The member outlined a number of areas where exploration is happening. If the areas that are being explored are found to be suitable, the applications will be required to go through stringent environmental assessment and regulation. The communities in some of these areas are in desperate need of long-term jobs and mining will assist greatly in providing them. We simply cannot ignore the importance of the industry to places such as Boggabri. We are about to deal with a number of Greens amendments and I indicate now that the Government will not support them. I will deal with those in detail in committee.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 6 agreed to.

Ms LEE RHIANNON [5.34 p.m.], by leave: I move Greens amendments Nos 1, 2 and 4 in globo.

No. 1 Page 12, schedule 1 [27], proposed section 29. Insert after line 28:

- (4) The decision-maker must cause to be made publicly available on the Department's website on the internet any assessment of the environmental effects of the proposed variation of the licence provided to the decision-maker by the applicant for the purposes of the application.

No. 2 Page 19, schedule 1 [41], proposed section 47. Insert after line 32:

- (4) The decision-maker must cause to be made publicly available on the Department's website on the internet any assessment of the environmental effects of the proposed variation of the lease provided to the decision-maker by the applicant for the purposes of the application.

No. 4 Page 28, schedule 1 [69]. Insert after line 2:

- (6) The decision-maker must cause to be made publicly available on the Department's website on the internet any assessment of the environmental effects of the proposed variation of the lease provided to the decision-maker by the applicant for the purposes of the application.

This should be a simple amendment. It is about putting material on the web and making material about mining more accessible to communities. When an exploration licence, a variation to that licence or an assessment of lease was applied for, the department would publish any environmental assessment of the effects of the proposed licence on its website. That is extremely reasonable. If the Parliamentary Secretary disagrees with that I would be surprised and I would be interested to hear her arguments. Surely we should be informing the community about the environmental impact of exploration and any changes to do with a lease. We know there is

a great level of interest in the environmental impact assessment of exploration licences and at the moment there are few opportunities for the public to stay informed. They really have to battle to get hold of this information and process it. Exploration can cause environmental damage and people clearly should be kept informed. I think it would be a good way to improve relationships between many communities near mines or in areas where there could be mines with the relevant government departments and mining companies. Surely the default should be that this material be on the web.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.36 p.m.]: The Government is opposed to these amendments. Basically what has been described is an administrative process that is already captured by the department's policy on public access to information.

The Hon. TREVOR KHAN [5.37 p.m.]: Similarly the Opposition will oppose these amendments. One of the primary issues that we raised earlier is the necessity of avoiding red tape and duplication. Plainly this style of amendment is directed towards encouraging even greater red tape and duplication and to that extent it is entirely inappropriate.

Question—That Greens amendments Nos 1, 2 and 4 be agreed to—put and resolved in the negative.

Greens amendments Nos 1, 2 and 4 negatived.

Ms LEE RHIANNON [5.38 p.m.], by leave: I move Greens amendments Nos 3, 5, 6 and 7 in globo.

No. 3 Page 22, schedule 1 [43], proposed section 51 (5). Insert after line 3:

- (f) a statement as to the likely greenhouse gas and climate change impacts of activities proposed under the mining lease (including the predicted volumes of annual greenhouse gas emissions resulting from the activities),

No. 5 Page 31, schedule 1 [80], proposed section 113 (3), line 11. Omit "and any information". Insert instead ", a statement as to the likely greenhouse gas and climate change impacts of activities proposed under the mining lease (including the predicted volumes of annual greenhouse gas emissions resulting from the activities) and any other information".

No. 6 Page 32, schedule 1 [85], proposed section 120 (2). Insert after line 30:

- (d) in the case of a transfer of a mining lease, a statement as to the likely greenhouse gas and climate change impacts of activities under the mining lease (including the predicted volumes of annual greenhouse gas emissions resulting from the activities),

No. 7 Page 59, schedule 1 [204], proposed section 238. Insert after line 24:

- (2) Without limiting subsection (1) (a), in making a decision about whether or not to grant, renew, transfer, suspend or cancel a mining lease the decision-maker is to take into account any likely greenhouse gas and climate change impacts of activities authorised by the mining lease (including the predicted volumes of annual greenhouse gas emissions resulting from the activities).

The essence of the amendment is that an applicant for a mining lease or variation of a mining lease must provide a climate change impact statement. This amendment is consistent with the principles of environmentally sustainable development [ESD], which have been updated in this bill. One of my concerns when I spoke in the second reading debate was that environmentally sustainable development is included but it is not fleshed out. We do not know its objects or the details of how it will work. This amendment would help deal with that problem to some extent.

The Department of Primary Industries has taken steps to include environmentally sustainable development principles in the Mining Act and should take this one further step and include measures in the Act that encourage environmentally sustainable development in the mining approval process. It should be the goal of the Government to include the assessment of climate change impacts in every major planning decision it makes. Given that the coal industry is a main contributor to greenhouse gas emissions in this country, it is important that assessment of greenhouse gas emissions be a prominent factor in all decision making about coal projects.

The Government, despite the Treasurer's statements, is on the record as saying that it takes climate change seriously. These amendments will help the Government's policy on climate change become real by finding ways to address these problems and wind back greenhouse gas emissions. Climate change policy is not just a statement on a piece of paper that does not change how mining and other significant industries operate.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.40 p.m.]: The Government opposes these amendments because it believes that they are unnecessary. Prior to undertaking any activities the proponent must obtain appropriate approval under the Environmental Planning and Assessment Act. The Government believes that is the appropriate place for these issues to be dealt with. If adopted, the amendments would increase duplication, which is exactly what the bill is not about.

The Hon. TREVOR KHAN [5.40 p.m.]: I agree with the Parliamentary Secretary.

Question—That Greens amendments Nos 3, 5, 6 and 7 be agreed to—put and resolved in the negative.

Greens amendments Nos 3, 5, 6 and 7 negatived.

Ms LEE RHIANNON [5.31 p.m.]: I move Greens amendment No. 8:

No. 8 Page 62, schedule 1 [204], proposed section 239B. Insert after line 20:

- (6) Before imposing a condition under this section, the decision maker must:
- (a) give not less than 14 days notice of the proposed condition in a newspaper circulating generally in the area of the proposed condition and also cause it to be made publicly available on the Department's website on the internet, and
 - (b) take into account any submissions received in relation to the proposed condition within 14 days of the publication.

When imposing any conditions of consent on a rehabilitation authorisation the public must be notified of the proposed conditions and be given the chance to comment on those conditions. That is what would change if this amendment went through. We believe there does need to be greater public participation in the rehabilitation approval process.

We heard the Minister say in reply that rehabilitation is working. If the Government is so confident, surely it should agree with the amendment. This is one of the few places in the Mining Act where public participation can be increased. People living in the vicinity of mines, and people with environmental expertise who have carried out bush care and conservation activities in these areas, have a strong desire to be informed and to contribute ideas and suggestions for consideration. Surely the Government would readily agree to that; if not, why not? Why is the Government so concerned to lock out people from having a say? We have heard from the Parliamentary Secretary that the Government will not agree. The Government's opposition to the amendment underlines how it is just business as usual for the mining companies, and this legislation will be barely noticed in the boardrooms of mining companies in this country.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.42 p.m.]: The Government opposes this amendment on the basis that, if approved, it will delay the imposition and implementation of conditions requiring improved environmental management. We want these processes in place as soon as possible.

The Hon. TREVOR KHAN [5.42 p.m.]: I agree with the Parliamentary Secretary.

Question—That Greens amendment No. 8 be agreed to—put and resolved in the negative.

Greens amendment No. 8 negatived.

Ms LEE RHIANNON [5.43 p.m.], by leave: I move Greens amendments Nos 9 and 10 in globo.

No. 9 Page 74, schedule 1 [213], proposed section 246G. Insert after line 34:

- (3) Without limiting subsection (1), the Director-General may, in a condition under this section or at any other time, require the rehabilitation and environmental management plan prepared by a holder of an authorisation to include provision for an appropriate mining buffer zone (of not less than 1 kilometre) for the protection of:
- (a) environmentally sensitive land, rivers, wetlands and other environmentally sensitive areas, or
 - (b) places or things of significant social or heritage value.

No. 10 Page 75, schedule 1 [213], proposed section 246H (3) (c), line 16. Insert "and any requirements under section 246G (3)" after "authorisation".

These amendments, if adopted, would allow the Director General to place a mining buffer zone around rivers and wetlands that are deemed environmentally sensitive to protect them from mining impacts. The community and environmental groups have lobbied strongly for many years for mining buffer zones to prevent mining damage. Some mining damage can never be rehabilitated or adequately managed and so should be prevented. Buffer zones would go a long way towards achieving prevention. This simple measure would do an enormous amount to protect the environment while leaving only the tiniest dent in the mining industry's gigantic profits. Mining companies would have to leave some coal in place—they would not be able to get all the coal under all the rivers where they want to mine. BHP Billiton, which posted a \$16.68 billion profit last year, and similar mining companies are clearly not struggling.

There is no justification to crack riverbeds and damage this State's water supply to obtain more coal and further boost profits. The Government's responsibility should be to say no to these practices. It is the responsibility of this Government and all governments to safeguard our waterways, not sacrifice them to a mining company that could disappear in a few years if the price of coal drops. That will certainly happen in 10, 20 or 30 years when the coal is exhausted. Surely companies such as BHP Billiton can afford to leave a few coal seams untouched to protect our water resources. I commend the amendments to the Committee.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.46 p.m.]: The Government does not support these amendments. The bill deals with these issues through environmental assessment and conditioning powers. It is the Government's view that a simple one-size-fits-all provision for every area is not appropriate and that each site should be looked at. Careful environmental assessment of each site, not a one-size-fits-all approach, is more appropriate and will have better outcomes.

The Hon. TREVOR KHAN [5.46 p.m.]: I agree with the Parliamentary Secretary.

Ms LEE RHIANNON [5.46 p.m.]: Once again another necessary amendment will be lost. I am disappointed to lose all the amendments, but this one is extremely important. Just last week a number of groups came here to watch *Rivers of Shame*, a film which documents the number of riverbeds that have cracked so that the river actually disappears. The mining companies get the water flow back by taking water from dams. That is what BHP has been doing with the Georges River. The river disappears through the cracks, then BHP gets the river flowing with water from surrounding dams. At Marhnyes Waterhole in the Georges River the cracks have been filled with grout—it is like filling a crack in a bathroom tile. It would break your heart to go there. What was once a beautiful waterhole has been severely damaged, and that has happened to many rivers.

The Coalition's hypocrisy on this issue should be on the record. On the Central Coast, where we have a marginal seat, Coalition members talk about their opposition to underground coalmining because of the damage that it will do to the waterways, but when we bring the issue to Parliament the Opposition votes against it. We did it once before with a motion listing all the affected rivers, but it voted against it and would not even allow the debate to come on. Now they will not entertain an amendment that will give some protection.

The Hon. Trevor Khan: It is a bad amendment—that is the problem.

Ms LEE RHIANNON: I acknowledge the interjection that it is a bad amendment. You could have brought forward your own amendment. You are out there. Coalition members are just trying to cover themselves. They could have brought amendments forward to provide protection for local communities. I have stood on the stage and listened, with people from those communities, to Liberal and Nationals members talking about how passionate they feel about the rivers and waterways, and how wrong the mining companies are. Kores, a big Korean company, wants to mine on the Central Coast, and I have stood with Coalition members saying they were opposed to such mining. But when we come to this place and move amendments, their support vaporises. Their concern does not even get on the record. We have real problem. It is disappointing that members will not vote for this amendment. If they do not it will mean more cracked rivers and more broken aquifers. At a time when water is so precious that is simply unacceptable.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.49 p.m.]: I listened closely to debate on this matter and to the contribution of the Hon. Trevor Khan, and I sought advice from him in relation to this amendment. I agree that the amendment, which is poorly worded, is a one-size-fits-all amendment. It is unfortunate that the Greens have gone down this path. I wished to contribute to debate on this amendment because I did not want Ms Lee Rhiannon to suggest that Opposition members were captive to one industry or to one group. My home is located right in the middle of the mining area about which she is talking.

I am one of the residents to whom she was referring earlier and I would have more to lose than she would in this matter. Any inference that somehow Opposition members are party to a conspiracy that will be played out on the people of Wyong offends me. If Ms Lee Rhiannon had moved a well-worded amendment that addressed this issue rather than sought to play politics so that she can again get up on the stage at Wyong, she would have some support. However, she is playing politics on an extremely important issue. Her amendment is poorly worded.

Ms LEE RHIANNON [5.51 p.m.]: The Leader of the Opposition, who just demonstrated why he has experienced problems as Leader of the Opposition, said that my amendment is badly worded. It is his job, as Leader of the Opposition, to change the wording of amendments that are moved in Committee. The Leader of the Opposition again demonstrated that he is not doing his job. We can improve on everything: life is all about change. The Leader of the Opposition, who said that he lived in the middle of this area, is spruiking concerns about this issue rather than changing the wording of my amendment so that we can vote on it together.

The Hon. Michael Gallacher: It is poorly worded; you know that.

Ms LEE RHIANNON: The Leader of the Opposition is using this amendment as a cover. I am always happy to accept any amendment that he foreshadows in this Chamber.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.52 p.m.]: Ms Lee Rhiannon is intent on playing politics. It would have been better for residents in that area if she had moved a series of amendments that achieved the solutions she wants to achieve. She is putting forward her party's position so that she can claim at some future meeting that she attempted to resolve these issues.

Mr IAN COHEN [5.52 p.m.]: Members are often faced with detailed amendments that are completely beyond them. This complex amendment quite clearly states:

- (3) Without limiting subsection (1), the Director-General may, in a condition under this section or at any other time, require the rehabilitation and environmental management plan prepared by a holder of an authorisation to include provision for an appropriate mining buffer zone (of not less than 1 kilometre) for the protection of:
 - (a) environmentally sensitive land, rivers, wetlands and other environmentally sensitive areas, or
 - (b) places or things of significant social or heritage value.

It does not matter whether or not that amendment is well worded; we now have an opportunity in Committee to state what words will work. As an environmentalist and someone who has been interested in these issues for many years, I recognise that Ms Lee Rhiannon, as spokesperson for the Greens, has put a lot of effort into this mining issue. I challenge those Opposition members who said that this amendment was badly worded to work, as they do in other situations, towards achieving some decent wording. I believe that this is simply a smokescreen.

Opposition members who agree with the Government do not want to be bothered with this amendment. The Leader of the Opposition, who is living in this area, might well be affected by it, but that is an indictment of his lack of attention to detail. I challenge Opposition members to give us some wording on which we can all agree. The intent of this amendment is clear: we must take care of environmental areas impacted on significantly by mining. On many occasions in the past Opposition members have changed the wording of amendments in this Chamber.

Dr JOHN KAYE [5.55 p.m.]: I am confused, as is my colleague Mr Ian Cohen, about why Opposition members have suggested that something is fundamentally wrong with the structure or wording of this amendment. This amendment will create a power for the director general. It will not require or force the director general to do anything and it does not even state that the director general ought to do anything. The amendment will simply create a power for the director general to put in place some waterway protections. In 2008 amazing problems are associated with waterways. In rural and regional New South Wales we are totally dependent on the health of our rivers not just for the delivery of water but also for the ecosystem services that they deliver.

This amendment will create a power for the director general to require some protection for waterways from longwall mining. My colleague Ms Lee Rhiannon outlined accurately and in graphic detail the horrendous damage that longwall mining can do when it gets close to rivers. Under those circumstances it would be a grave error not to do something in this regard. As Mr Ian Cohen said, what is wrong with creating a power? Which

word is wrong? Which word in this amendment caused Opposition members to say to Ms Lee Rhiannon that it was poorly worded? This amendment will create a power for the director general to require the rehabilitation environmental management plan to include a buffer zone.

We are not saying that there has to be a buffer zone, but it is an issue about which we should be talking. The amendment states that in circumstances where the director general sees fit he or she may require—not must require or ought to require but may require—the preparation of a buffer zone. I challenge Opposition members to explain in clear and simple terms what is wrong with the wording of amendment No. 9.

The Hon. TREVOR KHAN [5.57 p.m.]: I do not believe that a lengthy discussion on this amendment is necessary and I do not believe it is appropriate for me to be teaching the Greens how to draft an amendment. However, I wish to make some observations. We were given these amendments at the last moment and we received a second draft of them when we were debating this issue. I think it is fair to say that the Greens' concern, which is not feigned, should have led to a degree of interaction with other members in this Chamber prior to the commencement of debate on the bill, which in itself might have enabled discussion on some of the issues that have been raised. However, that did not occur.

Proposed section 246G provides for a system of authorisation and for conditions to be imposed. It is not a case of the bill being silent or preventing the imposition of such conditions: the bill provides for those changes. In essence, this amendment becomes surplusage. It looks good to move the amendment and to try, in a sense, to squeeze both the Government and the Opposition. But does it add anything? Quite frankly, no. Of course, if it is to be given substance and mean something, it limits what the director general can do if the triggers are enacted.

The amendment proposes that if the director general imposes conditions, there must be a buffer zone of not less than a kilometre. In those circumstances it may discourage the director general from doing anything because a one-kilometre buffer may be completely inappropriate. In that sense, it makes it more difficult for the director general to meld a set of conditions to be imposed and perhaps limits the opportunity for the director general to impose a set of conditions appropriately. It may cause the director general to walk away from imposing a condition because the amendment makes it too difficult to do so. It is not my job, nor is it the job of the Opposition, to teach anyone how to suck eggs, but as it has been invited: Grandma can go and suck one!

The Hon. ROBERT BROWN [6.01 p.m.]: The contribution of the Hon. Trevor Khan was most illuminating. We agree. It is surplusage.

Dr JOHN KAYE [6.01 p.m.]: I thank the Hon. Trevor Khan for his contribution, although I note that if this were a court of law, the first criticism of what he said would be that he has changed his tune. Just a moment ago there was something wrong with the wording of the amendment. Now, all of a sudden, there is nothing wrong with the wording; the problem is that we imposed the amendment on him at the last moment and he did not have time to prepare for it. I suspect that the word "surplusage" is a neologism, but leaving that aside, I take on board the concerns the Hon. Trevor Khan has with the words "of not less than one kilometre." Accordingly, in the spirit of addressing the lesson the member delivered to the Greens—and we appreciate that lesson—I move:

That the words "of not less than one kilometre" be deleted from amendment No. 9 moved by Ms Lee Rhiannon.

In doing so I believe that we have addressed the major and only substantive concern the Hon. Trevor Khan raised: that the power created for the director general under subclause (3) would somehow or other be restricted by the one-kilometre minimum stand-off distance proposed by amendment No. 9. From what the Hon. Trevor Khan said, this amendment has addressed his key concern. We hope therefore that he accepts the amendment moved by Ms Lee Rhiannon subject to the passage of the amendment I proposed.

The Hon. PENNY SHARPE (Parliamentary Secretary) [6.03 p.m.]: There has been some discussion between the Opposition and the Greens about this amendment. I reinforce that this bill strengthens the ability of the Government to deal with off-site impacts, such as concerns about rivers. The Minister actually has the power to put conditions and buffer zones in place as appropriate to the site and after careful environmental assessment. The Government believes that regardless of the wording, these amendments are unnecessary.

Ms LEE RHIANNON [6.04 p.m.]: I invite the Coalition to speak to the amendment of Dr John Kaye because the member Mr Kahn expressed concern about the wording of amendment No. 9, and we are endeavouring to reach some agreement on the position. The Liberals and The Nationals raise similar concerns at times and, indeed, the Leader of the Opposition supported my point. Leaving aside concerns about the

amendment being changed as the debate has ensued, we have a clear proposition that addresses many of the concerns of the member Mr Khan, who has carriage of this bill for the Opposition. It would be most disappointing if we did not hear a response and hopefully find a resolution to this point. After all, that is what the Committee stage is all about.

The Hon. TREVOR KHAN [6.05 p.m.]: I can only repeat, as briefly as possible, part of what I said: the amendment in its entirety is surplusage; it is unnecessary.

Dr JOHN KAYE [6.05 p.m.]: I understand with the deletion of the words "of not less than one kilometre," which the Hon. Trevor Khan raised as being restrictive by the unnecessary amendment—

[Interruption]

Having spent 14 months with the Hon. Trevor Khan I have come to understand that he can speak for himself—possibly too much and too often on occasion. The Opposition argues that the amendment is unnecessary, that is, that somewhere else in the legislation, either in the bill or in the Act, a power such as this exists and the director general may, as a condition, require the rehabilitation and environmental management plan to include a mining buffer zone for the protection of lands, rivers, wetlands or things of social or heritage value. The Hon. Trevor Khan used the word "surplusage"—it is a nice word; I have learnt something tonight—but the challenge lies with him to show us exactly chapter and verse—

The Hon. Matthew Mason-Cox: No it doesn't.

Dr JOHN KAYE: If the accusation is made by the member that the matter is surplus to the requirements—that it is unnecessary or redundant—then the challenge lies with him to show us exactly where that power is in the bill or Act.

The Hon. Rick Colless: He already has.

Dr JOHN KAYE: Where?

The Hon. Matthew Mason-Cox: It's in the provision.

Question—That the amendment to Greens amendment No. 9 be agreed to—put and resolved in the negative.

Amendment to Greens amendment No. 9 negatived.

Question—That Greens amendments Nos 9 and 10 be agreed to—put.

The Committee divided.

Ayes, 4

Mr Cohen
Ms Rhiannon

Tellers,
Ms Hale
Dr Kaye

Noes, 25

Mr Brown
Mr Catanzariti
Mr Clarke
Mr Colless
Mr Gallacher
Miss Gardiner
Mr Gay
Ms Griffin
Mr Khan

Mr Lynn
Mr Mason-Cox
Reverend Dr Moyes
Reverend Nile
Ms Parker
Mr Primrose
Ms Robertson
Ms Sharpe
Mr Smith

Mr Tsang
Mr Veitch
Ms Voltz
Mr West
Ms Westwood

Tellers,
Mr Donnelly
Mr Harwin

Question resolved in the negative.

Greens amendments Nos 9 and 10 negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from committee without amendment.

Adoption of Report

Motion by the Hon. Penny Sharpe agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

CRIMES (ADMINISTRATION OF SENTENCES) LEGISLATION AMENDMENT BILL 2008

Message received from the Legislative Assembly returning the bill without amendment.

SUMMARY OFFENCES AND LAW ENFORCEMENT LEGISLATION AMENDMENT (LASER POINTERS) BILL 2008

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Penny Sharpe, on behalf of the Hon. John Hatzistergos.

Motion by the Hon. Penny Sharpe agreed to:

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

Second reading set down as an order of the day for a later hour.

MARINE PARKS AMENDMENT BILL 2007

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [6.20 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated into *Hansard*.

Leave granted.

New South Wales has a comprehensive, world-class system of marine parks that play a crucial role in protecting our precious marine life for generations to come. Covering more than 345,000 hectares, or a third of the New South Wales coastline, our six marine parks are without doubt one of the Government's finest environmental achievements.

Our marine parks protect wonderful examples of the rich, varied and unique marine biodiversity of New South Wales. They include and protect estuarine and oceanic ecosystems, particular habitats such as rocky shores and reefs, sandy beaches and seafloor areas, island waters and seagrass beds, and the entire range of marine life that depends on them. Importantly, marine parks also provide for a variety of ongoing sustainable activities such as tourism, fishing, boating, diving, and dolphin and whale watching.

At present there is no practical mechanism in place to review and amend the zoning plans that are the key management tool for marine parks. The purpose of the bill, therefore, is to establish a clear, transparent process to carry out these reviews. Specifically, the bill will ensure that zoning plan reviews for each park will happen after the first five years of operation of the plan, and then every 10 years after that.

The initial review at five years will enable fine tuning of zoning plans, while the subsequent 10-year periods will allow enough time to observe the ecological impact of the various zones within each park. I emphasise that having reviews every 10 years after the initial five-year reviews is also aimed at providing certainty for businesses, fishers and local communities.

I am aware that small parts of some communities have been initially reluctant to embrace marine parks. It is clear, however, that after only a few years we find that the benefits, both environmental and economic, start to flow to local communities and are more widely recognised. We know from a recent independent survey that 87% of people in the Coffs Harbour, Bellingen Valley and Clarence Valley community support conservation of the Solitary Islands Marine Park and 80% of the 407 people surveyed in this region support sanctuary zones in the marine park.

Similarly, for Jervis Bay Marine Park we know from a recent survey that 84% of people in the Shoalhaven area support the conservation of Jervis Bay Marine Park and 82% of the 402 people surveyed in the Shoalhaven support sanctuary zones in the park. I am confident that this review process will provide communities with a clear opportunity to express their opinion and local businesses, and other interested people will gain some surety about the future of our parks.

The bill will ensure that reviews focus on the effectiveness of current zoning plans. A review report will be developed with advice from the local marine park advisory committee to help determine whether amendments are required. The Government will ensure that at least two months of public consultation occurs during the development of a review report.

Proposed amendments to zoning plans, if any, will be subject to a three-month consultation period—the same period that applies to the development of the initial zoning plan. It should be noted that the bill allows limited scope for the relevant Ministers to make changes to zoning plans outside a review period if necessary. The bill provides some examples of where this might be necessary, such as accommodating a critical habitat declaration, or implementing a recovery plan made under the Fisheries Management Act. The bill requires that the community is consulted on amendments made outside the review period for a minimum of three months, except if amendments are minor or made for reasons provided in the bill.

The bill also streamlines the development and adoption of operational plans. An operational plan supports the implementation of a zoning plan by guiding research and monitoring, community education, compliance and other day-to-day operations within a marine park. It is anticipated that under the proposed amendments operational plans will become flexible but detailed local work plans for each marine park. Local advisory committees will have at least 28 days to comment on an operational plan and the Marine Parks Authority will have to consider these comments in finalising the plan.

The bill makes several other minor changes to support the management of marine parks. First, the bill introduces the power to regulate the use of aircraft over marine parks. This is in addition to the current power to regulate aircraft, such as seaplanes, landing in marine parks. While it is not envisaged that this power will be needed in the short term, it is conceivable that low-flying recreational aircraft may pose an environmental problem in the future.

Second, the bill clarifies that mining, which is banned in marine parks, does not include sand extraction provided it is for the purposes of beach nourishment. It also retains the ability to regulate such activities in marine parks generally through zoning plans or specific regulations.

Third, the bill increases the maximum level of penalties that may be imposed by the marine parks regulation from 100 penalty units to 200 penalty units to bring them into line with similar penalties in the Protection of the Environment Operations Act 1997. It also provides the ability to regulate the possession of plants or animals taken from marine parks.

Finally, the bill clarifies that the role of the Marine Parks Advisory Council is to consider marine park matters from a statewide perspective, while the local marine park advisory committees are to focus on local matters for their particular marine park.

All of these changes will help our marine park managers and other dedicated staff manage our marine parks more effectively. They also expressly provide for a clear, open review system so that everyone can have their say.

I commend the bill to the House.

The Hon. RICK COLLESS [6.20 p.m.]: New South Wales is home to an estimated two million recreational fishermen and a sizeable commercial fishing industry. Both recreational and commercial fishermen alike are understandably concerned about the proliferation of marine parks increasingly encroaching on marine environments, which have been home to sustainable fishing practices and environmentally sound tourism operations for decades. The six marine parks currently in existence cover roughly one-third of the New South Wales coastline and, understandably, a great deal of concern exists among coastal communities, tourism operators and fishermen alike that the further introduction of marine parks is carried out in full recognition of their considerable interests in their coastal environments.

As members of the Legislative Assembly have already detailed at some length, the Marine Parks Act as it currently stands is riddled with shortcomings, chief among which, but by no means the only deficiency of the Act, is the lack of any requirement for public consultation over the creation and ongoing management of marine parks. Public consultation prior to the gazettal of any marine park is crucial. It should not simply be left to the whim of the Minister to decide which areas should be set aside as marine parks without first consulting with local interest groups and basing his or her decision on sound scientific evidence of the need for such a park.

In its current form no such requirement exists in the Act, leaving the Minister free to steamroll the best interests of recreational and commercial fishing groups and tourism operators, all of whom have a considerable stake in preserving their access to the coastal environment, simply to satisfy whatever rabid green group has last been in their ear. As such, community representatives to be included on any local advisory committee must be provided with any scientific research at the Minister's disposal, and also with whatever other information they may require to make an informed decision. Ignoring scientific papers simply to shore up one's position on a particular issue is a gross abuse of the scientific process, and one that infuriates good scientists.

The scientific method is about postulating a theory and then testing that theory against known data, and if no reliable data is available, then the scientist designs experiments to collect that data to help him or her draw a conclusion by assessing the data set against that theory. A good scientist is never certain, according to Nobel Prize winner Richard Feynman, who is also reported as saying that all scientists know that scientific statements are approximate statements with different degrees of certainty; that when a statement is made, the question is not whether it is true or false, but how likely it is to be true or false. It is extremely unfortunate that scientists who express concern at scientific consensus become pilloried, many even being accused of being deniers when they question the motives behind the consensus, and that very process has occurred during debate on this bill. In a letter to the Premier, Professor Robert Kearney, from the University of Canberra, wrote:

Dear Premier,

I refer to the statements by Ms Verity Firth reported in Hansard for Wednesday 27/2/08, and in particular Ms Firth's statement that 'Professor Bob Kearney is literally the lone voice in the scientific community opposing marine parks'. This statement by Ms Firth is spectacularly wrong on two accounts.

First, I am not opposed to marine parks. This is abundantly clear in the document of mine (the Pros and Cons of Marine Protected Areas in New South Wales: who's been hoodwinked?) that was quoted extensively in the Parliament during this debate. That paper openly acknowledges my belief in the benefits that may come from well designed and managed marine parks. It even gives examples of where well designed area management of aquatic systems may work in New South Wales. What my paper also demonstrates is that the Batemans Marine Park, a primary subject of that paper, is so badly conceived and designed by the NSW Marine Parks Authority that even its sanctuary zones do not qualify as marine protected areas. What I am opposed to is the orchestrated bias and abuse of the accepted principles of science in the documentation provided by the Marine Parks Authority. I am also opposed to having marine parks in New South Wales that fail to provide appropriate protection for our aquatic ecosystems. Ms Firth continues to confuse, apparently deliberately, the immense difference between well designed marine protected areas and marine parks as implemented in New South Wales.

Second, I am certainly not 'literally the lone voice' in opposing marine parks that result from the abuse of science, such as has been done by the NSW Marine Parks Authority. My paper was peer reviewed before presentation. It has subsequently been strongly supported by approximately 70 scientists at the Australian Society for Fish Biology's annual conference in 2007 (see attached statement by the President and Immediate Past President of ASFB) and by many of Australia's other leading scientific authorities in relevant disciplines, including Professor Colin Buxton from the Tasmanian Aquaculture and Fisheries Institute, Professor Tony Underwood from the University of Sydney and perhaps more importantly to the Parliament of New South Wales, by senior fisheries scientists, including the Chief Scientist, of the NSW Department of Primary Industries.

On 31/1 0/07 your NSW Department of Premier and Cabinet advised me that you had arranged to advise Ms Firth of my concerns with the unacceptable standard of science used by the Marine Parks Authority and that I was by no means alone in condemning that science ... I was subsequently advised, on 5/2/08, by your Department of Premier and Cabinet that you had agreed to again bring the information relevant to both of the points raised above to Ms Firth's attention and that they would receive close attention ... Yet she continues to grossly misrepresent my position and to incorrectly assert that I do not have the support of the relevant scientists.

Ms Firth has recently made many other statements on marine parks in New South Wales, reported in Hansard and elsewhere, that are characterised by misrepresentation and distortion of the available information and as such mislead the people of New South Wales. I would be pleased to elaborate at your request.

Yours sincerely
Robert Kearney, PhD, DSc, AM
Emeritus Professor of Fisheries
University of Canberra

It astounds me that the Minister, being responsible as she is for the Science and Medical Research portfolio, has such a shallow understanding of the scientific process and such contempt for a scientist of Professor Kearney's

standing. Professor Kearney's position on this has received widespread support from other members of the scientific community, in particular, Dr Patrick Coutin, President of the Australian Society for Fish Biology, and Dr Mark Lintermans, immediate past president of that same society. Dr Lintermans wrote:

More recently, ASFB [Australia Society for Fish Biology] held a workshop on Spatial Management in Fisheries in Canberra during September 2007 that was attended by more than 70 fisheries scientists and the keynote speakers were experts in this subject. Our attention has been drawn to a recent statement by Minister Verity Firth in regard to this workshop and a paper presented at this workshop by Professor Robert Kearney has been quoted and misrepresented as "Professor Bob Kearney is literally the lone voice in the scientific community opposing marine parks."

Firstly, we would like to draw your attention to the vast amount of scientific literature that is available on this issue which both support and oppose marine parks. The Professor is certainly not the only scientist that has raised concerns about the scientific basis for the establishment of marine parks. Many if not most scientists would expect and recognise the need for long term monitoring and analyses of large data sets to establish effective zoning and spatial closures to achieve marine park management objectives.

Secondly, Professor Kearney's workshop address did not oppose marine parks, but was focussed on the need for good science in decision making and opposed the abuse of science as advocacy for more parks. It specifically examined the content of a report used to justify the creation of the Batemans Marine Park, namely "A review of benefits of Marine Protected Areas and related zoning considerations" (Marine Parks Authority, New South Wales). This report was shown to contain numerous factual errors and many selective, misleading statements. Professor Kearney also expressed concern about the unacceptable standard of science in the Marine Parks Authority's documentation. There was a discussion at workshop after each presentation and some members expressed strong support for Professor Kearney's assessments and shared his concerns.

As professional fisheries scientists, we feel duty-bound to support Professor Kearney, who is not a member of ASFB, because he is advocating scientific rigour and the correct unbiased use of scientific advice.

There are also at least three other scientific organisations that Professor Kearney alluded to in his letter that have written to the Premier expressing their concern at the treatment of Professor Kearney and their support for the professor in his assessment of the science used to justify the management protocols for marine parks. At the very least Minister Firth should personally apologise to Professor Kearney and to the scientific community for expressing a profound lack of understanding about the scientific process.

I turn now to the provisions of the bill before the House. Provisions for a review of the establishment of marine parks, whereby members of an advisory committee can actively participate in debate over the ongoing management of the parks on behalf of their particular community, or interest group, are an important feature of the amendments to the bill. Similarly, all changes to the zoning and management plans governing marine parks must be conducted through public consultation over a period of three months to ensure that they best serve the needs of local interests groups and community stakeholders—or at least are not implemented to their significant detriment. Public review of marine park zoning plans to be conducted five years after the creation of a marine park and further public reviews to be conducted every 10 years will also become important steps in ensuring the parks continue to operate under suitable levels of community input.

Another of the key deficiencies of this legislation in its present form is that commercial and recreational fishermen need to have certainty about precisely what areas they are, and are not, permitted to fish. Currently fishermen are often left with little certainty over the boundaries of marine parks, which in many cases are not easily discernible or visibly marked. Global positioning systems [GPS] generally come with a disclaimer that they cannot reliably be used to provide a precise geographical location. However, these are the very same systems that those who police the boundaries of marine parks rely on when issuing infringement notices to fishermen who have encroached upon the boundaries.

The Hon. Robert Brown: It's bloody disgraceful!

The Hon. RICK COLLESS: It is disgraceful. At the very least there should be a give-or-take boundary to acknowledge the error in the global positioning system so that fishermen whose GPS tells them they are outside the park's boundary are able to fish, or, if they are within the park boundary, do not fish. The process should be subject to the unreliability and inbuilt error of GPS. It would not have taken a great deal of thought to include that in the bill. There must be greater provision of certainty about the boundaries of marine parks to ensure that all fishermen, recreational and commercial, are not simply left at the mercy of some over-zealous fisheries inspector with a GPS.

This bill is also set to double the penalties imposed on those who fish within the confines of a marine park. That provision must be clear-cut for the benefit of all fishing enthusiasts. The Coalition is opposed to the doubling of penalties. We have a number of concerns about other aspects of the bill, which we will address by way of amendment during the Committee stage. In particular we want to ensure there is public consultation on

all zoning and management plan changes as well as in relation to any proposed new parks. We want to remove ministerial power to approve zoning and regulation changes. We also want scientific proof for all zoning changes. I have to say that while I am not opposed to the concept of marine parks, I am opposed to using false science to justify them. It is my belief that we must take all reasonable steps to ensure they are gazetted in a way that is open to public input and scrutiny and that takes into account all valid community concerns. The Opposition will not support the bill unless the amendments to which I have referred are passed at the Committee stage.

Mr IAN COHEN [6.35 p.m.]: On behalf of the Greens, I support the Marine Parks Amendment Bill 2007. I would like to think that all members of this House agree it is of fundamental importance that New South Wales marine environments and resources are passed on to future generations of this State and this country. We have a moral obligation to ensure that the activities in the State's marine parks do not reduce marine biological diversity. The six marine parks declared in this State, which cover over 34 per cent of New South Wales coastal waters, are testament to this State's commitment to that obligation. The magnitude of our obligation should not be understated. The 2006 New South Wales State of the Environment Report states:

Aquatic species play a crucial role in maintaining ecological processes. Loss of species diversity weakens natural ecosystems and diminishes ecosystem services, which can have significant ecological, economic and social impacts.

Managing the State's marine parks is a tightrope exercise in balancing competing demands. As noted in the State of the Environment Advisory Council in 1996, all marine parks stakeholders have a vested interest in the biodiversity and health of our marine ecosystems. Commercial and recreational fishing, aquaculture and coastal tourism users rely on healthy marine environments for economic factors just as much as conservationists value marine health for aesthetic appreciation. For all our points of commonality in securing ecosystem services, we are yet to translate this shared interest in obligation into a unified ground-level agreement on the management of State marine parks. Integrated natural resource management and ecologically sustainable development remain malleable terms: Their precise form and shape depend upon the eye of the beholder.

The international consensus has suggested that the protection of 20 to 50 per cent of the sea from fishing is necessary to adequately conserve biodiversity and to protect the viability of populations of marine species. In 2001, 161 marine scientists signed the Scientific Consensus Statement on Marine Reserves, which states that no-take zones result in long-lasting and rapid increases in abundance, diversity and productivity of marine organisms as well as reduction in habitat destruction and species extinction. Withstanding this consensus, the language of maximum sustainable yield and total allowable catch continues to seep into conservation frameworks when international and national guidelines, such as the 1994 World Conservation Union Guidelines for Protected Area Management Categories and the 1995 Jakarta Mandate on Marine and Coastal Biological Diversity, have long moved on.

The bill is an important step towards a more effective administration and management regime for New South Wales marine parks. Specifically, the bill establishes a new review process to implement and amend zoning plans within a marine park. The State's six current marine parks—Batemans, Cape Byron, Jervis Bay, Lord Howe Island, Port Stephens-Great Lakes and Solitary Islands—should benefit from increased flexibility and responsiveness in park management. Marine parks are not static environments; they are dynamic ecosystems with highly complex intractability. Managing a marine park is not simply a matter of establishing habitat protection zones, sanctuary zones, general use zones and special purpose zones. They need to be constantly evaluated to ensure that conservation outcomes are being achieved.

A number of my constituents, namely members of the National Parks Association of New South Wales and the Nature Conservation Council of New South Wales, have raised concerns about the need to secure the core nature of the four main types of zoning areas established under part 2 of the Marine Parks Regulations 1999. Translating part 2 of the regulations into the Act secures the very foundation of zoning management and reduces the potential for unilateral ministerial attempts to alter the essential character of sanctuary zones and habitat protection zones. The demand of commercial operators in marine parks for certainty in marine park zoning in order to effectively manage their commercial operations—the very argument made for the need for proposed section 17B (4)—is very much like the desire for certainty in the nature and character of zoning instruments that secure conservation objectives. Such a move has considerable merit and would not be without precedence.

Part 4 of the National Parks and Wildlife Act 1974 protects various types of land reservations under the Act and does not expose the essential nature of national parks, State conservation areas, regional parks and Karst conservation reserves to the whims of ministerial prerogatives. Overturning or amending the essential nature and

character of what constitutes a regional park is not left to the regulatory powers of a Minister under the national parks Act regime, nor should the fundamental character of zoning areas under the Marine Parks Act. I look forward to having further dialogue with the Government in relation to this aspect.

With ongoing commitment to the continued improvement of the Marine Park Act, I will now discuss some of the issues pertinent to the bill and the wider debate. The Deputy Leader of the Nationals suggested in the debate on this bill that decisions about marine parks have been made, not on scientific evidence, but on rhetoric and political imperative. His sentiment displays a concrete repudiation of the whole marine park management process and the establishment of zoning infrastructure based upon the precautionary principle. I note that Coalition members of this House tend to label groups I represent as "rabid green groups", which just rolls off the tongue, but I urge them not to do that. The Hon. Rick Colless stated, in the context of discussing the precautionary principle, that the good scientist is never certain.

The Hon. Rick Colless: I was quoting.

Mr IAN COHEN: I acknowledge that he was quoting a scientist when he said that. It is for that reason I advocate that we take note of the precautionary principle but simultaneously take care in its application. While I suggest that the level of uncertainty associated with the precautionary principle should be taken into account, I also point out that it drives conservation and efforts to ensure that our wonderful terrestrial biodiversity and marine biota are enjoyed by future generations. Our oceans are a wonderful treasure that we have inherited and we should take responsibility for their conservation. The preamble of the international Convention on Biological Diversity [CBD] states:

[W]here there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.

Section 391 of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 explicitly endorses the precautionary principle and sets out a broad range of ministerial decisions that require the application of the principle. This House and the Government cannot simply fly in the face of principles that repeatedly have been received international and national recognition. To say that the precautionary principle should not apply to the protection of marine biodiversity and ecosystems, as stated in the lower House, is simply retrograde policy.

We often tell children not to jump head first into an unfamiliar river if they do not know the depth of the water. In our daily lives we apply the principle of precaution when we cannot fully evaluate the variables and predict the outcome. We hedge our bets. This commonsense approach, or maybe even instinctual approach of precaution, permeates through so many aspects of our lives, yet its application to environmental and natural resource decisions remains controversial. Making decisions on the available science, without providing an adequate buffer for gaps in our knowledge has, and will, drive us to make ill-informed decisions.

It has been estimated that less than 5 per cent of marine biodiversity has been discovered or described for the Australian marine jurisdiction, and the information that has been collected predominately describes commercial fish species. The gaps in our knowledge of whole ecosystem function require us to exercise restraint in making effective and sensible decisions on conservation objectives that are balanced against development-user objectives. We do not want to be that young child diving head first into an unfamiliar river whose depth is unknown. We should not make decisions that narrow or endanger the options of future generations.

It is hard to know whether The Nationals proposed amendments requiring scientific justification of new section 17C amendments represent a serious concern driven by the critique of Professor Bob Kearney, or are part of broader ideological repugnance to the precautionary principle. I suggest the latter is the case. Instead of bemoaning the alleged lack of scientific data driving zoning decisions and advisory committee decisions, the Opposition should support the Greens amendment that seeks a sensible middle-ground approach. It tempers ministerial discretion, yet allows flexibility for new members to be appointed when workload demands require a new appointment.

Indications from marine scientists and marine conservation representatives who are members of advisory committees are that a disproportionate workload is placed upon representatives, and that having additional members who represent the groups will enhance the capacity of advisory committees to couch their recommendations in scientific and empirical data. If there cannot be agreement on the amendment, I hope that the Ministers will exercise the discretion afforded in proposed section 35 (3) to enhance traditional ecological knowledge by involving indigenous advisory representatives, thereby ensuring that there is not a disproportionate workload burden on marine scientists.

The Greens generally are satisfied with the substantive procedures proposed in the new division 1A, "Zoning plans". The bill makes provision for adequate public consultation without placing undue stress on the efficient establishment of zones. The Greens propose amendments to tighten timeframes to protect the park in the interim between declaration of the park and the initiation of the zoning process. We also propose an amendment that clarifies the scope of ministerial discretion in the zoning amendment process and solidifies the advisory function of the advisory committee. However, of most concern is that the bill proposes to pave the way for sand-dredging activities to be considered as a conservation management tool. The member for Ballina, Don Page, who again gave his approval to the technique in discussion of this bill, previously canvassed the issue of sand dredging during debate on the Coastal Protection Amendment Bill 2002. While the member for Ballina was of the opinion that sand dredging for the purpose of beach nourishment was the best ecological solution for Cape Byron, he did acknowledge that sand dredging is a costly and ongoing process—something that he has not done the second time around.

I am not convinced of the effectiveness of sand dredging as a climate change adaptation measure or as a general marine park management measure. Proposals and scoping studies that push forward this measure sound more like science fiction than a responsible climate change adaptation measure. Liquefying dredged sand and shooting it onto New South Wales beaches from a boat that has been leased from the Northern Hemisphere does not have the ring of reasonableness to it. When we consider the ecological impact of dumping a wholly foreign ecosystem onto a New South Wales beach, the measure seems even more unreasonable. I take an interest in this matter because it affects the area in which I live. Dredging and beach sand replenishment need very expensive and powerful equipment, especially when the depths at which the dredging takes place is considered. It is not as though we are talking about river dredging or sandbar dredging that takes place along the New South Wales coast. We are dealing with a complicated process whereby sand is dredged offshore and transported to the beach.

Recently there have been interesting programs on benthic communities in sand. We are not talking about beach sand per se but rather communities and intricately layered ecosystems. Sand that has been dredged from the ocean has completely different biota from that of beach sand. It is not a simple case of moving sand but involves many other issues that ought to be considered prior to a decision being made. The Government has suggested that, given the dynamic nature of the coastline and the impacts of climate change, it may be both necessary and appropriate to extract sand from within a marine park with which to nourish beaches within and outside marine park boundaries in the future. I am strongly opposed to sand dredging for the purpose of protecting foreshore properties from shoreline recession.

The use of sand-dredging measures to protect ill-conceived shoreline development only encourages the proliferation of poor and short-sighted coastline development that does not take account of rising sea levels. We should not give surety to people who chose to construct properties on receding shorelines—properties that expensive and ecologically unproven sand-dredging activities will be applied to securing. The Greens preference would be for sand extraction and sand dredging to be banned in marine parks. The political reality is that a vociferous collective of real estate owners of foreshore areas, who are facing shoreline recession, want taxpayers to foot the bill to protect their investments. They also want people to place unwavering faith in sand dredging as a silver bullet.

Exempting sand extraction activities from the operation of section 18 of the Act, where the purpose of the sand extraction is, for conservation purposes, to prevent harm to the environment or to prevent the risk of serious injury to a person, does not allow scope for protecting such property interests. The unequivocal legislative intent of those purposes is to ensure that sand dredging occurs only for conservation and for the protection of marine park ecosystems pursuant to the objects of the Act. Prevention of the risk of serious injury to a person—I emphasise that it applies to a person—does not provide scope, and it is not the intention of the legislation to provide scope, for sand-dredging activities being used to protect foreshore properties from shoreline recession.

Sand dredging that is not carried out for conservation purposes should be considered mining and such sand dredging would be deemed unlawful unless expressly authorised by an Act of Parliament. It might be contended that sand dredging that is not carried out for the purposes outlined in the Greens amendment to proposed section 18 (4) will not require an Act of Parliament because it does not fit within the meaning of "to prospect or mine for minerals in a marine park" and should only be subject to approval under part 3A of the Environmental Planning and Assessment Act 1979. The Greens proposed amendments seek to ensure that sand extraction and dredging will be subject to an appropriate and rigorous planning approval process. Subjecting sand extraction activities solely to approval under part 3A of the Environmental Planning and Assessment Act 1979 is not enough to secure the objects of the Marine Parks Act.

Rather than leaving a sand extraction activity to be approved purely under part 3A of the Environmental Planning and Assessment Act 1979, the proposed amendment narrows the objectives for which sand dredging can be carried out and gives the relevant Ministers the discretion to consent, with or without conditions, to sand extraction within a marine park. The criterion for consent is contained in section 31 of the Marine Parks Regulation and constricts relevant Ministers to make decisions pursuant to the objects of the Act. The Greens remain uneasy about any approval of sand-dredging activity under part 3A but take some consolation from the potential for other planning authority powers to be triggered by a proposed sand-dredging operation.

The nature of sand dredging will impact not only on marine species in State and territorial waters; additionally it will affect species beyond three nautical miles of the State's low watermark. It is likely that sand-dredging activities will trigger Environment Protection and Biodiversity Conservation Act planning involvement and, hopefully, provide some buffer for the lack of transparency and public consultation in planning decisions made under part 3A. I look forward to a new marine park regime that I hope will bolster the drive for reasonable marine park management and secure some of the State's most pristine but fragile sites. So much of our culture is interwoven with and inextricably connected to the viability and vitality of our coastal areas.

I hope that this overarching piece of legislation will help to complete the mosaic of areas that are being afforded protection along our coastline before too many species are lost. The bill will not in itself protect endangered species such as the grey nurse shark and other sharks that are being slaughtered at unsustainable rates under the watch of this fisheries Minister, but it is a step forward in the right direction—a glimmer of light and hope that we can draw effectively on the experience and perspectives of all park users and stewards to better manage marine parks in New South Wales. The Greens support the Marine Park Amendment Bill 2008.

As a former member of the Standing Committee on State Development and the fisheries committee, I took a great interest in the impact of recreational and commercial fishing in this State and, I believe, acted with fairness when examining those issues. In many cases I represented commercial fishers who had been badly treated at that time by the Government and the Minister. I believe we can all benefit from a properly constituted marine park system. Overseas experience has proven that these areas, which will act as a priming ground, will benefit our ecosystem and all marine park users. In the medium term or long term, commercial and recreational fishers will benefit greatly from the spill over of these protected areas. It has been proven overseas that such areas will ensure a sustainable recreational and commercial fishing industry—a concept that is wholeheartedly supported by the Greens.

The Hon. ROBERT BROWN [6.55 p.m.]: The views of the Shooters Party on marine park issues are fairly clear. My predecessor, the Hon. John Tingle, supported the original legislation but I think it is fair to say that a lot more is desired. I wish to comment on some of the issues that were raised earlier in debate. I concur with the comments made by the Hon. Rick Colless who said that Professor Bob Kearney was not a lone voice in this science. In fact, from what I can see, Professor Kearney, a recognised and accredited scientist in this field, has the widespread support of all groups and associations that represent recreational fishers.

All I can say about the Minister's comments is that she has been sadly misinformed. I know where Mr Ian Cohen is coming from as he genuinely has this issue at heart. He referred to the precautionary principle as the reason why the Greens appear to be a little overcautious in relation to some of these issues. Some members applied the precautionary principle to marine parks along the New South Wales coastline and said that it should be applied so that opportunities were not narrowed for future generations. However, they already have been narrowed for future generations of people who live on the coast and who are involved in the tourism industry.

The impacts of these marine parks already are being felt. In four years time when the next review of Batemans Bay and Port Stephens marine parks are carried out we might need to ensure that there is good community consultation. When I say that to recreational anglers they say, "What community consultation?" The only people to whom the Government listens are its mates—the extreme Greens. There is merit in some of the Opposition's foreshadowed amendments. Mr Ian Cohen referred earlier to some points relating to sand dredging to which the Government should listen carefully. It is self-evident that recreational and commercial fishermen do not want to see the marine environment damaged. Recreational fishermen, like recreational hunters, are conservationists. They accept bag limits and limitations on fishing in certain zones at certain times. I find irrational the way in which science has been applied to the determination of zones in these national parks.

The Hon. Duncan Gay: It is voodoo science.

The Hon. ROBERT BROWN: I have often used the term "voodoo science", but here we go again—this is voodoo science. I refer to simple things such as the application of lines on a map to define one zone from another. Earlier the Hon. Rick Colless referred to the ridiculous concept of people responsible for compliance issues using the same equipment to determine whether fishermen were over a line, or north or south of a line, when there is so much inaccuracy in global positioning system, or GPS, devices. Fishermen are already receiving substantial fines: we do not need this bill to jack up those fines by 100 per cent.

The Hon. Duncan Gay: Fish do not live in cages or adhere to lines.

The Hon. ROBERT BROWN: I thank the Deputy Leader of the Opposition for his assistance. They do not read maps either. Fishermen are being fined when there is no clear delineation between these zones. The marine parks infrastructure has not yet caught up with the legislation, so it is stupid for government officials to run around and fine fishermen. The object of this legislation is to have a period within which to settle it down.

Mr Ian Cohen: In Byron Bay we have a marine park.

The Hon. ROBERT BROWN: Byron Bay Marine Park has been in existence for some time. However, that does not apply to the Batemans Bay or Port Stephens marine parks. Recreational fishermen, who increasingly are relying on the Shooters Party to put forward their views, believe that Professor Bob Kearney is a reputable scientist and that the Government should listen to his views on science. They believe they do not have the same say as the Greens when it comes to issues like this. They believe there is an agenda to lock up the whole coast. Whether that is right, the point is that many of these people earn their living in tourism on the coast or it is part of their lifestyle. If somebody told me tomorrow I could not hunt, I do not know what I would do. It is part of a lifestyle; it is the way we are. Fishermen fish and hunters hunt. People who run caravan parks need fishing families at certain times of the year and in the school holidays to earn a living, otherwise they will close down.

This is not reds-under-the-beds stuff; this is happening now. Tackle shops are closing. Caravan parks are starting to complain already. Part of the problem is public confusion about what is and is not a sanctuary zone, and about what they can do there. They are frightened, so they will just stay away. I am sure that is not what was intended. If the Government had its time over again, perhaps it should not call them marine parks. Perhaps the Department of Environment and Climate Change should not have been involved in running them because they are not parks; they are marine environments. The best people to run marine environments are Fisheries and recreational and commercial fishers because they can be relied on to make sure that the resources—the fish and crustaceans, and the terraform of the ocean bed—are protected.

In some circumstances commercial fishing has problems with the types of methods used. I agree with Mr Ian Cohen that probably there are some destructive practices. By and large these ordinary Australians living in a coastal environment have had their lives turned upside down to some extent. They do not believe adequate consultation was undertaken. As hypothesised by Mr Ian Cohen, perhaps this bill will increase the level of consultation; I hope it will bring consultation for all. One group of fishermen on the South Coast at Batemans Bay urged us not to support the bill on the basis that they believed it was a stitch-up by the Government to cover up an illegality in the declaration of the zones. The Government's advice is that that is not the case and the legal position is clear. By the same token, other fishing groups have asked us, "Do you think the Opposition and the Shooters Party can match the Greens and the Government when they try to roll us next time?" I am sure the Government is not trying to roll the ordinary recreational fishermen or the coastal community.

The Hon. Duncan Gay: You're too nice.

The Hon. ROBERT BROWN: I am sure the Government is not trying to do that.

The Hon. Christine Robertson: A lot of us are fisherpersons. We fish.

The Hon. ROBERT BROWN: You fish?

The Hon. Christine Robertson: Yes.

The Hon. ROBERT BROWN: The Shooters Party has not formed a view. Some amendments are enticing, particularly the Opposition's, and some of the Greens amendments are worth considering. I believe this whole marine parks issue has not been properly undertaken.

Debate adjourned on motion by the Hon. Gregory Donnelly and set down as an order of the day for a future day.

WORKERS COMPENSATION AMENDMENT BILL 2008

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Penny Sharpe, on behalf of the Hon. John Della Bosca.

Motion by the Hon. Penny Sharpe agreed to:

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

Second reading set down as an order of the day for a later hour.

ADJOURNMENT

The Hon. PENNY SHARPE (Parliamentary Secretary) [7.04 p.m.]: I move:

That this House do now adjourn.

EARLY YEARS CONFERENCE, ARMIDALE

The Hon. CHRISTINE ROBERTSON [7.04 p.m.]: In March this year I had the pleasure of addressing the Early Years Conference in Armidale, representing the Minister for Community Services, the Hon. Kevin Greene MP. The conference was a combined effort of the Families New South Wales New England Delegated Regional Officers' Group, the Department of Community Services and Department of Housing, and the Early Childhood Intervention Coordination Program. I was impressed with the range of services present as well as the numerous keynote speakers arranged for the two-day conference. The conference also included workshop sessions where local service providers exchanged information and shared their experiences about working with Aboriginal mothers and babies. There were also opportunities to explore the links between children's wellbeing and environmental sustainability, and to look at how we work with siblings of children with a disability.

I spoke about some of the new and existing projects that are underway across New South Wales to support children and families, which are worthwhile reporting here. Families New South Wales, which was formerly known as Families First, and the Aboriginal Child Youth and Family Strategy are key initiatives of the Government that provide an evidence-based approach to supporting children, families and communities. Both initiatives include a range of projects and services for children and families, while being aimed at building on the strengths of communities to ensure they are responsive to the needs of children and families.

In April 2007 the Iemma Labor Government broadened the scope of Families New South Wales by changing the name and making improvements to better support all families and communities in their important role of raising children. Over the next four years Families New South Wales will continue to build on the opportunities to give all children a good start in life. The features and principles established over the past nine years in Families First will continue under Families New South Wales—locally based planning and decision making, with an interagency community focus on population level intervention. Please excuse the big words, but it does mean something, especially to people delivering the service.

In addition to the models currently utilised in Families New South Wales, such as Supported Playgroups and Health Home Visiting, the Government has expanded the strategy to include access to the Positive Parenting Program for all parents and carers with a child 3 to 8 years of age, and screening of all mothers around the time of birth for signs of depression or other mental health issues. A 24-hour parent helpline has been established to assist with a range of parenting issues from discipline to changing nappies. I was pleased also to report to the conference on the expansion of the Aboriginal Maternal and Infant Health Strategy, which currently operates in a number of pilot sites across New South Wales. I very proudly say that the Moree area was one of the first pilots and this meant it has become such an important project.

The strategy is aimed at providing antenatal care for Aboriginal mothers, as well as support in the early post-natal period. Aboriginal Health Education Officers and midwives provide this support in the mother's local community. These workers make contact with a woman as early as possible in her pregnancy, providing

information and education about a healthy lifestyle during pregnancy, support to attend regular antenatal checks, and preparing for birth and parenting. The main aims of the model are to provide a long-term service for Aboriginal communities, establishing programs that empower Aboriginal women, targeting antenatal care and family planning for teenage mothers, and seeking to bring about better outcomes for Aboriginal babies.

New South Wales Health and the Department of Community Services recently have agreed to jointly fund the statewide expansion of the Aboriginal Maternal and Infant Health Strategy over a two-year period. A vital link in the process will be with the Brighter Futures program to provide early intervention support for families, and reduce the likelihood of problems escalating. Another highlight of the Early Years Conference was launching the third edition of "Watching Your Child Grow", a book that provides very clear information on the development of children aged 0 to 12 years, including what they will be able to do at various ages, what parents and carers can do to support their child's development, and ideas for playing with their child to strengthen their relationship. The book also provides contact information for all local services.

"Watching your Child Grow" was produced by the Narrabri and District Community Aid Service Incorporated and developed by the Narrabri Isolated Family Service in response to requests from parents for information on child development and age-appropriate activities. I congratulate Brooke Whitaker, Candy Malcolm and the rest of the Narrabri team involved in developing the book. It is a great example of local agencies responding to requests from parents. It highlights also the merits of a whole-of-government approach to providing age-appropriate information on caring for children. It was evident from the participation at the Early Years Conference that strong working relationships exist between government and non-government agencies in the New England North West region, which can only be to the benefit of local families and children. I congratulate the people involved.

NATIONAL CAREERS AND EMPLOYMENT EXPO, SYDNEY

The Hon. ROBYN PARKER [7.09 p.m.]: I bring to the attention of the House the outstanding National Careers and Employment Expo that was held in Sydney last week at the Sydney Convention and Exhibition Centre. The expo aims at providing advice, ideas and even inspiration on further education, courses, careers and employment opportunities and it attracts thousands of people including students and people seeking advice on a career change. I attended and opened the expo on Friday 9 May 2008 and was delighted to see so many people there, particularly thousands of school students with their careers advisers as well as the range of opportunities being offered by more than 130 exhibitors. The industries represented included mining, government, tourism, aviation, finance, education and retail. I toured the site and spoke to a number of exhibitors about this very successful event.

Some businesses are able to achieve their full graduate intake of employees each year just on the basis of appearing at the career expo alone—that is a tremendous recommendation for any industry with a skills shortage to participate in the event. What struck me most about the exhibitors was the enormous effort that States other than New South Wales make in promoting their regions. As one walked into the expo, one was immediately confronted with the Western Australia stand, which had huge banners with the logos "Heaps of Jobs", "Great Lifestyle" and "Jobs, Lifestyle, Future". That was easily one of the largest stands at the expo, with outstanding visual displays, layout and information on hand.

Further in I found the South Australian booth, which had the logo "Make the Move", and other booths throughout the stand highlighted the range of industries in that State and its lifestyle affordability. It was just as impressive in its marketing and layout as the Western Australia stand. Another outstanding example was the Australian Capital Territory stand, which had the logo "A fresh start for your career, A fresh start in living". In comparison, the New South Wales Government did not even have a stand at the Perth expo. Can you imagine that? In Sydney, the first thing one saw when entering the expo was "Go West", representing Western Australia and the opportunities there, yet New South Wales does not do the same in Perth to promote our great State.

New South Wales had only a small six-metre by three-metre stand at the Adelaide expo, which it plans to take to the Melbourne and Brisbane expos later this month through the Department of State and Regional Development. The only stand that New South Wales will have at the Canberra expo will be Teach New South Wales. It will not be exhibiting at all at Ballarat, Gold Coast or Darwin when those expos take place later in the year, or at the New Zealand expo. Other States most certainly will be exhibiting. I find it extraordinary that when the New South Wales Business Chamber and numerous representatives from the hospitality, mechanical, hairdressing and even aviation industries say they have workforce shortages, our own State, the most populous State in Australia, is not doing more to entice young people, graduates and those seeking a career change to the

opportunities that we have here. Given this Government's record on public transport, public hospitals and housing affordability, that is certainly not doing New South Wales businesses any favours in trying to attract skilled workers here, or even keep skilled workers.

I also found it interesting at the expo that the only State government that provided funding to subsidise transport costs to enable schools to attend was Tasmania not New South Wales. What an absolute disgrace. Tasmania can see the value of marketing its State and State-based industries to students and graduates. But the New South Wales Government does not believe it needs to market the opportunities that we have in our State to a similar extent. New South Wales is losing events and jobs to other States. Recent billboards across Sydney at public transport sites state, "You would be home by now if you lived in Adelaide", and on buses, "Like traffic that moves, move to Canberra". The New South Wales Government must have its head in the sand if it cannot see that transport issues make living in this State unattractive. The response from the Minister for Roads was: "Those other places are boring. I have been to Adelaide, and it is a boring place. Anyone who goes to Canberra knows that it is even more boring." Maybe he ought to stay there!

The red tape and taxation burden on New South Wales businesses is also a deterrent for skilled workers and small businesses. A recent report by Westpac found that New South Wales small businesses spend more time on red tape than in any other State and five hours per week more than in Queensland. If we are to address skills shortages and encourage students and graduates to stay in our own State, the New South Wales Government needs to lift its game and market the State. [*Time expired.*]

ARMENIAN GENOCIDE NINETY-THIRD ANNIVERSARY

Reverend the Hon. FRED NILE [7.14 p.m.]: This year marks the ninety-third anniversary of the Armenian genocide, which commenced in its fullest extent on 24 April 1915—the same time as the Gallipoli landing. I attended a moving Armenian genocide commemoration at the University of Technology, Kuring-gai, on Sunday 20 April 2008, which representatives of the Federal and New South Wales governments and oppositions attended. The impressive guest speaker was Professor Peter Balakian, a Professor of Humanities in the Department of English and Director of Creative Writing at the Colgate University in the United States of America. According to the *New York Times*, Professor Balakian is the best-selling author with his book entitled *Burning Tigris*, a documentary research book on the Armenian genocide.

Professor Balakian has demolished many of the Turkish Government's myths concerning the Armenian genocide, which that government has refused to acknowledge. The professor has conducted intensive investigations of Turkish Government archives and has confirmed the following facts, which he presented in his address at the commemoration. The Armenian genocide is an historical fact. Commencing in 1915, 1.5 million Armenians, mostly Christian, died—they were starved, shot or beheaded. The most important new fact established that the genocide was centrally controlled and directed by the then key Turkish Muslim Government ministers, such as the Minister for Defence, using the new telegraph system to send orders to every city, town and village. The arrests, attacks and deportations of Armenian people happened instantaneously across Turkey.

That model was followed later by Adolf Hitler in his attempted genocide of the Jewish people and his murder of six million Jews. Adolf Hitler boasted that no-one complained about the genocide of the Armenians, so people would also forget his genocide of the Jews. He has been proven wrong, of course. On the eve of the Armenian genocide an order was given to arrest and execute the 800 leaders of the Armenian Christian community; the politicians, the educationalists, the poets, the people who were highly regarded by their community. It could be said that the heads of the community were chopped off and the Armenian leadership was removed.

Photographs have been located and published showing uniformed government officials posing behind chairs containing groups of heads of the Armenian leaders—as if they were trophies that had been taken in a hunting expedition. But they had been real people. Detailed government instructions were produced that explained how to round up all the Armenians in a village, deport them, and then execute them. Recently the Turkish Government claimed that it was the Armenians who massacred the Muslim villagers. As far as I can ascertain there is no evidence of that. I am pleased that the Armenian genocide was remembered at Parliament House with a wreath-laying ceremony and an Armenian genocide commemorative lecture delivered in Parliament House on Thursday 24 April 2008. I was pleased to support those events.

ROB CHAPMAN TRIBUTE

The Hon. DAVID CLARKE [7.19 p.m.]: I pay tribute to the life and some of the many achievements of the late Rob Chapman, who unexpectedly passed away a few days ago in the United States of America at the

age of 68. I pay tribute to him for his professional contribution to journalism and to the film industry, for his service to the Liberal Party of Australia and, during his years in the United States, for his service to the Republican Party. Above all, I pay tribute to him because his life was one of service to democratic values and opposition to communism and Islamist extremism, which he rightly saw as the very opposite of those democratic values. He was a strong, articulate and active advocate of the alliance between Australia and the United States.

My friendship with Rob Chapman spanned in excess of 42 years. On his father's side, he came from a distinguished Tasmanian family, and through his mother he was a descendant of Hamilton Hume, recognised as the first Australian-born explorer. From an early age he used his inherent journalistic and intellectual skills to cogently warn against the dangers of communism, and strongly supported the Western Alliance that fought against Communist aggression in South Vietnam. He always regretted that the war was not pursued to final victory. Clearly, the people of South Vietnam are still paying the price of that failure.

In the 1960s Rob Chapman foresaw that unless Rhodesia—which has since been renamed Zimbabwe—was left alone to peacefully proceed down a pathway to nationhood, free of international sanctions, the result would be a disaster for the people of Rhodesia, regardless of race. Events have proved that fear to be justified, as we witness that once prosperous country disintegrating at the hands of Robert Mugabe. Over the years Rob Chapman served in a variety of positions within the Liberal Party, including as secretary of the New South Wales branch's Foreign Affairs and Trade Committee. At various times he was an adviser to former Australian Treasurer and Prime Minister, the late Sir William McMahon.

For most of the last 25 years Rob and his wife, Ann, lived in the United States, where they became involved in the film industry. Together they co-wrote, directed and produced the television miniseries *Emma: Queen of the South Seas*, starring Barbara Carrera, E. G. Marshall and Hal Holbrook—the story of a remarkable woman, Emma Coe, daughter of an American sea captain and a Samoan royal princess who, in the 1880s and 1890s, forged a commercial empire throughout the South Pacific and New Guinea. The film was widely screened internationally, and in Australia.

In more recent years, through his brother, the distinguished scientist Dr Phillip Chapman—the first Australian-born astronaut and the first foreign-born astronaut to serve in the American space team—he developed a very strong involvement in working for closer links between Australia and the United States in space exploration, particularly in projects furthering the use of solar energy. This became a great passion in his life. During his years in the United States Rob Chapman and his wife were keen workers for the Republican Party and campaigned vigorously for the presidential campaigns of Ronald Reagan.

Rob Chapman was a great admirer of President Reagan and understood that the strength, leadership and foresight that he displayed in rallying the free world to take on and confront international communism was pivotal to its final downfall. He believed, as I believe, that history will confirm Ronald Reagan's dominant part in communism's collapse—as it will also record the part played by Prime Minister Margaret Thatcher and Pope John Paul II. I well remember that day in 1996 when, together with Rob and Ann, I visited the Ronald Reagan Presidential Library and Museum, just outside Los Angeles—a monument to one of the greatest of all of the American presidents. In 2000 and 2004 Rob and Ann Chapman were enthusiastic workers in the presidential campaigns of George Bush. They well recognised that the war against international terrorism, in particular Islamist terrorism, was a war that free nations needed to win.

As I indicated earlier, Rob Chapman was a strong advocate of our nation's alliance with the United States. He knew that it was not by chance that our two countries have always found themselves fighting on the same side in major international conflicts. It is because of that that our two nations have the same values, and the freedom that our two nations represent is the same freedom, and the liberty that our two nations practise is the same liberty. Rob Chapman saw that the United States was indeed a "land of the free and home of the brave". In this belief he has my wholehearted concurrence.

Rob's marriage to Ann was a long and happy one. They did everything together; they made a wonderful couple. He leaves behind his loving wife, Ann, and his loving children, Scott and Melissa, and their families. He was a good and decent man. He lived a life of achievement and commitment to good causes, and I am grateful to be able to make mention of some of them today and to have them recorded in the *Hansard* of this, the Parliament of New South Wales, the oldest of all parliaments in Australia.

CAROLINE FRASER BOOK LAUNCH: JOCELYN'S JOURNEY

Reverend the Hon. Dr GORDON MOYES [7.23 p.m.]: Last week I had the privilege of hosting a book launch here in Parliament House. Caroline Fraser launched her first novel, *Jocelyn's Journey*, published by

Arkhouse Publishing, a wonderful story of love and triumph told against the tragic history of colonial Australia. It was my privilege to write the foreword to her book. A number of speakers were present at the launch, including Pastor Peter Walker, an indigenous Christian Minister, Mr Roger Milliss, a journalist, historian and author of *Waterloo Creek: The Australia Day Massacre of 1838*, and Mr Peter Charles, a high school teacher and librarian who spoke about the educational aspects of the book. We also had the pleasure of hearing a didgeridoo solo played by Ronny Guivarra, and observing a beautiful indigenous arts and crafts display.

I acknowledge a number of parliamentary colleagues who were present at the launch, including Reverend the Hon. Fred Nile, Ms Judy Hopwood, Ms Pru Goward, and the Hon. Marie Ficarra. *Jocelyn's Journey* begins on a stony, rutted track heading nowhere as Jocelyn faces the grim reality of her husband's recent death. Jack, a Christian Aboriginal, himself a widower with a young child, walks beside Jocelyn in her grief, sharing his faith and easing her burden. In her journey, Jocelyn is confronted by her own latent racism, judgemental attitudes and selfishness, which she struggles to deal with. Learning that Jack was a "stolen child", she comes face to face with the brutal realities of Australia's past treatment of its indigenous people and the legacy of suffering that many still endure. Flashbacks take the reader into Australian pioneer history and Kamilaroi history.

As she travels the trails of pain and suffering with Jack's birth family, Jocelyn learns that the only way to reconciliation, giving and accepting real forgiveness, and coping with and overcoming life's injustices and frustrations, comes from a deep relationship with God, which she did not have. The last leg of the journey, and the beginning of a whole new journey, brings her to a stunned standstill when she discovers the shocking secret of her own past.

Caroline Fraser's motivation for writing *Jocelyn's Journey* is the culmination of experiences she encountered while growing up when her father became principal of the school in the Moree Aboriginal Reserve. As a young white child, Caroline realised how much Aboriginal people were kept separated from the wider community and the contempt in which they were held by many. Aboriginal people were considered second-class non-citizens, segregated from the white community in every area of life. For example, Aboriginal people were not allowed in the town swimming pool. Caroline Fraser was there when Charles Perkins and the Freedom Riders came to Moree and took the Aboriginal kids to storm the forbidden swimming pool.

Aboriginal people were not even allowed to try on clothes in dress shops. This was justified by the belief that Aboriginal people were dirty and would ruin the clothes so they could not be sold to anyone else. The local hospital had segregated wards, detached from the rest of the hospital, for dealing with Aborigines. While conducting initial research for her novel, Caroline discovered horrific truths about the dark side of Australian history. Largely due to the influence of evolutionary thinking, a belief was held by many of our colonial forebears that Aboriginal people were not really "human" as they were not so far advanced on the evolutionary scale. This belief led to the Australian Museum listing Aborigines as Australian animals. The museum issued instructions on how to kill Aborigines without spoiling the specimens, and transported hundreds of Aboriginal brains to England for so-called scientific study.

Because Aborigines were seen as not fully human, many squatters considered them as vermin, and poisoned their waterholes and gave them flour laced with arsenic. Many bands of squatters carried out massacres of Aborigines to clear the land and stop the attacks by Aborigines on their animals and crops, as if they were no different from kangaroos or dingoes. Is it any wonder that many Aboriginal people are still scarred and carry a victim mentality today? In her concluding remarks to the audience Caroline said:

I hope that as white people read my story they may come to some kind of understanding of the hurts that Aboriginal people have suffered and acknowledge that there is still a great deal of heard within the community ...

Reconciliation is an interactive process; an apology by one party and forgiveness by the other. May we all remember Chronicles 7:14: "If my people who are called by my name shall humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from Heaven, forgive their sins, and heal their land".

I hope that everyone who travels with Jocelyn on her journey will not only find the message of salvation, forgiveness and reconciliation but also enjoy reading *Jocelyn's Journey*.

NEWCASTLE AND HUNTER REGION BUSINESS POTENTIAL

The Hon. HENRY TSANG (Parliamentary Secretary) [7.27 p.m.]: On 2 May 2008 I visited Newcastle and the Hunter region with my fellow members of the NSW-Asia Business Council, the Australian-Asian business community, diplomatic corps and the Asian media, at the invitation of the member for Newcastle, Jodi McKay.

The Hon. Don Harwin: Point of order: May I clarify whether the Parliamentary Secretary is closing the debate, as is his right under the standing orders? If that is the case, the clock should stop.

The PRESIDENT: Is the Hon. Henry Tsang closing the debate?

The Hon. HENRY TSANG: I am also delivering my adjournment speech.

The Hon. Don Harwin: Further to the point of order: If the honourable member is delivering an adjournment speech as part of the adjournment debate and he wishes to take five minutes, as would be his right, another Parliamentary Secretary or Minister should be in the Chamber. This issue has been commented upon by a number of members. I think we should be absolutely clear about what the Parliamentary Secretary is doing.

The Hon. HENRY TSANG: I am delivering an adjournment speech.

Reverend the Hon. Fred Nile: To the point of order: I take it that the Hon. Henry Tsang is exercising his right as a member of the House?

The Hon. Don Harwin: There is no Minister in the Chamber.

The Hon. Duncan Gay: To the point of order: If the Hon. Henry Tsang is speaking on his own behalf, a Minister should be present in the Chamber. We need a Minister, otherwise, Mr President, you will have to adjourn the House.

The Hon. HENRY TSANG: I have extended the Opposition courtesy on previous occasions. I have always tried to be the last speaker on the adjournment motion. If the Opposition forces the issue, I presume we need to change—

The Hon. Don Harwin: Further to the point of order: I am not suggesting at all that the Parliamentary Secretary does not have the right to make a contribution. However, if the Parliamentary Secretary wants to make a contribution, he should do so with a Minister at the table. If the Hon. Henry Tsang understood the standing orders, he would realise that the contributions of individual members and those of Ministers to this debate are subject to different time constraints. I know the Hon. Henry Tsang is always careful not to seek to make a contribution while other members wish to speak, but I think we should be clear about what the Hon. Henry Tsang is doing now.

The PRESIDENT: Order! I uphold the point of order to the extent that I understand that the Parliamentary Secretary is speaking in reply to the adjournment motion. If in future the Parliamentary Secretary wishes to take part in the debate as an individual member, a Minister or other Parliamentary Secretary should be present in the Chamber. The clock may be turned off; the Parliamentary Secretary is concluding the debate.

The Hon. HENRY TSANG: I thank you for your indulgence. The purpose of the visit was to discover the potential of the region as a destination for trade and investment, winemaking, education, tourism and recreation. Tony Sansom, from the Department of State and Regional Development, gave the welcoming remarks and stimulated the keen interest of the delegation in the many opportunities that exist in Newcastle and the Hunter. Eddie Bernard from Hunter Economic Development Corporation talked about the Lower Hunter Regional Strategy, which projects an increase in population, jobs and dwellings in the region. Dean Irwin from the Hunter Export Centre talked about the role of the centre in fostering and supporting an export environment in the Hunter. Peter Shinnick from the Hunter Business Chamber talked about the strengths of the region such as business clusters and concentrations, transport and logistics system, and the availability of skilled labour.

John Coyle of Hunternet talked about growth sectors in manufacturing and engineering in the Hunter. Dr Andrew Johnson from the University of Newcastle gave an overview of the university and its campuses, faculties and priority research centres. The university has 3,500 international students from more than 100 countries. I thank the speakers for briefing the delegation on the region's emerging sectors such as financial services, biotechnology, marketing and advertising, defence and aviation, information and communications technology, and cultural diversity. Opportunities also exist in the region's more traditional sectors of energy, equine and viticulture, as well as opportunities that are mining and port-related.

The group was also impressed to learn about the many competitive advantages of the Newcastle and the Hunter. As one of Australia's economic powerhouses, the Hunter makes up more than 32 per cent of the

State's exports. Asia is a major trading partner for the Hunter region, which has a \$5 billion a year coal industry. The Hunter is also one of Australia's top wine growing areas, producing 31 million litres of wine per year valued at more than \$230 million. The Hunter is Australia's equine capital. It is also Australia's biggest regional market and the world's largest coal export port. As the group discovered, Newcastle and the Hunter are now thriving.

The closure of the BHP steel plant in 1999, while a difficult event at the time, has transformed the economy of Newcastle and the Hunter. Other industries have been established in the region, a good example of which is a growing film and television sector. This has helped to create a diversified industry base with fast-growing services and commercial sectors, complementing the traditional sectors in which the Hunter is strong—coal, wine and equine. Newcastle and the Hunter are also popular tourist destinations, with beautiful beaches, wineries, cafes and restaurants, and a variety of leisure activities. Another important feature about Newcastle and the Hunter is that industry bodies and organisations work together in partnership. This leads to better outcomes, boosting the attractiveness of the region to investors.

During the visit the member for Newcastle, Jodi McKay, announced a memorandum of understanding between the University of Newcastle and the East China University of Science and Technology, in the presence of Catherine Zhang from TEI Australia, representing East China University, and Dr Johnson of the University of Newcastle. The memorandum of understanding will enhance academic and staff cooperation and exchange, with a focus on subjects for joint research in energy and environmental sustainability, including clean coal technology; and will bring more international students to Newcastle and the Hunter. This week the Premier will travel to China to join with the two universities to witness the signing of the memorandum of understanding.

I am pleased to be a long-term supporter of Newcastle and the Hunter in terms of encouraging investors from Asian background in the completion of the Crowne Plaza Hunter Valley hotel and convention resort, as well as the export to Asia of Hunter-produced First Creek wines. I also assisted in the facilitation of the memorandum of understanding between the University of Newcastle and the East China University of Science and Technology.

In conclusion, with the positive publicity of the region in the Asian media, I have no doubt there will be more tourism, students and investment. I thank the Department of State and Regional Development and Jodi McKay for organising the visit. I also thank all those who participated, my fellow NSW-Asia Business Council members, Ms Suliyanti Sunaryo and Ms Ching-Mei Tuan, and the Asian media. I congratulate the Iemma Government, the Minister for the Hunter, Michael Costa, and the member for Newcastle, Jodi McKay, on their hard work in supporting Newcastle and the Hunter as an investment, tourism and education destination.

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 7.37 p.m. until Wednesday 14 May at 11.00 a.m.
