



ELO Hansard Review

21-23 May

Autumn Session 2013

A weekly overview of environment related proceedings in the NSW Parliament

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Legislative Assembly Tuesday 21 May 2013

ASSENT TO BILLS

Assent to the following bills was reported:

Health Legislation Amendment Bill 2013
Parliamentary Budget Officer Amendment Bill 2013

BIOFUELS

Mr GARETH WARD: My question is directed to the Deputy Premier. What is the Government doing to encourage the use of cheaper, cleaner and greener biofuels?

Mr ANDREW STONER: The member for Kiama, who is a very strong advocate for biofuels in New South Wales, has asked a very good question. The Biofuels Act 2007 has been supported consistently by all members of Parliament, with the recent exception of The Greens whom no-one could ever accuse of rational thought. Further amendments to the Act came into force on 1 January this year, and saw the Biofuels Expert Panel expanded to include three independent members with relevant experience.

The SPEAKER: Order! The member for Maroubra and Opposition members will cease their private conversations. I am vitally interested in this answer, but I can hardly hear the Deputy Premier.

Mr ANDREW STONER: The expanded expert panel, which includes new members Samantha Read of the Biofuels Association of Australia, Paul Barrett of the Australian Institute of Petroleum and Wendy Machin of the NRMA, met for the first time yesterday. I am advised that yesterday's extraordinary meeting was convened primarily to consider business plans submitted by the volume sellers of ethanol and biodiesel. If volume sellers do not meet the 6 per cent mandate for ethanol, or 2 per cent mandate for biodiesel, they can apply for a partial exemption from the target for up to 36 months. To receive such an exemption, this Government requires a comprehensive business plan outlining the measures they will take to increase sales of ethanol and biodiesel products.

Volume sellers who do not meet the targets and who have not submitted business plans deemed acceptable by the expert panel run the risk of not receiving a partial exemption. Indeed, for the first time, the expert panel did not grant a partial exemption to a volume seller based on the initial information provided. The Government will require a definitive plan with evidence that all possible action is being taken to meet the mandate, otherwise this fuel seller could be found to be in breach of the Act. If this happens, the Government will consider all options including imposing penalties on that volume fuel seller. The expert panel also received a report on the independent testing of ethanol undertaken recently by the Office of Biofuels, which found that all service stations tested complied with the minimum of 9 per cent

and the maximum 10 per cent ethanol content.

The panel reviewed a report prepared by the Office of Biofuels on E10 pricing during February and March, which found that the cheaper price of ethanol is being passed on to customers, and the discount compared to regular unleaded fuel—around 2¢ per litre—is in line with the supply chain costs incurred in blending and delivering E10 to service stations. The report also noted that the cost of ethanol per litre in New South Wales is approximately 30 per cent higher than it is in markets such as the United States of America and Brazil. But we must exercise some caution because those markets have their own domestic subsidies built in, therefore it is not so easy to make direct comparisons.

The analysis showed that if the costs of purchasing ethanol in New South Wales moved closer to the international price, the discount of E10 fuel at the bowser would be significantly greater than the current 2¢ per litre. The Government has always said that it welcomes additional competition in the ethanol production market in New South Wales. I was pleased recently to meet with a number of proponents of planned new biofuel and biodiesel plants in regional New South Wales, including one in the electorate of the member for Tamworth. If they proceed to construction and production, there will be significant new investment in biofuel capacity and more jobs created in regional New South Wales. This Government is committed to the biofuels mandates, and expects the industry to promote biofuels, which are cleaner, greener and cheaper at the bowser than other fuels, as the member for Kiama said, in order to achieve the mandates. I am pleased to announce that Roads and Maritime Services has developed a multi-faceted campaign to promote the use of biofuels.

Dr Andrew McDonald: Point of order: I think that you could call that prop.

The SPEAKER: Order! The Deputy Premier has not even had an opportunity to cite the reference, which he is entitled to do. The Deputy Premier can refer to notes as long as he cites the source from which he is quoting. The member for Macquarie Fields has not given him a chance to do that.

Mr ANDREW STONER: I am reading from biofuels.nsw.gov.au from 1 July. The campaign will reach motorists through registration renewal letters and emails, posters in motor registries and online advertising on the Roads and Maritime Services website, as well as digital advertising on relevant websites. [*Extension of time granted.*]

The Government is doing all it can to increase the volume of cheaper, cleaner, greener ethanol used by motorists in New South Wales.

CATCHMENT ACTION NSW

Mr ANDREW FRASER: My question is addressed to the Minister for Primary Industries, and Minister for Small Business. How is the Government assisting farmers and landowners to manage their land in a sustainable and effective manner?

Ms KATRINA HODGKINSON: I thank the member for Coffs Harbour for his

question and acknowledge his interest in this matter. Last week my friend and colleague the Minister for the Environment, and Minister for Heritage and I made a significant announcement to secure the future of community-driven natural resource and productive landscape projects in New South Wales. Catchment Action funding is provided to catchment management authorities for farmer-driven projects that underpin sustainable, productive agriculture, and for community-driven projects to look after beaches, estuaries, and regional and suburban bushland. Across New South Wales catchment management authorities and their community partners, such as Landcare, Bushcare and Coastcare, are working on hundreds of projects ranging from stabilising and re-vegetating river banks to controlling feral pig, dog and rabbit populations. Catchment Action funding means that these projects can be carried out.

I am pleased to inform the House that the New South Wales Liberal-Nationals will invest \$112 million over four years in Catchment Action NSW programs. Importantly, the allocations for the coming financial year will be an increase of between \$300,000 and \$1.4 million per catchment management authority when compared to this year's allocation. This is a great result for our farmers, our community partners such as Landcare, and the natural resources of this State. Importantly, continued Government support for Catchment Action NSW is a commitment under NSW 2021—the Liberals and Nationals' plan to make New South Wales number one again. This investment has been warmly welcomed by catchment management authorities and Landcare groups across New South Wales. According to Central West grazier and Little River Landcare group Chief Executive Officer, Pip Job:

This announcement will mean that groups like Little River should be able to get on with the job. It gives us an opportunity for a smooth transition from working with Catchment Management Authorities to working with the Local Land Services.

Catchment management authorities are the Government's front-line delivery agency for productive landscape and natural resource management projects; they work hand-in-glove with rural, regional and coastal communities. The projects and community partnerships managed by catchment management authorities provide real, practical assistance to help farms and rural businesses remain viable and sustainable. One such project is in the electorate of my friend and colleague the member for Bega. Last week the Bega Environmental Management Systems program secured a further \$462,000 thanks in part to Catchment Action funding. The Bega Environmental Management Systems program is an innovative partnership between Bega Cheese, Southern Rivers Catchment Management Authority and dairy farmers across the region. The member for Bega congratulates Bega Cheese, as do I, on its wonder initiative.

The Bega Environmental Management Systems program invests in projects which improve industry sustainability, soil health and water quality, and better nutrient management practices. Importantly, the priorities and projects are identified by the farmers themselves—in this case it is between dairy farmers, the Southern Rivers Catchment Management Authority and Bega Cheese. This is because our farmers know there is a direct link between better management of our natural resources and improved productivity gains. In this case they will be reusing fertiliser on their properties, rather than having effluent wash into our waterways. It is a good project. Productivity gains underpin manufacturing, export capacity and profitability, and

build a more sustainable industry for our future farmers.

In other parts of the State, the Central West Catchment Management Authority is helping farmers to restore scalded clay pan soils by re-establishing native pastures and shrubs, which in turn improves production, increases soil carbon, improves habitat and, importantly, reduces erosion. In the north, the Border Rivers-Gwydir Catchment Management Authority is working with cotton growers to identify suitable horticulture crops as viable production alternatives to minimise the impact of limited water availability and maximise regional industry resilience. And of interest to the hardworking member for Coffs Harbour, who asked this important question, Catchment Action funding is supporting the Northern Rivers Region Eco-health project which is measuring the aquatic health of the region's rivers.

This Government is serious about improving the productivity and sustainability of our primary industries. Our commitment is most clearly demonstrated in our reform of the regional service delivery sector with the development of local land services. As members know, when we came to government after 16 long years of Labor, there was great disappointment in the structure of the Livestock Health and Pest Authority. Meeting an election commitment, I announced a full-scale review of the structure and the effectiveness and efficiency of the livestock health and pest authorities at the New South Wales Farmers conference in 2011. Following months of consultation meetings, an issues paper and a call for public submissions— [*Extension of time granted.*]

Terry Ryan delivered the following finding:

There are opportunities for greater administrative efficiency and improved services to landholders from LHPAs participating with other agencies in joint compliance and advisory functions on pest animals, animal and plant biosecurity.

Combined with years of feedback that we on this side of the House have received from farmers, community groups and ratepayers, the New South Wales Liberals and Nationals are building the new Local Land Services structure. Next year the livestock health and pest authorities, catchment management authorities and agricultural advisory services of the Department of Primary Industries will move into Local Land Services, which is a new approach to delivering services to farms and landowners across rural and regional New South Wales. Local Land Services will achieve one of the clear goals of the Government's NSW 2021 plan, which is to deliver quality customer-focused services. It will deliver this goal by way of a modern, efficient and flexible approach. As with the Ryan review, we have undertaken extensive consultation with farmers, community groups, land carers, coast carers, local government and more to build Local Land Services.

I appointed an expert stakeholder reference panel, which undertook 22 consultation meetings, received 2,000 submissions or more via the Have Your Say website and had countless discussions with people across New South Wales over a six-month period regarding the best way to build the new service. The panel has delivered its recommendations to me and the consultation phase is finalised. I am working through the options and will deliver my decision in due course. The result will be a more

efficient and more informed service delivery organisation that will be transparent, accountable and flexible to local needs. I can assure the House that the high priority catchment action work will continue and will strengthen under Local Land Services. I acknowledge the support of my colleagues on this side of the House for enabling this significant investment. The \$112 million in new funding demonstrates the Government's commitment to local land services, natural resource management and local communities.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

Legislative Council Tuesday 21 May 2013

ASSENT TO BILLS

Assent to the following bills reported:

Health Legislation Amendment Bill 2013

Parliamentary Budget Officer Amendment Bill 2013

NATIONAL PARKS MANAGEMENT

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Finance and Services, representing the Minister for the Environment, and Minister for Heritage. Can the Minister confirm from recent budget estimates figures that the management costs per hectare for the New South Wales National Parks and Wildlife Service to manage our national parks is \$56.37?

The Hon. GREG PEARCE: Unlike my usual response to questions from The Greens, my response to my friend from the Shooters and Fishers Party is that if he says that is the case, I am inclined to believe him. The members of the Shooters and Fishers Party represent their constituents and they do their homework. The Hon. Robert Brown has been through the budget papers and he has calculated the rate per hectare. I know that members on the other side of the House do not have the ability to do arithmetic. I was in a takeaway shop the other day—the Hon. Walt Secord was not there—and I was shocked—

The Hon. Steve Whan: Point of order: My point of order relates to relevance. The Minister was asked a specific question about figures. He is now straying away from the question and talking about takeaway shops of all things. I ask you to bring him

back to the question.

The PRESIDENT: Order! The Minister was starting to stray from matters that were generally relevant. Does the Minister have anything else to add?

The Hon. GREG PEARCE: I will just finish, Mr President, and I thank you very much for your kind ruling. The relevance of the takeaway shop is that even people working in a takeaway shop are able to do a better job than the Opposition calculating figures.

NATIVE FORESTS MANAGEMENT COSTS

The Hon. ROBERT BORSAK: My question without notice is directed to Minister for Roads and Ports, representing the Minister for Primary Industries. Is the Minister aware of recent comments made by Mr David Shoebridge regarding the costs associated with the management of our native forests and logging operations? Is it a fact that on the latest available figures, the Forests NSW native forest division has a management cost of only \$7.97 per hectare?

The Hon. DUNCAN GAY: I thank the honourable member for his question. As usual, it is an important question and asks whether I am aware of comments made by Mr David Shoebridge. Members will know that when it comes to comments and figures produced by The Greens, we find them unbelievable. They cannot be believed because frankly they are wrong on most occasions. The honourable member has asked me if as the Minister representing the Minister for Primary Industries I will obtain the correct figures. I certainly will and I will report back to the House.

TOORALE STATION DAM REMOVAL

The Hon. GREG PEARCE: On 30 April 2013 the Hon. Robert Borsak asked me a question about the cost and removal of 100-year-old dams on Toorale Station. The Minister for the Environment, and Minister for Heritage has provided the following response:

I am advised as follows:

Questions regarding water infrastructure at Toorale National Park should be referred to the Australian Government, because water infrastructure modification works are to be fully funded by the Australian Government.

OPAL MINING REGULATION

The Hon. JEREMY BUCKINGHAM [7.24 p.m.]: Tonight I speak on the crucial issue of mining in New South Wales, with particular reference to the Wilcox report into opal mining—something about which members opposite would have no idea. The Government has squibbed on yet another mining issue. I had the pleasure of travelling to Lightning Ridge and spending a few fantastic days with farming families, especially

with Wayne Newton, the Western Division Chairman of the NSW Farmers Association. We travelled around what could only be described as the "Wild West"— areas with abysmal mining regulation. It is unbelievable to think that in these modern times mining in Lightning Ridge is nothing short of a diabolical disaster. We saw unregistered cars, illegal buildings and a Wild West mentality. During my visit vigilantes were running rampant; a man had his hand smashed off with a hammer because he was caught stealing. No police dared to venture into the area. Stock disappears down opal mines that are covered with bark, car tyres or pieces of corrugated iron. Only a matter of months after my visit a man fell to his death down an opal mine.

These mines spring up on private property. Farmers pay for pastoral leases of land only to have people one would loosely describe as "prospectors" turn up on the properties after paying a pittance and then build a shack to live in. The Wilcox inquiry made a number of important recommendations to redress some of these issues, including fixing compensation rates for opal prospecting licences and mineral claims at \$80 plus 10¢ per hectare for opal prospecting licences and \$50 per annum for mineral claims. The report recommended further that there be a comprehensive plan of opal mining activities, with detailed consideration of environmental and Aboriginal heritage sites. No rehabilitation is being undertaken anywhere. The mullock heaps and waste from opal mining is dumped on private properties everywhere. One such illegal mound of waste is 30 metres high and 200 metres long. This illegal dumping occurred on the watch of the previous Government and continues under this Government. The State Government has not responded to this problem and has not dealt with important regulation issues. The Government's response in November did not address implementing the regulation. Someone has to make sure the right thing is being done. Illegal hotels are operating and there is illegal gambling, prostitution, crime, violence and theft. It is worse than anything one could imagine. Some people living in those shacks probably are wanted for crimes in other places but they are being paid cash and dodging tax.

The Hon. Dr Peter Phelps: Hear, hear!

The Hon. JEREMY BUCKINGHAM: The Hon. Dr Peter Phelps says, "Hear, hear!" about someone dodging paying tax. They are also dodging being held to account for serious crimes. They are leaving a legacy to be borne by the landholders, who are forced to chase their stock across land covered with weeds and open mines into which they could fall and die. This year a man fell to his death down a mine because there is no enforced rehabilitation to make the land safe. The mines are completely unregulated and unsafe. The Government needs to establish proper buffer zones to provide correct regulation and access, and also deal with compensation. Mr Matt Brand, chief executive officer of the NSW Farmers Association, is calling for compensation. They are saying that the Government has completely failed to deal with concerns about opal at Lightning Ridge. The Government has another mining disaster on its hands. It has put the interests of miners before those of farmers.

Legislative Assembly Wednesday 22 May 2013

PETROLEUM (ONSHORE) AMENDMENT BILL 2013

Bill introduced on motion by Mr Chris Hartcher, read a first time and printed.

Second Reading

Mr CHRIS HARTCHER (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [12.57 p.m.]: I move:

That this bill be now read a second time.

The Petroleum (Onshore) Amendment Bill 2013 strengthens and clarifies the compliance and enforcement framework of the Petroleum (Onshore) Act 1991. The bill also establishes a framework for the release of environmental information, and enables a code of practice for land access to be established by regulation. The Petroleum (Onshore) Act provides the regulatory framework for the responsible exploration and extraction of petroleum products in New South Wales. The Act provides for a system of titles for exploration, assessment and production activities.

Before I turn to the amendments in the bill, it is important that we note the gas supply issues that New South Wales will soon face. Currently, New South Wales produces just 5 per cent of the gas it needs for energy purposes. This means New South Wales is dependent on other States for its gas supplies. New South Wales gas supply contracts are due to expire from 2014.

Many gas producers from other States are unlikely to renew their contracts with supply companies operating in New South Wales because they have contracted their gas to the export market. The gas contracts that are renewed will therefore come with much higher prices. Security of gas supply is essential for a vibrant economy and for maintaining the thousands of local businesses that rely upon gas in New South Wales, which currently produces only 5 per cent of its gas needs. With supply from other States heading overseas, it is important for New South Wales to source its gas, as far as possible, from domestic sources. We know that New South Wales has extensive reserves of gas from coal seams that have been estimated at 511 billion cubic metres, which is enough to provide over one million homes with energy for more than a century. At the same time, it is critical that exploration and production of all petroleum products is carried out in a way that ensures the health and safety of the community and protection of all aspects of the environment.

To ensure that community concerns are addressed, the Government has developed the most rigorous requirements in Australia for the petroleum industry. Today we are making sure that the petroleum industry will be held accountable if it does not meet its obligations, particularly its environmental obligations. The bill is one aspect of the work being done by this Government to build community confidence and provide certainty for industry. Not only do we expect industry to operate in accordance with best practice, but also we expect that the industry is regulated in accordance with best practice. To this end, significant work is being undertaken by my department to build a cleaner and more robust compliance and enforcement practice to implement the framework in the bill. It involves the complete overhaul and modernisation of the department's compliance and enforcement policies, processes and procedures.

Likewise, a training program has been implemented for the department's inspectors and other authorised officers. The program ensures that they are properly equipped to apply the expanded enforcement powers in this bill in a consistent manner.

I turn now to a more detailed consideration of the provisions in the bill: first, the bulk of the amendments that strengthen and extend the compliance and enforcement provisions in the Act. A key power for ensuring immediate compliance with the requirements of the Act is the ability to issue a direction. The Petroleum (Onshore) Act currently has limited powers for directions to be given. They cover only compliance with a condition of title and the removal of petroleum plants when a title has ended. The bill extends and considerably strengthens these direction powers in keeping with the greater powers in the Mining Act. It does this by expanding the range of issues for which directions can be given. The bill proposes that directions can be issued for any adverse impact or risk of one that petroleum industries may have on any aspect of the environment. Directions can also be issued to conserve the environment or to prevent control or mitigate any harm to it. They can also be used to rehabilitate land that is, or could be, affected by activities under the title.

In bringing direction provisions across from the Mining Act, one change will be made to both Acts. Currently, before a direction can be given under the Mining Act, prior notice must be given of the proposed direction. However, under the Water Management Act 2000, the Mine Health and Safety Act 2004 and the Protection of the Environment Operations Act 1997, no such notice is required. The amendments therefore specify that prior notice of a direction is no longer required in the Mining Act or the Petroleum (Onshore) Act unless the direction relates to the suspension of operations. At the same time, titleholders are being given the right to challenge the merits of a direction in court under both Acts, except when the direction relates to the suspension of operations. Currently, under the Petroleum (Onshore) Act the Minister can suspend operations for certain contraventions after giving written notice and allowing the titleholder to make representations. This requirement for written notice in relation to suspension of operations will be maintained, making it unnecessary to give the titleholders a merits challenge.

Amendments will align the Mining Act and the Petroleum (Onshore) Act so that, in the case of suspensions, both Acts provide for written notice and titleholder representations. Together, the amendments on directions are a robust means of ensuring prompt industry compliance and protection of the environment while giving titleholders a fair process to seek review. In addition, the New South Wales Government announced an audit of all petroleum operations and records within the State. The purpose of an audit is to provide information on compliance with title obligations, such as conditions or legislation or codes of practice. The audits will also enable assessment of how activities on the title can be improved to protect the environment. The Act has therefore been amended to provide for audits by incorporating the voluntary and mandatory audit provisions of the Mining Act.

Amendments are also proposed to the powers of inspectors. The inspection provisions in the Petroleum (Onshore) Act are limited and are also not considered sufficiently robust to provide inspectors with the statutory backing required. Inspectors must have sufficient powers to carry out their work effectively and to ensure compliance. The

proposed amendments will provide a sound basis for this to happen. The existing provisions will therefore be replaced with the far more extensive provisions in the Mining Act. Inspectors will have greater powers to obtain information and to gather a wider range of material for investigation. They will be able to enter premises where there is proposed or suspected exploration or production activities, or where documentation about these activities may be kept. However, where an inspector wishes to enter a residence, the permission of the occupier or a search warrant will be required. Inspectors will also be able to require answers from a person whom they reasonably suspect of knowing about an offence.

Further, a corporation can be required to nominate a representative to answer questions and these will bind the corporation. The legislation will provide for particular circumstances where not answering questions or furnishing records is not an offence. It will also include the circumstances where answers are not admissible in criminal proceedings. The legislation backs up the strong powers of inspectors with offences for failing to comply with requirements without a lawful excuse or a wilful delay or obstruction. The strongest penalties possible will be imposed in these circumstances. The penalty for corporations will be \$1.1 million and \$220,000 for individuals. Industry must know that compliance is not a choice.

More thorough investigations can be conducted as a result of amending the Act to provide for new powers for inspectors. This will help not only to build sound evidence around offences and to develop effective cases where prosecution is appropriate, but also to ensure industry compliance. Currently, the Petroleum (Onshore) Act does not provide for offences for all acts of non-compliance. This issue has been rectified through amendments that bring the offence provisions of the Act into line with those of the Mining Act. New offences include failure to comply with requirements for royalty returns and failing to make a royalty payment. They will also include failure to comply with audit provisions. For the first time, strict liability offences will be introduced for providing false or misleading information or records. However, a person will have the defence of honest and reasonable mistake available to them. The bill also introduces continuing offences and penalties consistent with the Mining Act. This means that each day a titleholder continues mining in breach of the Act, a further penalty amount is imposed. For the first time the bill includes in the Act a general regulation-making power to prescribe penalty notice offences and the penalty amounts.

The bill goes further to introduce offence provisions. The Petroleum (Onshore) Act is limited in its offence provisions for corporations. New provisions are proposed, consistent with the Council of Australian Governments agreed principles for the assessment of directors' liabilities and the existing corporate offence provisions in the Mining Act. The corporation offence provisions include that directors or managers are no longer automatically criminally liable for an offence by a corporation, but a director or manager can be prosecuted as an accessory to an offence by a corporation, for example, by aiding the commission of an offence. An executive liability offence will also be introduced. That relates to where a corporation contravenes a condition of title or fails to comply with a direction. Directors and managers may be liable for these offences and, in effect, may be taken to have committed the offence. However, the prosecution will have to prove the offence was committed by the director or

manager. These extensive amendment proposals will ensure that the petroleum industry is a responsible corporate citizen in New South Wales.

The amendments in this bill also increase penalties in line with those in the Mining Act. Some penalties were increased in the 2012 amendments to the Petroleum (Onshore) Act, and it is not proposed to change those provisions. Other penalties will be increased considerably. Where a direction is not complied with, the bill provides for a maximum penalty of 10,000 penalty units, or \$1.1 million. This penalty will be a powerful deterrent to non-compliance for any member of the petroleum industry. Strong penalties will also be imposed for the offences of failing to comply with requirements without a lawful excuse or for wilful delay or obstruction of an inspector. For corporations, the penalty will be \$1.1 million and for individuals, \$220,000. The offence of a person with an official capacity under the Act having a beneficial interest in a petroleum title will be updated and mirrored in the Mining Act. The penalty for this offence will increase from the present 200 penalty units, or \$22,000, under the Petroleum (Onshore) Act to 2,000 units, or \$220,000, under both Acts.

In addition to increasing penalties for offences, the bill amends provisions for proceedings for an offence by extending the time within which they must commence. This will be three years from the date of the offence or the date on which evidence of the alleged offence first came to the attention of an authorised officer. The Mining Act will also be amended to provide for the same time limit. In the case of indictable offences under either Act, there will continue to be no time limit for the commencement of proceedings. In addition to the new offences, the amendments also expand the range of orders that a court can make where proceedings are on foot or an offence is proved. Further, they give the department the ability to provide certain evidence by way of a certificate. To allow time to deal with community and landholder access issues, the bill proposes that the Minister have the power to suspend a condition of title at the titleholder's request for longer than six months. Such flexibility would also allow time for companies to adapt to the changed regulatory and investment environment.

I now turn to the second set of amendments in the bill. These amendments ensure that landholders are not disadvantaged in making access arrangements with titleholders. Land access arrangements provide a framework through which titleholders can access land and undertake exploration. It sets conditions for how and when access is to occur and the types of activities and work that are to take place. The purpose of land access arrangements is to ensure that exploration can occur in an organised and systematic way. At the same time, they clearly recognise the rights of landholders to conduct their activities free from unreasonable interference or disturbance.

The bill provides for a code of practice for land access to be made by regulation. New South Wales Farmers and the Australian Petroleum Production and Exploration Association are in agreement on how this can be done. Mandatory requirements in a code will become mandatory clauses in an access agreement. To provide flexibility in what are essentially private arrangements, the amendments provide that, if both parties agree, they can opt out of the mandatory requirements. These amendments will ensure appropriate minimum standards for access arrangements. They will also provide the

necessary flexibility to tailor an arrangement to suit individual circumstances. Landholders will retain the ability to stop titleholders from entering their property where there is a proven breach of the requirements of an access arrangement. The provisions of this important code demonstrate clearly what can be achieved when parties with different interests are prepared to come to the table and reach workable agreements.

The Act already provides for reimbursement to a landholder seeking initial advice before negotiating an access arrangement. However, a landholder may need access to further legal advice in the course of making the arrangement. The amendments meet this need by providing for the titleholder to meet the landholder's reasonable legal costs in negotiating and making an access arrangement. This obligation will apply to a landholder's costs from the point at which negotiations are initiated up to the making of the arrangement, or when an arbitrator is appointed if agreement is not reached. The obligation will now be a statutory requirement and must be included in an access arrangement. Failure to pay the fees will be deemed a breach of an access arrangement, where one has been made, and landholders will be able to deny titleholders access to their land. These changes will provide reassurance to landholders when negotiating access arrangements. They will know that legal advice is available to help ensure an outcome that is in their best interests.

Members of the community have expressed a particular need for environmental information so that they can better understand the significance of any proposed or ongoing activity. I note that the Act already has a regime for the release of information generally. The amendments provide for a separate regime for environmental information. The amendments in the bill will enable the department, at its discretion, to make this information publicly available as soon as it is received. However, in practice, it is intended that the department will readily release it. A claim can be made not to release the information because it could cause substantial commercial disadvantage. However, the director general will have the power to override this if the information is considered to be in the public interest.

A final amendment, to both the Mining Act and the Petroleum (Onshore) Act will reduce unnecessary red tape for titleholders. Currently, the consent of adjacent landholders is required to carry out seismic surveys on public roads. The bill provides that if an access arrangement is made with the owner of the public road the titleholder may undertake a survey without the landholders' consent. This amendment makes good sense because the impact of the survey on the adjacent landholders is negligible. The amendments in the bill provide for a much stronger regulatory framework for the petroleum industry in New South Wales. They will contribute to sound environmental management and ensure that appropriate compliance and enforcement measures are available. They will help to balance the rights of landholders and titleholders. This bill ensures that New South Wales will have the most rigorous industry requirements in the country for petroleum activities. I commend the bill to the House.

Debate adjourned on motion by Mr Ron Hoenig and set down as an order of the day for a future day.

MOUNTAIN LAGOON BUSHFIRE HAZARD REDUCTION

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [1.28 p.m.]: I advise the House of important hazard reduction procedures that took place just over a week ago at Sunny Dell and Cora Creek in the Mountain Lagoon area that are crucial to the safety of that community. Captain of the Mountain Lagoon Rural Fire Service, Tim Bourke, has advised me of the positive community feedback that he has received following these burns, which were undertaken by his brigade in conjunction with the National Parks and Wildlife Service. The community has been unanimous in its praise of these operations, which were conducted in a professional, effective and good-humoured manner, and with minimum disruption to residents. A low-intensity fuel reduction has been achieved that will protect the beautiful diversity of flora and fauna in this area should a wildfire happen in the future.

Particular thanks have been extended to Glenn Meade, the new National Parks and Wildlife Service area manager in the Hawkesbury, for his efficient management and consultation, and for acting with such decisiveness throughout the operation. The operation was carried out in a true spirit of cooperation and mutual interest. This is proof of the great partnership that now exists between the National Parks and Wildlife Service, the Rural Fire Service and the community. The protection that is now provided by appropriate hazard reduction operations is a wonderful outcome for all residents living in the rural areas of the Hawkesbury.

ERARING POWER STATION

Mr GREG PIPER: I direct my question to the Treasurer.

(...)

Mr GREG PIPER: Given that the Treasurer's office is progressing the sale of Eraring Power Station, will he undertake to retain the environmental buffer zone around the power station that was acquired to reduce visual and noise impacts on adjoining residents?

Mr MIKE BAIRD: I thank the member for his question. It is a sensible question asked by a good local member who is looking after his community. Members opposite should take a leaf out of his book. I note those inspiring young Australians in the gallery from Southern Youth and Family Services. I apologise for the behaviour of members opposite.

The SPEAKER: Order! The member for Wollongong will come to order.

Mr MIKE BAIRD: As has been clearly outlined in this place, preparations are being made for the sale of Eraring Power Station. Obviously, community concerns have been raised about the buffer zone, and they will be considered. I look forward to engaging with the local member and the community about that issue. Two distinct approaches can be taken to the sale of these assets. We saw what members opposite did with the gentrader sale, but I do not think I need to refer to that case study again.

The important point to understand is that we must deal with reality. This Government understands that if revenue is falling and we want to get on with providing infrastructure we must look at the balance sheet, release capital and start building. Of course, we must keep in mind the debt left behind by members opposite. The difference between members opposite and this Government is that we have the capacity to build the infrastructure and it is being built. A report card about infrastructure has been released, and it indicates that this Government has the capacity to deliver. The North West Rail Link—

Mr John Robertson: Point of order: My point of order relates to Standing Order 129, relevance. The question was about buffer zones around Eraring Power Station and whether the Government will maintain them, not some fairytale in the Treasurer's mind.

The SPEAKER: Order! The Treasurer will return to the leave of the question.

(...)

Mr MIKE BAIRD: The Leader of the Opposition is very sensitive. It is not my fault that he told everyone he was opposed to privatisation but when he got into Cabinet he did nothing about it. He should not lecture me. This Government is getting on with doing responsible things for this State. The North West Rail Link—

(...)

Mr MIKE BAIRD: We know that members opposite oppose the construction of the North West Rail Link. They spoke about it, they started it, they stopped it, they thought about it and said they would try it, then they would not and so on and so on. It gives me a headache when I think about it. This Minister for Transport is delivering it. Members opposite should congratulate the Government because we finally have a Minister for Transport who will deliver infrastructure. As part of the strategy we look at the balance sheet, raise the capital and use it to build infrastructure to take the State forward. We will also consider the buffer zone. I thank the member for his question. We will continue to engage with him and his community on that issue. Without apology, we will continue to take this State forward by delivering the infrastructure that members opposite spoke about but never delivered.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Duck Hunting

Petition requesting retention of the longstanding ban on duck hunting, received from **Mr Alex Greenwich.**

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

MARINE PARKS AMENDMENT (MORATORIUM) BILL 2013

Second Reading

Debate resumed from 8 May 2013.

Mr RON HOENIG (Heffron) [4.30 p.m.]: I lead for the Opposition in debate on the Marine Parks (Moratorium) Bill 2013 and state at the outset that the Opposition opposes this dreadful bill. The bill provides the potential for a great attack on the marine environment of this State. The moratorium was originally introduced by way of legislation in the upper House on 6 May 2011. The Leader of the Opposition in that place referred to it as the result of a "dirty deal" by the Government and the Shooters and Fishers Party to secure the passage of reprehensible legislation in other policy areas. The moratorium was to ensure that no more marine parks were established in this State for a period of five years and a scientific panel was appointed to conduct an independent scientific audit of our marine parks. That scientific panel reported back on 16 February 2012; it is now May 2013. This bill is a retrograde step because it effectively removes the moratorium and gives power back to the Minister to remove our current marine parks. In her second reading speech on 8 May 2013 the Minister for Primary Industries said:

The New South Wales Liberal-Nationals Government is taking a new approach to protecting the New South Wales marine estate. This comes after years of political interference by the previous Labor Government and decisions based on poorly understood or incomplete information. As a result the credibility of marine parks and the fishing industry has suffered.

If the Government wanted to remove political interference why did the Minister introduce a bill in this place which will give her the power to remove marine parks in New South Wales? She did it because the Government is under pressure. The Government wants to do a deal with the Shooters and Fishers Party to ensure the passage of another grubby piece of legislation in the upper House and sell the State's silverware. The Government wants to remove our marine sanctuaries. The O'Farrell Government, which has no environmental credibility, is laying the groundwork for marine environmental destruction in New South Wales. At the very time when the marine environment around the world is suffering the Minister for Primary Industries wants to give herself the power to regulate away this State's marine environment.

The Labor Party is proud of its achievements in establishing six marine parks in New South Wales—345,000 hectares of marine park or 7 per cent of this State's waters. I can also inform the House that only 20 per cent of those marine parks are set aside as sanctuaries and there is no abolition of recreational and commercial fishing in those parks other than in the marine sanctuaries. It is nonsense for the Minister to say that she wants to remove political interference. Marine science is currently at the cutting edge and the world's oceans are under threat. Legislators should be strengthening

marine environmental protection rather than doing deals with various sectional interests to give power to governments to remove them with a stroke of a pen.

Mr Nick Lalich: Grubby deals.

Mr RON HOENIG: Yes, grubby deals. When it comes to the protection of our marine environment The Nationals pander to their communities. Members will recall the protests we saw in places such as Batemans Bay and the North Coast when the marine parks were enacted, because people were induced to believe that recreational and commercial fishing were at stake. The report of the independent scientific audit of marine parks in New South Wales was released in February 2012 but, effectively, the Government has ignored its recommendations. Two of its principle recommendations related to the governance of the New South Wales marine estate being reorganised by bringing the entire estate under one legislative and administrative structure, closely aligned with the five catchment management authorities covering New South Wales coastal drainage systems, which would require the creation of a new entity: a coastal and marine management authority incorporating the Marine Parks Authority NSW, the Coastal Management Panel, NSW Fisheries and any other relevant bodies. The Marine Parks Amendment (Moratorium) Bill 2013 is the legislative result—only a little schedule. The Minister has been sitting on that scientific report for 14 months and in that time she has only produced amendments to the principle Act to give herself the power to remove marine parks.

The second arm of the principle recommendations was that the New South Wales marine estate be recognised under an independent scientific committee—namely, marine scientists, people who know what they are talking about and who might be able to make recommendations to the government of the day about these cutting-edge scientific issues. Who did the Government appoint to chair that independent scientific committee? In her second reading speech the Minister said:

Further reform may be adopted based on the expert advice from the Marine Estate Expert Knowledge Panel, chaired by Dr Andrew Stoeckel.

Dr Stoeckel is a well-respected economist but this is a scientific advisory panel. This is a typical example of what the Government does in this State—namely, everything is about a price tag. Whether it is about justice for the families of victims of murder or sexual assault, compulsory third-party green slips, health or education, it does not matter; it is all about the bottom line: money.

(...)

Mr RON HOENIG: (...) I will talk about the immense qualifications of the person who has been selected to provide advice. As I said, Dr Stoeckel is an eminent economist, which is a cornerstone of the new approach to establish these advisory bodies. Dr Stoeckel has been selected as the inaugural Independent Expert Knowledge Panel chair. He is a visiting fellow at the Australian National University at the Centre for Applied Macroeconomic Analysis and is a specialist in trade policy analysis and the international economy. He is the founding chairman of the Centre for International Economics, which is a national and international economics consultancy delivering services to the public and private sectors.

From 1981 to 1986 Dr Stoeckel was the director and head of the Australian Bureau of Agricultural Economics in Canberra, which is the largest economic research agency in Australia and one of the largest in the world. His main areas of expertise are as follows: trade and investment policy; funds management advice; economic governance studies; macroeconomics, having prepared a study commissioned by the World Bank in 1998 on the economic crisis in Asia; industry policy; and strategic planning, being the lead consultant in preparation of the Meat Industry Strategic Plan. Dr Stoeckel received his PhD from Duke University in 1978. His thesis was to build a small general equilibrium model to analyse Australia's mineral industry. In accordance with the recommendations of the Report of the Independent Scientific Audit of Marine Parks in New South Wales, is an eminent economist qualified to chair an independent scientific committee? I suppose it is like getting a barrister to remove one's appendix.

Mr Andrew Constance: Don't be silly.

Mr RON HOENIG: It is exactly the same thing. The Minister for Ageing, and Minister for Disability Services should know all about it because there are major fisheries problems in the areas around Merimbula and Eden, which adjoin his electorate. An independent scientific committee to provide expert advice requires the expertise not of an economist but of scientists, unless there is another particular agenda at stake. If members think that I am not being accurate, let me remind them—

(...)

Mr RON HOENIG: (...) However, before I refer to the provisions I draw the attention of members opposite to some of the recommendations in the Report of the Independent Scientific Audit of Marine Parks in New South Wales because that was the basis of the moratorium in 2011: to establish a management framework for marine estates that will future-proof against public policy failure. I am referring to the principle recommendations on page 8 of the independent audit. The public policy failure that occurs is when there is ministerial interference in matters such as the sensitivity of the marine environment. That is contrary to the recommendations made by the respected audit panel.

The audit panel recommended the formation of a scientific committee which is independent of government agencies to oversee strategic research in the marine estate. It is further recommended that this committee be composed of experts in marine sciences, economics and social science, with an independent chair. Looking at the schedules to the Act, it is proposed to amend section 17B (4) by repealing sections 75 (5) and 17B (5) and (6). Subsection (5) changes the moratorium provisions to allow for the removal of marine parks. Subsection (6) removes the sanctuary definitions from the definition of "marine park". Effectively, repealing sections 48B (4) and (5) removes the moratorium on marine parks and allows marine parks to be reduced or removed. The Opposition's position in relation to the bill and marine parks is not political and should not be seen to be political. When a marine park is established, commercial fishermen immediately see a threat to their livelihood. Unfortunately commercial fishing, even in the medium to long term, will only survive if marine

sanctuaries are maintained by scientific experts who have input in relation to fish breeding areas. They are based on—

(...)

Mr RON HOENIG: They are based upon expert advice, not some Nationals Minister removing them on a whim.

(...)

Mr RON HOENIG: (...) There has been, and there continues to be, a major depletion of fish stocks, which in itself becomes a threat to the viability of the commercial fishing industry. Rather than beating one's chest, beating a drum and trying to remove marine sanctuaries for short-term political gain, there should be engagement with commercial fishermen, who have immediate demands. They must immediately pull fish out of the water to pay for the mortgages on their boats and to pay their outgoings. But at the end of the day the medium-term and long-term viability depends on maintaining marine environments and protecting the fish nurseries that are contained within those marine parks.

I have seen this over the years. When a marine park was established on Lord Howe Island I saw locals taking out tourists on fishing boats and bringing in 60 kingfish an hour with hand lines. They thought that would last forever until they were unsuccessful for some years and wondered where the kingfish went. They thought that it was impossible to overfish a pelagic fish environment. It is an issue that requires a scientific approach to technology and The Nationals should not prey on the concerns of legitimate commercial fishermen who have a short-term concern to feed their families. At the end of the day, they have to feed their families on a medium-term basis and a long-term basis.

(...)

Mr RON HOENIG: Also involved in affected marine environments are recreational fishermen. I would be the first to suggest that the over-regulation of recreational fishers has been somewhat bizarre, and it has been going on for decades. As a 19- or 20-year-old I remember issuing fishing licences at the courthouse at Lockhart where restrictions applied to inland fishing. I have seen people intimidated by Fisheries inspectors for taking home fish that they were going to consume. I do not see a problem necessarily where people fish to feed their family, providing the fish are old enough or of the right size, but in the Minister's own electorate I have seen Aboriginal people jailed for taking two abalone. Those engaged in recreational fishing are often treated poorly, but the preservation of marine parks, of which only 20 per cent is used as a sanctuary for future fish stocks in the ocean, is hardly a great burden for the preservation of fish stocks. This bill is not about the preservation of the marine environment or about taking a sensitive environmental approach, it is not adopting in any way the recognition of the scientific audit that was announced two years ago; it is simply giving the Government power to remove marine parks and marine sanctuaries as part of its typical grubby little deals with members in the other House.

(...)

Mr ANDREW CONSTANCE (Bega—Minister for Ageing, and Minister for Disability Services) [4.52 p.m.]: I support the Marine Parks Amendment (Moratorium) Bill. For someone with the intellect and experience of the member for Heffron to lead for the Opposition in the way he did clearly demonstrates that the Opposition has well and truly lost the plot. The member's attack on Dr Andrew Stoeckel was absolutely disgraceful. I remind the member for Heffron, if he wants to talk about science and appointments, that Ross Garnaut, who was a senior economic adviser to Bob Hawke, headed up the Rudd Government's climate change review. (...)

The member for Heffron was not in this place when Bob Debus did a grubby deal with The Greens and promised a marine park at Durras without any consultation with the local community, including recreational and commercial fishing industry representatives. (...) So the member for Heffron should not lecture me and the member for Coffs Harbour or anybody else about marine parks. It was the most disgraceful speech I have heard from the member in this House. He has no idea what Labor's deal did to families, to commercial fishermen and to recreational fishermen.

(...)

Mr ANDREW CONSTANCE: He has no idea what it did to their businesses and their livelihoods. He should not lecture us on marine parks and deals.

(...)

Mr ANDREW CONSTANCE: The member for Heffron, who is very sensitive about what I have just said, should be embarrassed about his comments. I remind the House that Batemans Marine Park and Port Stephens marine park were established to obtain The Greens preferences at the 2007 State election. For the member to come in here and start lecturing us about deals when, quite frankly, people went to the wall as a result of Labor's deal is a bit rich. This legislation will enable a proper assessment of zonings within the marine park system. I am pleased that the Government has indicated that both the Batemans and Solitary Island marine parks will be the first to be assessed. The Government has sensibly allowed fishing back on the beaches and on the headlands where there is absolutely no known threat, none whatsoever, in relation to fish stocks.

I note that the member for Heffron does not want to hang around to listen to the debate. Beach fishing poses no known threat to fish stocks, and there was no scientific justification for locking up many of the beaches, headlands and sanctuary zones in the first place. In relation to the Batemans Marine Park, some 80,000-plus hectares of marine estate locked away in a marine park, the zonings were created by lines drawn on a map by The Greens as they sat around tables talking with fishermen. There was no scientific justification for those zonings. The Government wants to look at the evidence and do the proper science. If there is a threat, of course the fishing industry will agree to protect those areas. They are sensible people; they want ongoing fish stock management to ensure that their livelihood continues into the future.

At no point did the member for Heffron mention that the greatest threat to the marine estate in New South Wales is not fishing; it is land-based pollution going into estuaries, waterways and the ocean and impacting on the ecological environment. The Department of Fisheries is able to manage fish stocks. What we have seen from The Greens and the Labor Party is a backdoor attempt to regulate recreational fishing interests in this State through marine park zoning. Zoning should be properly linked to stock management and where there are known threats the Government, in conjunction with the local community and the industry, will protect those areas. Fishing has been allowed back onto beaches and up and down the coast and there are aggregation sites for the grey nurse shark. One such site adjoins land. For this reason, the Government has kept a restriction in place at Burrawarra Point in relation to the grey nurse shark. That is sensible management of a species which every bit of science points to as being under threat. Yes, there has been debate within fishing circles as to where the aggregation sites and breeding grounds and the like are but the Government has very sensibly ensured that that restriction remained in place. This legislation will enable the Government to review comprehensively the marine parks that were set up based on political favours and not on science.

I know the community support for Jervis Bay Marine Park is very strong; the member for South Coast has made that clear. But it took four years to do the necessary consultation around the zoning plans for that marine park and the work necessary to put it in place. However, in the case of Port Stephens-Great Lakes Marine Park and I dare say Solitary Islands Marine Park and certainly Batemans Marine Park, these parks were designed within six months. There was no scientific assessment. The beauty of the work that has been done by the Government and through the leadership of the Minister for the Environment and the Minister for Primary Industries is that there has been a very detailed review to assess the way in which the scientific work was undertaken in setting up these parks. It has given us the platform to drill down further in relation to the zoning plans that exist for the respective parks.

Very pleasingly, and again it is not acknowledged by those opposite, we are going to look at the marine estate in its entirety and not just within the confines of the current marine park zones, which were largely drawn as a result of political arrangements as opposed to being based on scientific grounds. There are areas that need protection. There are absolutely no ifs and buts in that regard. We have to work through identification of those known threats to ensure those areas are properly safeguarded and managed.

It disappoints me that those opposite think that this is purely environmental policy as it relates to marine parks. It is not. There is a whole list of things associated with it. I am very comfortable with the appointment of Dr Andrew Stoeckel because I want an economist to look at what has occurred within my region. It is ridiculous to think that those opposite did not set any form of baseline related to the economic impact of their locking up 16,000 hectares of the best fishing grounds on the far South Coast. We have indicated very clearly to industry by allowing fishing on headlands and beaches that we are fair dinkum when it comes to ensuring that these parks are workable in the interests of the environment but, most importantly, workable in the interests of local people whose livelihoods depend on the marine estate.

(...) I commend the bill to the House. It makes good sense and it will certainly be welcomed by fishing communities around the State.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [5.02 p.m.]: I join with my colleague the member for Bega and Minister for Disability Services in supporting this legislation. I was in this House when Labor amended the marine parks legislation. At the time what they wanted to do was exclude all recreational fishing from marine parks. Anyone who does not believe that should look at the *Hansard* where we amended the legislation with the assistance of the then Minister for Fisheries, Bob Martin, to make sure fisheries still had a role to play in the management of the then created marine parks. The Solitary Islands Marine Reserve was set up by a Coalition Government last time they were in government. Why did we set it up? It was to protect the marine environment and make sure it was preserved for the future. It was done on a scientific basis and with the assistance of a man who had set up the marine parks in Western Australia. He came here and did the job and set up a marine reserve system, which had sanctuary zones and all the protections that were needed.

(...)

This legislation will give us an opportunity to open up headlands where people can go to fish. We have already done that. I am not talking about commercial fishing; I am talking about recreational fishermen. They can go and throw in a line. I used to beach fish a lot before I got into this game but I do not get the opportunity these days. However, there is nothing more satisfying than going to a beach within the marine park and throwing in a line and catching a few bream for a Sunday lunch. Under the previous Government fishers were not able to do that because the areas where people could catch fish were turned into sanctuary zones. It did not affect the fish stocks. As the member for Bega said, the professional and recreational fishermen believe there are areas that need to be protected, but we need to do that on the basis of scientific evidence, not on the basis of political favours. That is what happened from 1997 until we won government. A moratorium was put in place and I suggest the member for Heffron and those opposite read the explanatory note to this bill, which says:

The objects of this Bill are as follows:

- (a) to allow regulations to be made under the Act within the moratorium period to alter the areas of existing sanctuary zones, or to classify areas as new sanctuary zones, within marine parks.

This bill is not talking about taking away the sanctuary zones, it is saying we can create new ones. I can tell members that the recreational fishermen in the Coffs Harbour area took plans to the past Government and said, "Rather than put a sanctuary zone here where it is not doing any good at all, why don't you put the sanctuary zone over here and allow recreational fishermen to fish in the other area?" Their plans were totally ignored. (...)

What we are talking about is management. To hear the nonsense from the member for Heffron in relation to Dr Andrew Stoeckel was just bizarre. This is a man who is going to look at the socioeconomic effects on the local community of this legislation

and any sanctuary zones and any alterations to marine parks. (...) As the member for Bega said, there were a number of people, professional fishermen, who lost hundreds of thousands of dollars because of the decisions of the past Government, and there were social impacts on our communities where industries collapsed and fishermen went broke and walked out because they could no longer fish in the area. In fact, the regulations meant that some areas outside the marine park were overfished and yet the propositions put forward by commercial and recreational fishers to put in a grid system were ignored. The fishery could have been managed such as a farm where a paddock would be left fallow and another one would be worked.

It amazes me that common sense has never been part and parcel of this argument under a Labor Government. We now have a situation where a Minister can take scientific advice and evidence and apply it to a marine park that was a marine reserve—such as the Solitary Islands, which was the first one in New South Wales—to allow everyone to use the marine park for recreational fishing and boating, as we have done since the legislation was put in place in 1988-1989. I believe that we in government did a good job. Under the former Labor Government we saw political deals being done and we saw people go broke. (...)

We are appointing a manager with a board of members who have been appointed for their qualifications, not because of their political affiliations or because of what they have done. We want these areas managed for future generations, and it can be done under a sensible government with sensible legislation that will ensure not only that fish stocks and habitats are protected but that people can earn a living and enjoy recreation in the marine environment at the same time. I am saddened by the attitude of Opposition members and what they have said. We know what it is all about. (...) The reality is that this Government wants to manage the marine estate into the future not only for the Coffs Harbour electorate and other affected electorates but also for the people of New South Wales. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [5.10 p.m.]: (...) I speak on behalf of The Greens on the Marine Parks (Moratorium) Bill 2013. Obviously there has been a heated discussion this evening. The issue involves a matter of trust. There is clearly no trust between this Government and the former Labor Government. Environmentalists are concerned about the motivation for the bill. People who fish for a living are concerned about whether they are recreational fishers or commercial fishers.

The fact that the bill has the identical name to the Shooters and Fishers Party bill that was introduced in 2011 has not generated a great deal of positive energy because it has an anti-marine park and anti-science stance, which is different to the stance of the State Coalition; it has generated concern. The Minister's second reading speech addressed the poorly understood and incomplete information that the credibility of marine parks was suffering. This language is highly inflammatory and does not go to the evidence that was released by the Government's own report, which was the Independent Scientific Audit of Marine Parks. A lot of anecdotal issues have been raised, but as members of all the parties say, it is important that we look at the evidence. This bill does not alter the moratorium on marine parks, which is clear.

The bill allows changes to be made and this has generated the largest amount of

concern. Under the bill, the Government can remove sanctuary zones from marine parks, and I acknowledge that they can also be added. In the Minister's second reading speech there was no balance. She did not speak about the potential to add new sanctuary zones. The Minister's second reading speech did not highlight the need to protect biodiversity but attacked the former Labor Government's decisions about marine parks. In her second reading speech the Minister stated that previous decisions about marine parks have taken place on poorly understood and incomplete information. That is debatable. She also stated:

As a result the credibility of marine parks and the fishing industry has suffered.

Obviously the decision to close the Cronulla Fisheries Research Centre of Excellence had the biggest impact on the credibility of the fishing industry and marine parks. The Minister also stated:

In response to the marine parks audit, the Government committed to a common-sense marine parks policy and the development of a better approach to the way marine parks are reviewed.

That sounds sensible.

In our review of zones we will look at more effectively meeting social and economic objectives while continuing to conserve our important environmental assets. We will draw on best available science and knowledge to identify key threats, risks and mitigation strategies. We will promote multiple use and appropriate access, with restrictions on activity proportionate to risk. We will also improve stakeholder and public participation by promoting genuine and open consultation.

The Minister put forward something that reasonable people would agree with. The concern is that a response has been directed to this bill rather than addressing the key elements that the Independent Scientific Audit of Marine Parks found. One of the recommendations is:

The Audit Panel is of the further opinion that the current system of marine parks as established in NSW be maintained and mechanisms be found for enhancing the protection of biodiversity in the identified gaps, namely within the Hawkesbury and Twofold Shelf marine bioregions.

Yet the Government has given no indication that it is prepared to act on this. There has been no statement from the Government that the audit panel has found that the current system of marine parks be maintained. There is a lot of criticism of the current system of marine parks. On my reading of the Independent Scientific Audit of Marine Parks, there is support for the existing arrangements. This bill and this response is something that seems out of step with the Government's intention. Recommendation 4 is also important:

The Audit Panel recommends that funding be allocated to addressing research shortcomings. Some of the priority areas identified by the Audit were:

6. The NSW Government needs to ensure that complementary fisheries

research is done to improve the understanding of the threat that fishing poses to the conservation of biodiversity in NSW and the environmental protected values of the Marine Estate. The focus of this research should include...

It goes through the range of areas that the focus of research should include. If the Minister was taking a balanced approach, why would the Minister say, "We support the research and we will fund it" and not just introduce the bill that says the opportunities can be taken away and then highlight it in her second reading speech. The balance of the scientific audit that was undertaken needs to be reviewed and then the Government should seek to invest in that way. The concern is that the bill is about giving the Government the opportunity to take out sanctuary zones. In her second reading speech the Minister stated:

Under this bill, any changes identified as a result of the recently announced assessment of recreational fishing access to beaches and headlands in marine park sanctuary zones can be put in place. This is consistent with the new approach ...

There is a lack of trust in this area. My approach to the world is to build consensus.

Mr Christopher Gulaptis: You are our kind of guy.

Mr JAMIE PARKER: When it works, it works. I understand that emotions run hot and important decisions are made about people's livelihood, but balance is required. If the Minister responded favourably to the recommendations that were about investing in the research there would not be so much concern about the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [5.18 p.m.]: I speak in support of the Marine Parks Amendment (Moratorium) Bill 2013. I congratulate the Minister for Primary Industries on bringing the bill forward. It is extremely important to the electorate of Myall Lakes. With its rivers, beaches and lakes, Myall Lakes is Australia's greatest water playground. Fishing, tourism and the environment is important in my electorate. The Liberal-Nationals Government decided to improve the way we manage the coastal waters of this State. There was very little public consultation when these marine parks were established some years ago. (...)

The debate about marine parks has diverted much-needed energy and resources away from the important task of managing the marine estate as a whole to maximise benefits for the entire New South Wales community, including for future generations. The report of the Independent Scientific Audit of Marine Parks in New South Wales concluded, "current management of the marine estate is in a state of flux and conflict". The audit was clear that effective management of coastal and marine resources must extend beyond existing marine parks. It also recommended that the management framework encompass the entire marine estate and represent a statewide approach. The New South Wales Liberal-Nationals Government agrees with the audit; that is, that the marine estate is publicly owned by the people of New South Wales and must be managed for all people now and into the future. A business-as-usual approach is inadequate and reform is necessary. This is a unique opportunity to deliver real change and to avoid past problems.

The Government is reforming management of the entire marine estate. It has commenced that with the establishment of two new advisory bodies to guide and inform the new approach: the Marine Estate Management Authority and the Marine Estate Expert Knowledge Panel. The Marine Estate Management Authority, which is independently chaired by Dr Wendy Craik, is an interagency group with representatives from the Office of Environment and Heritage, the Department of Trade and Investment, the Department of Planning and Infrastructure and Transport NSW. The independent chair of the Marine Expert Knowledge Panel is Dr Andrew Stoeckel.

The member for Heffron did not mention Dr Wendy Craik; he spoke only about Dr Andrew Stoeckel. Dr Craik has a Bachelor of Science and was awarded an Order of Australia in 2007 for service to the natural resource sector of the economy, particularly in the areas of fisheries, marine ecology and management of water reform, and for contributions to policies affecting rural and regional Australia. She has held senior positions, including as executive officer of the Murray-Darling Basin Commission. Dr Andrew Stoeckel has experience in natural resource management and was commissioned by the World Bank to examine the macro economy and each rural sector within Asian and non-Asian economies. He might be an economist by trade, but he has incredible experience and is renowned throughout the world. Those two people will be advising the Government.

The role of the Marine Estate Management Authority is to establish strategic frameworks and priorities for management of the entire marine estate by service delivery agencies. The authority has met several times and it is getting on with these important reforms. The expert knowledge panel has five members, including the independent chair, Dr Andrew Stoeckel. The panel will provide independent expert strategic, operational, scientific and technical advice spanning ecological, economic and social science disciplines, including Aboriginal interests and coastal land-use planning. Its expert advice will be provided to the authority on key knowledge needs and will support evidence-based decision-making. The panel's role will be to develop a threat and risk assessment framework to guide the assessment of threats and risks to the marine estate and to prioritise management actions to address them effectively. This shows that the Liberal-Nationals Government's new approach will be based on scientific evidence.

Assessments will consider threats and risks across the entire marine estate, including ecological, economic and social values. Through these assessments this Government aims to ensure that public resources are appropriately targeted, there is a better understanding of the most significant threats and risks facing the marine estate, and there is effective and efficient management actions. The New South Wales Government has put in place an amnesty immediately to allow line fishing from ocean beaches and headlands in the sanctuary zones of mainland marine parks. The report stated that line fishing from beaches and headlands has no impact on the ecology.

This move is based on common sense and demonstrates the Government's new approach to marine parks of putting science at the heart of all decisions. That is different from the former Labor Government's approach. It is clear that the community

expects reviews into marine park zoning arrangements to be carried out and for it to be done in new and improved ways. The Liberal-Nationals Government will improve local consultation and engagement processes and develop better approaches for reviewing management of marine parks. It will take the time needed to establish robust governance arrangements to avoid ad hoc, reactionary decision-making and dirty deals with The Greens such as those made by the former Labor Government. I commend the bill to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [5.24 p.m.]: It is with pleasure that I support the Marine Parks Amendment (Moratorium) Bill 2013. I commend the Minister for introducing the bill to the House. There is no doubt that the former Labor Government made some very poor decisions based on politics and not on fact. The result is that the credibility of marine parks and the fishing industry has been seriously suffered. The electorate of Clarence has an extensive coastline, stretching from Evans Head in the north to Corindi in the south. Commercial fishing is a very important economic driver in the region, as are recreational fishing and beach tourism, including activities such as diving and snorkelling. Therefore, this legislation is critical to my electorate.

The Clarence River Fishermen's Co-operative provides 30 per cent of the fresh seafood sold at the Sydney fish market. It injects more than \$20 million into our local economy and provides high-quality seafood to the region and beyond. Yamba prawns are renowned throughout the world and they are often served in the parliamentary dining room. The fishing fleets at Yamba and Iluka have been an intrinsic part of our community for decades. The fishing fleets at Evans Head and Wooli are just as important in terms of the economic boost and the food that they provide to their respective communities. Recreational fishing and beach tourism are also important to the coastal communities of Brooms Head, Sandon River, Minnie Waters, Red Rock and Corindi. Those communities enjoy beach and offshore fishing as well as whale watching, snorkelling, scuba diving and boating generally. That is why this legislation is so critical and I believe that the Government has struck the right balance.

Following the March 2011 election, the Liberal-Nationals Government committed to commissioning an independent scientific audit of marine parks in New South Wales. The audit was carried out by Professor Bob Beeton from the University of Queensland and was released in February 2012. The Government tabled its response to the audit in March 2013 and supported the principal recommendations, including the need for change. This legislation is based on scientific evidence and it removes some of the restrictions put in place during the moratorium, such as reviews of zoning plans for marine parks.

There are currently six marine parks in New South Wales located at Cape Byron in the north, Solitary Islands on the Coffs Coast, Port Stephens-Great Lakes in the Hunter region, Jervis Bay and Batemans Bay on the South Coast and in the waters surrounding Lord Howe Island. These marine parks cover about 345,000 hectares or almost 35 per cent of the New South Wales marine estate and include 6 per cent that is currently zoned as sanctuary. Marine parks sustain our commercial fishing industry and, as I said, that is vital for my electorate of Clarence. It contributes a total of \$80 million annually to the New South Wales economy. Marine parks also support our

recreational fishing community, which contributes more than \$550 million a year to the New South Wales economy. As I said earlier, my electorate benefits enormously from recreational fishers. Marine parks also support Indigenous cultural practices.

The principal objects of the bill are to allow regulations to be made under the Act within the current five-year moratorium period to alter the areas of existing sanctuary zones and to classify areas as new sanctuary zones within marine parks. This will again allow changes to be made to sanctuary zones in marine parks where appropriate and in consultation with the community, which has not occurred previously. The bill also provides for reviews of zoning plans for marine parks at the direction of the relevant Ministers, for example to permit line fishing from ocean beaches. Fishers in my electorate are certainly looking forward to that. The bill will allow for marine park zoning rules to be reviewed so that marine parks are managed efficiently and effectively, which is what the public expects.

Finally, the bill permits the authority to conduct reviews of or take other action in relation to zoning plans for marine parks during the moratorium period. This will allow the Government to take action and get on with doing what it said it would do in response to the marine parks audit. The bill does not alter the moratorium on declaring new marine parks. The Government remains committed to the prohibition on creating new marine parks, subject to advice from the Marine Estate Expert Knowledge Panel. The expert knowledge panel will report directly to the Marine Estate Management Authority. The expert knowledge panel will have the ability to draw on other experts to make sure we have the best people informing better management of the marine estate. The Government is committed to reducing red tape for industry, stakeholders and the community.

This bill repeals two aspects of the current moratorium so that marine park zoning plans can be reviewed and, where appropriate, changes can be made to sanctuary zones. This will allow the Government to apply a new consultative and evidence-based approach, which takes the politics out of the debate, to deliver better balanced outcomes for all stakeholders. This new approach of our marine estate reforms will deliver long-term benefits to my electorate of Clarence, to New South Wales, its people, its regions and its industries and bring science back to the heart of all decisions. I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) [5.32 p.m.]: I make a contribution to the Marine Parks Amendment (Moratorium) Bill 2013. Many in the community will be justifiably unnerved by the Government's moves to water down the moratorium that is in place and allow the alteration of management of sanctuary zones within existing marine parks, the creation of new sanctuary zones and changes to zonings. The Minister for Primary Industries, who is in the Chamber, says that these provisions within the moratorium will be lifted to allow changes to be made "where appropriate and with and in consultation with the community". The Minister also claims that the Government seeks to make science-based decisions about the management of the marine estate in New South Wales. If that is the case then surely the best course of action is to retain and observe the moratorium in its entirety for the five-year period originally provided for.

The Minister points out that suspension on the declaration of new marine parks will remain in place until further advice on this issue is received from the Marine Estate Expert Knowledge Panel. This is sensible, but it begs the question: Why tinker with the moratorium at all? What is the rush to push through these amendments that will allow substantial variations to the way these marine parks are managed or at least will have enough impact to compromise the establishment of the best baseline data? Already we have seen the ban lifted on beach and shore fishing in marine parks, apparently at the behest of the fishing lobby. Was this decision based on good science or was it merely politically expedient?

Mr Geoff Provest: It was expedient.

Mr GREG PIPER: It was expedient, thank you. In his review of marine parks Professor Bob Beeton did not recommend the removal of sanctuary areas on beaches and headlands, yet it is his audit that is being so heavily cited. What scientific evidence currently exists to justify the abolition or reduction of sanctuary areas? I would be interested to know what science the decisions to vary the boundaries will be based on. The Beeton report says that sanctuary areas were established without an appropriate scientific basis. I have no argument with that proposition, but if that is the case then surely the zones should remain fixed until that appropriate evidence-based information is available. If the Government has a problem with the original decision to establish the marine park estate then it should worry about this moratorium, which is clearly a return to ad hoc management of marine estates. Interfering with the marine park management as it now exists on the basis of the need for further scientific study sounds good, except for the fact that any baseline data will clearly be compromised by fishing activity within the area.

I believe in the precautionary principle as a very good general principle and I cannot see any reason why it should be set aside prior to any report and recommendation from the Marine Estate Expert Knowledge Panel. I do not suggest that there should never be any variation to the marine parks, but as a community we need to recognise that past management practices have largely failed both the community and the environment. Hopefully the good science will come that confirms the best course of action in management of marine parks but it is not there yet. Why change the status quo based on a political decision before that science is delivered? Beeton further advised that the existing management system be maintained until the new one is in place. In February 2012 he said in an interview on radio ABC North Coast, "You can't manage what you don't understand". In view of those comments it seems premature to be amending the legislation at this stage. I do not support the bill.

Mr RICHARD AMERY (Mount Druitt) [5.35 p.m.]: I will make a brief contribution to the Marine Parks Amendment (Moratorium) Bill 2013 about which members of the Opposition are certainly not happy. The overview of the bill refers to the Marine Parks Act 1997 and I recall the debate in relation to that legislation in this House in the first couple of years of the Carr Labor Government. I also remember very clearly your contribution, Mr Acting-Speaker, as the member for Coffs Harbour, and also that of some other members of the House, which has been echoed in this debate today. On a number of occasions the Minister for Primary Industries and other Government members used words and phrases like "science", "scientific evidence", "evidence-

based decisions", "political decisions" and "alliances with The Greens". That has been the consistent view of the Coalition since the 1997 Act on this legislation. I draw the attention of members to the significance of the 1997 Act to this bill, which will have major implications on the management of marine life on our coastline. The bill contains three or four lines that basically say "You will do as the Minister directs".

The former Labor Government warned about these sorts of actions prior to the last election. It warned about the arguments being put up by members of The Nationals in particular that will say that we should not do anything unless the science is 100 per cent conclusive, every decision made by government should be evidence-based and anything to do with politics should be ignored. I also say that at the same time as the 1997 legislation was being debated in this House corresponding consistent debates also occurred in relation to water reform, environmental flows and native vegetation by the same people who resisted things like banning smoking, asbestos and whaling.

The Conservatives have always said, "We should not do anything to protect the marine environment, inland rivers and native vegetation unless there is indisputable evidence-based science that is not in conflict with anybody", which is how they always manage such debates. We have a very large coastline and a world population that has gone from about three billion in 1960 to nearly seven billion in 2013. As the Minister for Ageing correctly said, the challenge to marine life, the condition of our waterways and the like is pollution and that is inconsistent with the policy statements being made by The Nationals in relation to this bill.

(...)

Mr RICHARD AMERY: (...) We should not be surprised that this very brief bill with a few lines on page three will undermine all of the significant improvements made to the environment in relation to marine parks that were embodied in the 1997 legislation. It is disappointing that this bill is before the House. All of the concerns of the Opposition about the protection of marine life are coming to fruition under this Coalition Government.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [5.40 p.m.], in reply: I thank the members for the electorates of Heffron, Bega, Coffs Harbour, Myall Lakes, Clarence, Balmain, Lake Macquarie and Mount Druitt for their contributions to debate. The bill originated from the independent scientific audit of marine parks conducted in 2012, which made it clear that the management of our marine parks needed to change. Today I am pleased to give effect to the recommendations of that audit, which will allow the initial reforms to commence.

The Marine Parks Amendment (Moratorium) Bill 2013 amends the Marine Parks Act 1997 by repealing two or the three components of the current moratorium. The bill will once again allow for the review of marine park zoning plans and, where appropriate, changes to be made to sanctuary zones. These reviews will enable the Government to develop plans that align the management of marine parks with a new approach to managing the whole marine estate—the marine waters, coasts and estuaries of New South Wales. By making these amendments the Government can

further develop and begin to apply a new consultative and evidence-based approach. In this way the New South Wales Liberal-Nationals Government is unmistakably putting science back at the heart of all decisions, which is in stark contrast to the previous Government's piecemeal efforts.

Changes are needed to ensure that our system of six marine parks is effective in terms of conserving biodiversity, which in turn will benefit the community and industry. There are many benefits to be realised—for example, the million dollar Visit South Coast campaign launched by my colleague Mr George Souris, the Minister for Tourism, Major Events in April this year. This campaign showcases the region's beautiful beaches, crystal clear water and abundance of wildlife. It also builds on the success of a 2012 campaign that resulted in more than 16,000 sale leads from visitors wanting to book short breaks. The member for Heffron said this legislation is about the removal of sanctuary zones. That is not so; it is about putting in place robust review processes so that the appropriate areas are protected and managed based on science. Consultation will be undertaken with stakeholders, including commercial fishers. It is all about balancing conservation and business imperatives.

I reject the member's assertions about the capacity of Dr Stoeckel to lead the Marine Estate Expert Knowledge Panel. I have the greatest respect for Dr Stoeckel. I am confident that he will make sure that the panel takes into account every relevant matter. Members opposite should not bring down his good name. The member for Balmain spoke about trust and the language used. I agree with him: these are important considerations. I can assure the House that I do support research, and additional research will be required if we are going to get this right. That is why the Government established the expert knowledge panel. That panel will not be constrained. It will be able to draw on expert advice from across the ecological, economic and social science disciplines. Whilst the audit recommended that the current system be maintained, it also recognised that a better consideration of socioeconomic values is required. As also noted in the audit, the Government will seek to find ways to enhance the protection of biodiversity and address identified gaps in the system.

I can inform the member for Lake Macquarie that the bill does provide the opportunity to review the zoning plans—a power we did not have under the current arrangements. This is an important change. Being able to review the zoning plans will enable the Government to respond efficiently as new information becomes available. It is about good policy based on sound science. In conclusion, I remind the House that the bill does not give me any new powers; it merely allows the Government to review the zoning plans and make adjustments to sanctuary zones if appropriate. This sensible bill is about the Government taking action and doing what it said it would do. It will allow real changes to be made in line with the Government's vision for a clean, safe, healthy and productive marine estate to be enjoyed, valued and sustainably managed now and into the future.

There are plenty of grandparents who would love to take their grandchildren to the beach to throw in a fishing line. The independent scientific report, which was released by Professor Bob Beeton, clearly stated that that would not have a serious impact on our marine environment. How could that possibly ever compete with coastal

pollution, overdevelopment and the sorts of old industrial issues which surround estuarine waters in various parts of this State? This bill is a common-sense approach to marine parks management. I commend the bill to the House.

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

The House divided.

Ayes, 61

Mr Anderson	Mr Gee	Mr Roberts
Mr Annesley	Ms Gibbons	Mr Rohan
Mr Aplin	Ms Goward	Mr Rowell
Mr Baird	Mr Grant	Mrs Sage
Mr Barilaro	Mr Gulaptis	Mr Sidoti
Mr Bassett	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mr Holstein	Mr Speakman
Mr Bromhead	Mr Humphries	Mr Spence
Mr Casuscelli	Mr Issa	Mr Stokes
Mr Conolly	Mr Kean	Mr Stoner
Mr Constance	Dr Lee	Mr Toole
Mr Cornwell	Mr Notley-Smith	Ms Upton
Mr Coure	Mr O'Dea	Mr Ward
Mrs Davies	Mr O'Farrell	Mr Webber
Mr Dominello	Mr Page	Mr R.C. Williams
Mr Doyle	Ms Parker	Mrs Williams
Mr Edwards	Mr Patterson	
Mr Elliott	Mr Perrottet	<i>Tellers,</i>
Mr Evans	Mr Piccoli	Mr Maguire
Mr Flowers	Mr Provest	Mr J.D. Williams

Noes, 22

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Mr Park	Mr Zangari
Mr Furolo	Mr Parker	
Mr Greenwich	Mrs Perry	<i>Tellers,</i>
Ms Hay	Mr Piper	Mr Amery
Mr Hoenig	Mr Rees	Mr Lalich

Pair

Mr Glenn Brookes	Ms Sonia Hornery
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Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Katrina Hodgkinson agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

Legislative Council Wednesday 22 May 2013

HUNTER VALLEY MINING

Reverend the Hon. FRED NILE: I wish to ask the Hon. Duncan Gay, representing the Minister for Resources and Energy, a question without notice. Is it a fact that a recent New South Wales Land and Environment Court decision upheld a merit appeal in respect of Rio Tinto's Mount Thorley Warkworth mine in the Hunter Valley? Is it a fact that this decision is the first time a New South Wales court has overturned a major project approval to extend an existing open cut mining operation, following a 3½-year approval process in which the project secured approval from all necessary State and Commonwealth government regulators? Is it a fact that the failure to secure planning approval threatens existing production levels, 1,300 jobs and the future viability of the mine? Will the Government investigate this situation and take action to assist this important employer?

The Hon. DUNCAN GAY: I thank the member for his question. In general terms, I believe he intimates in his question that the decision is the first time a New South Wales court has overturned a major project approval to extend an existing open cut mining operation. He indicated also that this followed a 3½-year approval process during which the project secured approval from all necessary State and Commonwealth government regulators, and the fact that it puts 1,300 jobs at risk. I believe they certainly are the ramifications of the decision and the member states them correctly. He went further to ask whether we are examining this situation to see what remedies are available. Yes, we are.

MARINE PARKS AMENDMENT (MORATORIUM) BILL 2013

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

Motion by the Hon. John Ajaka, on behalf of the Hon. Duncan Gay, 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.

Legislative Assembly Thursday 23 May 2013

HUNTING IN NATIONAL PARKS

Mr JOHN ROBERTSON: I direct my question to the Minister for the Environment. Given that the New South Wales Game Council is advertising that it will be issuing free recreational hunting licences this weekend at the Shot Expo in order to promote hunting in New South Wales national parks, can the Minister explain how public safety can be guaranteed when licences to hunt are now being handed out for free?

The SPEAKER: Order! The member for Keira will come to order.

Ms ROBYN PARKER: As I have informed the House on a number of occasions, the Supplementary Pest Control Program in national parks is subject to an on-going, stringent risk assessment. The reason an evaluation of the Supplementary Pest Control Program in national parks will not be commencing until—

Mr Michael Daley: Point of order: With respect, I think the Minister has misunderstood the question. The question is not about shooting in national parks.

The SPEAKER: Has the Minister completed her answer?

Ms ROBYN PARKER: Yes.

The SPEAKER: The Minister has completed her answer. There is no point of order.

HUNTING IN NATIONAL PARKS

Ms CARMEL TEBBUTT: My question is addressed to the Minister for Primary Industries. What approval did the Minister give to the Game Council to offer free recreational hunting licences to encourage amateur shooting in New South Wales national parks?

Ms KATRINA HODGKINSON: As to the precise question, I will seek supplementary information and come back to the House on that. Pest animals such as rabbits, foxes, wild dogs and feral pigs are among the greatest threats to primary production and biodiversity in New South Wales. They have the ability to drastically reduce productivity.

The SPEAKER: Order! Members will come to order. An Opposition member asked the question and Opposition members should listen to the answer in silence.

Ms KATRINA HODGKINSON: They have the ability to drastically reduce productivity and on-farm incomes of the State's 40,000 commercial farmers. The Government cares about our farmers and productivity, unlike members opposite who could not give a rat's about farmers in this State.

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

Ms KATRINA HODGKINSON: In New South Wales feral animals cost agriculture an estimated \$70 million in lost production every year.

The SPEAKER: Order! The member for Canterbury will come to order. The member for Macquarie Fields will come to order.

Ms KATRINA HODGKINSON: These impacts are felt by our primary industry sector across New South Wales, from Casino in the north through to Corowa in the south, out to Broken Hill in the west and everywhere in between. Indeed, our beef, wool, lamb and goat producers are among the worst affected. I have now received advice on the original question. I am advised that the recreational hunting licence is not free; therefore, the question is based on a false premise. While I am on a roll, I point out that we have just emerged from a decade-long drought and we are returning to improved seasonal conditions. But as we have done that we have witnessed an increase in pest pressures, especially with wild dogs and pigs. Feral pests and animals do great harm to our national parks by destroying habitats and flora and fauna, impacting on about 40 per cent of all threatened species.

Dr Andrew McDonald: You don't believe this. You don't believe a word of what you are reading.

Ms KATRINA HODGKINSON: Members opposite better believe it, because they are eating the produce from our farmers' hard work. They should appreciate every farmer in this State. Have members opposite ever seen photographs of sheep with their guts and throats ripped out as a result of attacks from wild dogs and feral animals, which do not recognise boundaries?

The SPEAKER: Order! Opposition members will come to order.

Ms KATRINA HODGKINSON: Wild dogs and feral animals do not know if they are in a national park or a State forest or on private property. They do not know the boundaries.

The SPEAKER: Order! I call the Leader of the Opposition to order. He will cease interjecting.

Ms KATRINA HODGKINSON: Members opposite should wake up and realise where their food comes from.

Mr Jamie Parker: Amateur hunters don't work.

The SPEAKER: Order! The member for Balmain will come to order.

Ms KATRINA HODGKINSON: Members opposite, whether they are in Balmain, Campbelltown or other Sydney suburbs, have a lot to learn, but in the country we know all about this. We live this every day. Feral pests and animals do great harm to our national parks. They destroy habitats and flora and fauna, and they impact on

about 40 per cent of all threatened species. This Government currently spends \$20 million each year on feral animal control in our national parks and forests, and on farms and Crown lands. There is no easy solution. We need an integrated, coordinated and strategic approach to tackling pest animals. The Government's decision to introduce a supplementary pest control program into national parks will complement and augment existing activities.

The shooting of feral animals in national parks is not new. It happened under the Labor Government. An integrated approach using volunteer services, given the amount of money the Government currently spends in this area, can only help to address the terrible problems caused by these vermin. This is a safe and logical move based on past success in dealing with similar issues in our State forests. For seven years Game Council licenced hunters have been removing game and feral animals from declared State forests under a world-class management system. In all that time there have been no fatalities or serious injuries in New South Wales involving hunters or the public. Licenced hunters must be accredited and insured. They must have written permission that includes local maps and detailed conditions on each occasion that they hunt on public land, and they must cover all of their own costs. I can confidently say that New South Wales has the tightest regulations in the country governing hunting on public land.

The SPEAKER: Order! The member for Macquarie Fields will come to order.

Ms KATRINA HODGKINSON: In the seven years since public land hunting in New South Wales commenced we have seen licenced hunters remove more than 91,000 game and feral animals, involving more than 80,000 hunting days. I thank them for the wonderful community service they provide to the farmers of this State, who are responsible for our food production and for keeping members opposite fed. The success of this operation so far undermines the ongoing scaremongering of the Opposition and The Greens about the effectiveness of the program. As with declared State forests, the focus is on removing unwanted introduced animals, such as foxes, feral pigs, feral goats, rabbits, wild dogs and hares—creatures only The Greens could love. The national parks program, however, will have a wider range of controls in place. A system of zoning has been developed. [*Time expired.*]

(...)

HUNTING IN NATIONAL PARKS

Ms LINDA BURNEY: My question is to the Minister for the Environment. Why has the Government's own draft risk assessment explicitly ruled out requirements for amateur hunters to demonstrate their accuracy on a shooting range and a mentoring program for inexperienced shooters, as occurs in South Australia?

Ms ROBYN PARKER: Clearly, I have to explain it over and over again to those opposite. The risk assessment process is continuing in order to mitigate any factors, as occurs with any new risky activity in a national park environment.

Ms Linda Burney: Risky?

Ms ROBYN PARKER: Risky activities like bushwalking and kayaking and all sorts of other activities in national parks. The supplementary pest control program is also part of the process. The Game Council governance is currently under review and a supplementary pest control program will not commence until following completion of that review.

COAL INDUSTRY

Mr GARRY EDWARDS: My question is directed to the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast. What would be the impact on jobs and electricity prices if the coal industry were shut down?

The SPEAKER: Order! Government members will come to order. I call the member for Kiama to order.

Mr CHRIS HARTCHER: I thank the member for Swansea for his question and acknowledge that he in his electorate alone 1,650 jobs are engaged in the coal industry. The coal industry has been a key pillar of our economy for 200 years. It provides energy, exports, jobs and investment. It has been the foundation stone of what was once a great political party, the Australian Labor Party. The industry provides New South Wales \$1.3 billion in royalties and it employs, directly and indirectly, 125,000 people in New South Wales. That means 125,000 families are dependent upon the coal industry.

The Government of New South Wales supports a strong coal industry. The Government supports the coal industry workers and their families. In contrast, let me state this. Last Monday night I addressed a major conference of the mining industry in the Hunter. I was accompanied by that excellent fellow, the member for Cessnock. At the same time the Leader of the Opposition was addressing a rally also in the Hunter area. The Leader of the Opposition acknowledged that the industry faced threats, one of those threats being the Australian Labor Party. At the time that the Government was supporting the industry, the Leader of the Opposition went to the Hunter and joined with whacky zealots to attack it. But do not just accept what I have to say. What I have to say is from the perspective of a member of a government that supports jobs. Today the head of the Construction, Forestry, Mining and Energy Union, one of the great left-wing unions in New South Wales, had this to say about Mr Robertson's remarks:

I think he was a fool for going there ...

He completely stuffed up the answer.

It gets better. Mr Maher said that John Robertson's policy of closing down the coal industry "has a snowflake's chance in hell" of "ever seeing the light of day".

(...)

Mr CHRIS HARTCHER: The general president said—this is a good one: "Quite frankly, the New South Wales parliamentary wing of the party, until they're more than a cricket team I won't worry." Until they number more than a cricket team the union will not worry. He went on to say Labor was all about jobs and "any leader that doesn't recognise that won't last very long". These comments were not made by a member of the Liberal Party or The Nationals, they were made by the head of one of the big unions in New South Wales. [*Extension of time granted.*]

What is at stake here is jobs. What is at stake here is 125,000 jobs. What is at stake here is the New South Wales economy, and 90 per cent the State's electricity depends on coal. What is at stake here is the port of Newcastle, which is the world's largest coal-exporting port. The Leader of the Opposition is prepared to put all of this on the altar of political expediency simply to satisfy the whacko Greens of this world. Let us look at some Labor electorates. The member for Wallsend has in her electorate 2,000 people directly employed in the mining industry. The member for Cessnock has in his electorate 9,600 people directly dependent on the mining industry for jobs. Every member who represents an electorate in the Hunter Valley, such as the Minister for the Environment—

Mr Ryan Park: What about me?

Mr CHRIS HARTCHER: You are not from the Hunter Valley, mate. Do not put your hand up. Every member with an electorate in the Hunter Valley now knows that the Labor Party, through its leader and the Hon. Luke Foley, had a plan, as announced by the Leader of the Opposition last weekend, to develop a strategy for 2015 to close down the coalmining industry. Once the great Labor Party—it was once a great party—stood for the workers and coalminers in this State, but no longer. Not one single member on that side of the House—

[*Interruption*]

Not one single Opposition member, including the member for Cabramatta and his special car park out at Cabramatta, represents the workers of this State. [*Time expired.*]

[HUNTING IN NATIONAL PARKS](#)

Ms ANNA WATSON: My question is to the Minister for the Environment. Given that hunting in South Australian national parks has had to be suspended after someone was shot—and that State has tougher restrictions on amateur hunters than the Minister is proposing—can the Minister guarantee that no-one will be shot in a New South Wales national park?

Ms ROBYN PARKER: I refer to my three previous answers on this issue.

[HUNTING LICENCES FOR NATIONAL PARKS](#)

Ms KATRINA HODGKINSON: It was such a joy to be asked a question about rural affairs earlier that I feel I must add to the information I have already provided. The Game Council offers free licence testing, and people will be able to sit the test at the Sporting Shooters Association Expo that will be held this weekend in Melbourne rather than go to a Game Council office or their local club. The test is normally open book and it is offered free of charge at Game Council offices, although shooting clubs generally impose a fee. It is important to note that this is not new; it was introduced by the former Labor Government.

The SPEAKER: Order! The member for Keira will stop shouting.

Ms KATRINA HODGKINSON: It was not introduced to cater for shooting in national parks; it was introduced to cater for pest control both on private property and in State forests.

The SPEAKER: Order! I remind the Leader of the Opposition that this is not the time to argue. Government members will come to order.

Ms KATRINA HODGKINSON: This is not a free licence offer; licences cost \$75 a year. The fee is not waived.

COALMINING

Mr CLAYTON BARR (Cessnock) [5.27 p.m.]: Today I offer my complete and unabated support for the coalmining industry in New South Wales. I was raised in Cessnock on a bed of coal from the coalfields of the Hunter. Interestingly, coalmining in Newcastle first started in the 1790s and quickly spread west. Certainly during the twentieth century there was coalmining in Cessnock, Kurri Kurri and Maitland; it has since moved a little further west and north west. Today in Parliament the Minister said that 9,600 people are directly employed by the coalmining industry in my electorate. One would think that would be reason enough for me to support the coalmining industry. That is an important reason, but I will give more reasons. The coalmining industry in the Cessnock electorate built pools, hospitals, police boys clubs and more. That is what the coalmining industry has done in my community. It has made people wealthy enough that they can buy their own house and land. It has made it possible for families to become asset rich, to travel and to educate their children.

One of the proudest things that the coalmining people of my community do is send their next generation to university, whether it be to study a degree that might land them back in the coalmining industry, to study a degree that takes them somewhere else on planet earth or to study a degree that brings them back into community services to be school teachers, nurses or whatever. That is what the coalmining industry has done in my community. But that is still not the reason I support the industry. When I got home I switch on the lights, turn on the television and open the fridge or turn on the kettle. That is another reason to support the coal industry in New South Wales. Greens members who sit in this Chamber and in the other place say no to coal. The irony is that they also go home and switch on lights. Yet they say no to coal.

On the weekend the Leader of the Opposition was invited to attend a seminar called "Our Land, Our Water, Our Future". The seminar's name identifies for me the deceit of The Greens, because it should have been called, "No more coal. Shut down the State." In good faith the Leader of the Opposition attempted to try to engage in conversation with them, but they are deliberately trying to be deceptive and tricky to get people tied up in knots to achieve their own end. This all comes from Jonathan Moylan, the same person who issued the fake ANZ release that cost shareholders millions of dollars. These people who say they are holier than thou, who preach from the high moral ground, say, "You've got to follow the rules. You've got to be transparent and do things the right way, but we don't because we are holier than thou."

The New South Wales coal industry provides \$1.7 billion to this State's economy. That makes it possible for us to have schools. I would love to hear The Greens policy when they shut down coal. How will they pay for schools and roads? How will they pay for public transport that they want to be free, not just cheap? How will we pay for those things if we do not receive these royalties? Every weekend the jobs listed in the local newspaper are in the coal industry, not in wind farms, solar or any other renewable energy sources. I am a massive fan of renewable energy: I want us to embrace renewable energy. Members opposite want to prosper and develop renewables. We all see that as the future, but in my lifetime we will not be switching on the lights in our homes or running our fridges on 100 per cent, or even 50 per cent, of renewable energy sources. We will be running those appliances on coal, in the same that people have relied on coal for the past 200 years, and probably will do so for the next 100 years at least. We will always work towards using more renewable energy.

Today, tomorrow and in my lifetime energy will be provided by coal, coal and coal. I say to The Greens that if they have some other plan, solution or other way to have energy without coal, bring it on. All The Greens do is deceive, scaremonger and seek to trip up people. The Greens are anything but clear, transparent or open with the community. The Greens should get down off the high moral ground and tell everyone what they are all about. Do not deceive us.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [5.32 p.m.]: It is not often that I support Opposition members, but today I support our colleague the member for Cessnock in his support for the hard-working coalmining workers and the industry within his electorate. Every member of the O'Farrell Government stands firm in their commitment and support for the hard-working coalmine workers in the coal industry across this great State. We have heard of the billions of dollars returned to Treasury each year from the coal industry. The fact is that that industry underlines the wealth and prosperity of this country. Whilst we have a Federal Government that squanders that wealth and prosperity, it certainly will not be squandered under a future Tony Abbott government. I encourage the member for Cessnock to encourage his Leader of the Opposition to turn around and stop his opposition to the coalmining industry.

Legislative Council Thursday 23 May 2013

**NATIONAL PARKS AND WILDLIFE AMENDMENT (ILLEGAL
FORESTRY OPERATIONS) BILL 2012**

Second Reading

**Debate called on, and adjourned on motion by the Hon. Linda Voltz and set
down as an order of the day for a future day.**