



# ELO Hansard Review

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Autumn Session 2013

*A weekly overview of environment related proceedings in the NSW Parliament*

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## **Legislative Council Tuesday 25 June 2013**

### **ASSENT TO BILLS**

Assent to the following bills reported:

Courts and Other Miscellaneous Legislation Amendment Bill 2013  
Service NSW (One-stop Access to Government Services) Bill 2013

### **LOCAL LAND SERVICES BILL 2013**

#### **In Committee**

**The CHAIR (The Hon. Jennifer Gardiner):** If there is no objection, I propose to deal with the bill in parts.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [2.47 p.m.], by leave: I move Government amendments Nos 1 to 3 in globo:

No. 1 Page 2, clause 3. Insert after line 18:

(b) to establish a governance framework to provide for the proper and efficient management and delivery of local land services,

No. 2 Page 2, clause 3 (b), line 21. Insert "to meet community, client and customer needs" after "services".

No. 3 Page 2, clause 3 (c), line 22. Omit "to involve communities and to make". Insert instead "to encourage collaboration and shared responsibility by involving communities, industries and non-government organisations in making the".

The Government proposes to amend the bill, particularly the objects of the bill, to highlight the natural resources management functions; the importance of collaboration with communities, industry and non-government organisations; and the customer focus in the delivery of Local Land Services. These amendments serve to clarify the purpose of Local Land Services and the way it is intended to operate. We believe they reflect discussions held with the stakeholder reference panel and the non-government organisations such as Landcare New South Wales. Amendment No. 1 inserts a new subclause (b) into the objects:

(b) to establish a governance framework to provide for the proper and efficient management and delivery of local land services.

This amendment identifies the importance of the proper and efficient management of Local Land Services and reflects a similar object in the Catchment Management Authorities Act, the governance framework, including the audit and reporting functions and the requirement to prepare strategic plans and establish the mechanisms to enable good management. When amended, clauses 3 (b) and (c) will state:

(b) to establish local boards for the purpose of devolving operational management and planning functions to regional levels to facilitate targeted local delivery of programs and services, and to meet community, client and customer needs,

(c) to encourage collaboration and shared responsibility by involving communities, industries and non-government organisations in making best use of local knowledge and expertise in relation to the provision of local land services,

These amendments better reflect the focus of Local Land Services on customer needs and the central importance of consultation and collaboration with communities, industries and non-government organisations. The success of Local Land Services depends on the support and active engagement of these groups. These amendments improve the objects and functions of the legislation, and are added after consultation with stakeholders and the community. I commend these amendments to the Committee.

**The Hon. STEVE WHAN** [2.51 p.m.]: The Opposition agrees that these first three amendments would improve the objectives of the Local Land Services Bill and is happy to support them. The Opposition foreshadows moving an amendment to clause 3 (c), which could be included in the amended clause if the Committee agrees. The Opposition's amendment inserts the words "in decision making" after "involving communities". I believe that amendment, which was circulated last week, is not inconsistent with the Government's amendment. The Opposition is happy to support the first three Government amendments.

**The Hon. JEREMY BUCKINGHAM** [2.52 p.m.]: The Greens support the Government's amendments and recognise that there has been further consultation. The amendments expand the objects of the bill. The Greens also will support the Labor amendment regarding the inclusion of the words "in decision making" and trust the Government agrees also.

**The Hon. PAUL GREEN** [2.53 p.m.]: The Christian Democratic Party supports the Government's amendments and also notes the Government's further consultation with stakeholders by embracing these amendments. Once again we applaud the Government for seeking other information and making these late changes. We note that the Government acknowledges the importance of Local Land Services and the good job it does in land management. The expertise and local knowledge in applying these services in the Shoalhaven region is wonderful. It is pleasing that the Government, through these amendments, has embraced non-government organisations and local knowledge for local communities. The Christian Democratic Party commends the amendments to the Committee.

**Question—That Government amendments Nos 1, 2 and 3 [C2013-091] be agreed to—put and resolved in the affirmative.**

**Government amendments Nos 1, 2 and 3 [C2013-091] agreed to.**

**The Hon. STEVE WHAN** [2.54 p.m.]: I move Opposition amendment No. 1 on sheet C2013-087D:

No. 1 Page 2, clause 3 (c), line 22. Insert "in decision making" after "communities".

Essentially, this amendment inserts the words "in decision making" after the word "communities" in the newly amended clause 3 (c). This amendment is consistent with previous legislation and makes it clear that we seek to have the boards engage with the community in making critical decisions about the management of natural resources in their regions. This amendment will become part of the objective and essentially emphasises the need to engage communities early in the process of strategic planning to be undertaken by new Local Land Services. I urge the Government to support the amendment.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [2.55 p.m.]: I thank the member for his contribution. The Government does not have a great problem with the amendment, except that it is just not necessary as it is covered in other objectives. We are slightly worried also that this amendment might narrow the objective because the intention is to involve the community more broadly, not just in decision-making. For example, the community might be engaged in the development of plans or programs or, frankly, provide feedback.

**The Hon. JEREMY BUCKINGHAM** [2.56 p.m.]: Quite remarkably, the Minister has convinced me of his argument about this amendment. I acknowledge the intent of the amendment moved by the Hon. Steve Whan, but note that its inclusion has a limiting effect on the objects—something I had not foreseen. I have been convinced by the comments of the Minister. The Greens will not support the amendment.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [2.57 p.m.]: I further indicate that until it was pointed out to me by the Chair, I had overlooked that the Government's first three amendments removed words, thus preventing the Opposition's amendment from working in the bill. I am sorry, but we gazumped you.

**The CHAIR (The Hon. Jennifer Gardiner)**: Order! The Minister is saying that with the words now left in the bill the language in the Opposition's amendment does not flow. It now does not make sense.

**The Hon. PAUL GREEN** [2.57 p.m.]: The Minister has convinced the Christian Democratic Party not to vote for the amendment. There is no need to vote for it.

**The Hon. STEVE WHAN** [2.58 p.m.]: I withdraw Opposition amendment No. 1 on sheet C2013-087D.

**Opposition amendment No. 1 [C2013-087D], by leave, withdrawn by the Hon Steve Whan.**

**Motion by the Hon. Jeremy Buckingham, by leave, agreed to:**

**That The Greens amendment No. 1 [C2013-103A] be amended by omitting subclause (d).**

**The Hon. JEREMY BUCKINGHAM** [2.58 p.m.]: I move The Greens amendment No. 1 on sheet C2013-103A, as amended:

No. 1 Page 2, clause 3. Insert after line 21:

(c) to require decisions taken at a regional level to take account of State priorities for local land services,

(d) to ensure the proper management of natural resources in the social, economic and environmental interests of the State,

(e) to apply sound scientific knowledge to achieve a fully functioning and productive landscape,

The Greens believe in the importance of broadening the objects of the Act. Local Land Services delivering essential services across New South Wales is incredibly important reform. We are keen to ensure that these provisions, which existed in the Catchment Management Authorities Act, focus on the triple bottom line elements of social, economic and environmental interests and also ensure that we apply sound scientific knowledge to achieve a fully functioning productive landscape. That is eminently sensible. It also requires decisions taken at a regional level to take account of State priorities. This is a reasonable amendment and The Greens hope that the Government, the Opposition and crossbench members support it.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.00 p.m.]: As the honourable member indicated, the Government can live with this amendment. It is not necessary, but it does re-emphasise a point.

**The Hon. STEVE WHAN** [3.00 p.m.]: The Opposition is happy to support this amendment.

**Question—That The Greens amendment No. 1 [C2013-103A], as amended, be agreed to—put and resolved in the affirmative.**

**The Greens amendment No. 1 [C2013-103A], as amended, agreed to.**

**The Hon. JEREMY BUCKINGHAM** [3.01 p.m.]: I move The Greens amendment No. 2 on sheet C2013-103A:

No. 2 Page 2, clause 3 (e), line 27. Insert “, including, but not limited to, incentives that promote land and biodiversity conservation” after “landholders”.

This amendment focuses on the incentives. The legislation introduces important reforms, and one of the key elements on a philosophical level is the recognition that financial incentives should be provided to the land managers who are undertaking biodiversity conservation on our behalf. Whether that involves a subsidy or an incentive, it is important that we recognise that landholders protect biodiversity on our behalf and that they should be provided with incentives to do so.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.03 p.m.]: The Government accepts this amendment. I will take myself outside and have a serious look at myself. Unusually, the philosophy of what the member is proposing is acceptable and quite proper.

**The Hon. STEVE WHAN** [3.03 p.m.]: The Opposition is also happy to support this amendment.

**Question—That The Greens amendment No. 2 [C2013-103A] be agreed to—put and resolved in the affirmative.**

**The Greens amendment No. 2 [C2013-103A] agreed to.**

**The Hon. STEVE WHAN** [3.04 p.m.], by leave: I move Opposition amendments Nos 2, 3 and 4 on sheet C2013-087D in globo:

No. 2 Page 2, clause 3. Insert after line 27:

(f) to assist landholders and the community to further the objectives of any State strategic plan approved under Part 4 through agricultural advisory services, education and partnerships with organisations with similar objectives (including Landcare NSW Inc).

No. 3 Page 3, clause 4 (2), line 14. Insert ", the environment" after "resource management".

No. 4 Page 3, clause 4 (2) (a), line 16. Insert ", legislation" after "plan".

Given some of the amendments already moved, amendment No. 2 would appear to be a duplication, but I do not believe that is a problem. The necessity of working with local organisations is not specifically covered in the objects of the bill and spelling it out is worthwhile. This is a useful amendment despite the fact that the objects of the bill have been substantially amended already, and the Opposition welcomes those amendments. Amendment No. 3 relates to clause 4, which states:

(2) In this Act, State priorities for local land services includes any State-wide standards and targets, and any State and national priorities, for agricultural production, biosecurity, natural resource management or emergency management...

It is arguable that "natural resource management" includes the environment. That is not an unreasonable argument, but spelling it out is useful. Amendment No. 4 relates to clause 4, line 16, which states:

(a) identified in a State Government policy or plan or an intergovernmental agreement...

Including a reference to "legislation" would make it clear that legislation such as the Environmental Planning and Assessment Act must be adhered to.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.07 p.m.]: The Government opposes these amendments. They are not horrendous, but they duplicate what we have done already. The Government opposes amendment No. 2 because it is not appropriate to include operational matters in the objects of a bill. In addition, that issue is already covered by clause 3 (c), which is broader and covers the involvement of communities in drawing on local knowledge and expertise in the provision of local land services generally. The plans are a mechanism for structuring the provision of those services. Therefore, this amendment adds nothing to what is already included in the legislation.

The Government opposes amendment No. 3. As the shadow Minister surmised—and I will not disappoint him—this amendment is not necessary because the environment is captured by the definition of "natural resource management" in section 5 of the Natural Resources Commission Act. I can read out that section if the honourable member wishes, but I am sure he is familiar with it and that he will take my word that it is covered. The Government also opposes amendment No. 4. It is not necessary because legislation is an expression of State Government policy and reference to it is included in the definition of "State priorities for local land services" in clause 4 (2). It is difficult to determine what comes first, the chicken or the egg, when moving amendments, but the Government believes that the legislation is correct as it stands.

**Question—That Opposition amendments Nos 2, 3 and 4 [C2013-103A] be agreed to—put and resolved in the negative.**

**Opposition amendments Nos 2, 3 and 4 [C2013-103A] negatived.**

**Part 1 as amended agreed to.**

**The CHAIR (The Hon. Jennifer Gardiner):** There being no objection I will deal with each division of part 2 separately.

**Part 2, division 1 agreed to.**

**The Hon. STEVE WHAN** [3.09 p.m.]: I move amendment No. 5 on sheet [2013-87D]:  
No. 5 Page 7, clause 14. Insert after line 10:

(e) to encourage community participation in agricultural production, biosecurity, natural resource management and emergency management,

Amendment No. 5 inserts into proposed section 14 an additional function that is consistent with the objects proposed by the Opposition. When I looked at those amendments it was a toss-up about whether to place the words in the "objects" or "functions" of the new Local Land Services boards. In this case I felt that it would be useful to place the words into a function that specifically encourages community participation.

**The Hon. JEREMY BUCKINGHAM** [3.10 p.m.]: The Greens support this amendment for the reasons outlined by the Hon. Steve Whan. The functions should recognise the value of community participation in these key service areas.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.11 p.m.] The Government opposes the amendment as it is unnecessary. It repeats what is captured in proposed section 14 (1) (h), which provides for the Local Land Services to communicate, consult and engage with the community, including the Aboriginal community, in relation to the delivery of Local Land Services. Local Land Services is defined to include agricultural production, biosecurity, natural resource management and emergency management. Opposition amendment No. 5 duplicates Government amendment No. 4, which inserts the words "to encourage participation". The new subsection will read:

(h) to communicate, consult and engage with the community to encourage participation, including the Aboriginal community, in relation to the delivery of Local Land Services.

Whilst the Opposition's amendment is good, the situation is covered by a Government amendment that the Opposition, when it developed amendment No. 5, probably had not seen.

**Question—That Opposition amendment No. 5 [2013-87D] be agreed to—put and resolved in the negative.**

**Opposition amendment No. 5 [2013-87D] negatived.**

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.13 p.m.], by leave: I move Government amendments Nos 4 and 5 on sheet [2013-091] in globo:

No. 4 Page 7, clause 14 (1) (h), line 18. Insert "to encourage participation" after "community,".

No. 5 Page 11, clause 24 (1), line 6. Insert "State priorities for local land services," after "accordance with".

I mentioned earlier when I was speaking about amendment No. 3 the reasons for amendment No. 4. These amendments to the objects and functions better reflect the focus of Local Land Services. Amendment No. 5 clarifies that the independent audit of the activities of Local Land Services includes a determination of whether the functions have been carried out in accordance with State priorities for Local Land Services. These priorities must be addressed by the State and local strategic plans. However, this amendment makes it clear that the audit is to report against the State priorities themselves.

**The Hon. STEVE WHAN** [3.14 p.m.]: The Opposition is happy to support these two Government amendments. It is interesting, given the Minister's comments about encouraging participation, that there is to be inserted into the bill wording which states "to encourage participation". The Minister is correct, the Opposition amendments had been drafted and circulated well before it saw the Government amendments. I am pleased that the Government has taken on board the need to encourage community participation as advocated by the Opposition.

**The Hon. JEREMY BUCKINGHAM** [3.15 p.m.]: The Greens are keen to participate and encourage participation and the audits should be tested against those State priorities. The Greens are happy to support both Government amendments.

**Question—That Government amendments Nos 4 and 5 [2013-091] be agreed to—put and resolved in the affirmative.**

**Government amendments Nos 4 and 5 [2013-091] agreed to.**

**Division 2 as amended agreed to.**

**Division 3 as amended agreed to.**

**The CHAIR (The Hon. Jennifer Gardiner)**: I welcome to the gallery members of the Australian Society of Old Friends, who are guests of the member for Lake Macquarie. Welcome to the Legislative Council.

**Part 2 as amended agreed to.**

**The Hon. STEVE WHAN** [3.17 p.m.]: I move Opposition amendment No. 6 on sheet [2013-87D]:

No. 6 Pages 12 and 13, clause 27, line 27 on page 12 to line 1 on page 13.

Omit all words on those lines. Insert instead:

(2) The local board for a region is to be constituted by 9 members, being:

(a) a chair appointed by the Minister, and

(b) 4 members elected, in accordance with the regulations, by ratepayers of the region, and

(c) 4 members appointed by the Minister.

I will make a few remarks about this which will cover some of the other matters the Chamber is dealing with today concerning this bill. This is a critical part of the debate and an issue in the community. This amendment will change the make-up of Local Land Services boards to a board of a region to be constituted by nine members: a chair appointed by the Minister, four members elected in accordance with the regulations by the ratepayers of the region and four members appointed by the Minister. The key problem that NSW Farmers has with this bill, which unfortunately the Minister seems reluctant to acknowledge, is the make-up of the boards being four appointed and three elected members, which would mean that the majority are appointed board members. It has caused some grief.

NSW Farmers has called for there to be an even number of appointed and elected members. In formulating the amendments of the Opposition I considered that view put forward. The Opposition understands some of the Minister's logic surrounding the composition of these boards but the solution to the issue is to have four elected members, four appointed members and a chair appointed by the Minister. The Minister made a comment last week that that prevents an elected member being made the chair. The problem with that logic is that the Minister has already advertised for the chairs of the boards before the rest of the board members are appointed and before the election in the next few months. Therefore, when boards are first established the chairs, by definition, will not be elected members of the boards because they have already been appointed by the Minister. I assume the Minister will appoint three other members of those boards.

The structure of the boards is something which has caused some angst and goes to one of the hearts of the problems with the way this matter has been handled by the Government. On *The Land* website this week the Minister claimed that the Opposition is out of step with everybody else in New South Wales because it has problems with this legislation. The Minister refuses at all stages to recognise that people have significant issues with this proposal. A large number of people, certainly in the farming community, say that they have to try to make the best of what is a bad situation and will try to make it work but they are not very happy with the way this matter has been handled.

I received an anonymous paper in the mail late last week from a "disgruntled long-term Agriculture NSW worker". I was sent a full copy of the survey to which the Minister so often refers in order to justify why the Government is heading down this path. The person, amongst other things, said they are very upset about the process that has been gone through in

establishing the new organisations, before this legislation has been passed. Jobs have been going in the process. The person stated:

The ratio of managers to workers has gone through the roof. The vast majority of jobs lost were front-line staff who did all the meaningful work that produces. Half the present managers should be moved into a more doing role. One level of management has received pay rises when they have less staff to manage while the staff going to the LLS were told they had to take a pay cut. In the last two weeks a grandfather clause has appeared which means they can keep their existing salary for a while. If this was said up-front more Ag staff might have looked at LLS jobs ... Why was the CMA given the task of employing staff for the 49 Ag positions? This has been a mess. In some interviews there were no Ag questions asked of the applicants. Some CMA managers are indicating that the new Ag positions will have to do CMA work. Very few experienced staff have moved across and a number of positions have not been filled to this stage due to no interest.

**Mr Scot MacDonald:** Point of order: I understand that in second reading speeches wide latitude is allowed for debate but at the Committee stage now we are dealing with a specific proposal by the Opposition.

**The Hon. STEVE WHAN:** To the point of order: This amendment goes to the very make-up of Catchment Management Authorities and I am referring to the process in which the Minister has engaged which goes directly to the structure of these boards and their establishment within a timeframe. I note that recently in other debates we have heard long contributions in Committee on various wide-ranging topics.

**The Hon. Duncan Gay:** To the point of order: I would have assumed that the shadow Minister is above some of the far-ranging, long-winded contributions of other members of this Chamber in the past. The point of order is valid because the shadow Minister is relying on unsourced and unattributable material that is far-ranging and beyond this Committee.

**The CHAIR (The Hon. Jennifer Gardiner):** Order! I suggest that the Hon. Steve Whan focus on his amendment, which is about the constitution of the local boards.

**The Hon. STEVE WHAN:** There is a significant issue in the farming community, particularly NSW Farmers, about the structure of the boards. I mentioned my concerns in my contribution to the second reading debate. I also mentioned part of the concern about the way the boards are being structured in that the appointed members were going to be appointed first, and then the elected members would come along later. The job of the appointed members will be to set the direction of Local Land Services. This amendment will provide an opportunity for members of The Nationals, in particular, to say whether they support the position of NSW Farmers wanting an even number of elected and appointed board members.

The Minister could choose who to appoint as chair. In the establishment phase that will be absolutely no different from what she is going to do now because the chairs will be appointed before the elections. That means that the Government's suggestion that the chair under its legislation could be an elected member will have absolutely no difference in practical effect from my amendment. This amendment will give ratepayers the opportunity to have four members appointed to the board. Debates in the boards would therefore be more even, with the chair having a casting ability in the process.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.25 p.m.]: The Government opposes Opposition amendment No. 6. Did you move No 8?

**The Hon. STEVE WHAN** [3.25 p.m.]: No, but I can now if you would prefer. I move Opposition amendment No. 8 on sheet C2013-87D:

No. 8 Page 13, clause 27 (7), lines 18 to 20. Omit all words on those lines.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.26 p.m.]: It is obvious that if amendment No. 6 is not successful amendment No.8 will not apply, which probably why the Hon. Steve Whan did not move this amendment earlier. My argument applies to amendment Nos 6 and 8. The Government believes that the effect of this clause will be to change the ratio from four members appointed by the Minister and three elected, one of which is to be chair, to five members appointed by the Minister, including the chair and four elected. This will increase the costs of local boards for ratepayers but, more importantly, this amendment means that a member elected by the ratepayers cannot be appointed by the Minister as chair.

The Hon. Steve Whan indicated earlier that because of the provisions of this legislation the chair could not be an appointed member anyway. Interestingly, in his summary he contradicted his first argument. As the Minister stated, because the elections come later the first chair will be appointed by the Minister but on subsequent occasions the chair can be an elected member of the board. Amendment No. 8 is not required if amendment No. 6 is not agreed to. Also, as the Minister has clearly said, good governance is essential to the success of Local Land Services. We know that agripolitics through electing members can serve to politicise an organisation. We are intent that Local Land Services is not politicised, especially during its formative years.

If more and more people are added to the committee the chances are that there will be more problems and more opportunity for politicisation. A former chair of NSW Farmers once said to me, in the presence of some members opposite, "If you talk to six farmers you're likely to get 12 different opinions." Some days we need to be a little more decisive in our actions to have the appropriate number of people being decisive. As the changes we have already made allow for greater community consultation and involvement, we think that we have the right mix. We believe that this amendment would change that mix.

**The Hon. JEREMY BUCKINGHAM** [3.29 p.m.]: I have waxed and waned on this issue, which has involved considerable consultation, although I believe many of the concerns are based on the false premises that four elected representatives or three elected representatives will act as a block. I do not think that will necessarily be the case. Indeed, as the Minister stated, finding consensus in the farming community on some of these issues is particularly difficult and it is unlikely that these representatives will act as a block. However, that is not my concern. My concern generally is that we need to have community ownership of these Local Land Services and having more elected members as representatives will be better because they play an important role and in some cases cover huge regions. The Greens are happy to support Labor amendments Nos 6 and 8 on the proviso that the Hon. Steve Whan can clarify how the western region will work and whether it will work in the same way as the other Local Land Services regions.

**The Hon. Steve Whan:** Yes.

**The Hon. JEREMY BUCKINGHAM:** In general, The Greens are happy to support the

amendments on the basis that this will facilitate greater participation, not because we are concerned about there being one block voting one way or the other on the boards.

**The Hon. STEVE WHAN** [3.31 p.m.]: The reason that it is a single amendment is that it leaves the numbers for the western region the same as the Government's numbers in the bill. The Government has the members as five appointed and four elected. It will leave the number the same, except that one will be appointed as the chair, so that the committee will have an even number of elected and appointed members. It is quite amazing to hear the Minister, a representative of The Nationals, saying that we should not have too many elected board members because agri-politics might come into it. The Nationals were once the great defenders of elected rural lands protection boards.

**The Hon. Duncan Gay**: Point of order: I did not say too many elected; I said too many on the board.

**The Hon. STEVE WHAN**: To the point of order: I am not sure that is a point of order but the Minister has it on the record.

**The CHAIR (The Hon. Jennifer Gardiner)**: Order! That is a debating point, not a point of order. The Hon. Steve Whan has the call.

**The Hon. STEVE WHAN**: The Minister said we should not have too many members on the board. Once upon a time The Nationals were the defenders of rural lands protection boards and pastoral protection boards. They would die in a ditch to defend having fully elected boards over many years. It has been interesting to see the way in which the position of The Nationals has changed. There will be some additional cost to ratepayers of an additional elected board member but it is a pretty minimal cost in comparison to other costs. There are 11 boards across the State comprising 44 elected representatives. They represent large areas and their job will be quite difficult.

I do not think there is any real fear that this will amount to an overrepresentation of elected ratepayers in those areas. To me this is a pretty simple question for The Nationals in particular: Do they or do they not support the position of New South Wales Farmers of having an even number of elected and appointed board members? That is a position they have put pretty strongly in briefings to the Government, the Opposition and I assume the crossbenches and it should be a matter of principle. It is hard for the Minister to justify, as she did this week, her suggestion that Labor is out of step in saying this was not all perfect, to paraphrase her comments, when her own advisory committee, after going around the country undertaking consultations, came back to her and said they could not give a single example to show whether the representation should be four appointed board members and three elected, or four elected board members and three appointed.

The committee left it to the Minister to make the decision. Members of the advisory committee were not able to reach a single recommendation on that; they had a majority recommendation and a minority recommendation. For the Minister and the Government to suggest that this is somehow very simple, very cut and dried, misleads people about what has gone on in this debate around New South Wales. Here is a simple opportunity for the Government, and The Nationals in particular, to vote for Labor's amendments. In this way they will get closer to what the New South Wales Farmers have asked for with an even number of elected and appointed board members.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.35 p.m.]: The Opposition amendments effectively would mean that an elected member to the board could never become chair.

**The Hon. Steve Whan:** That's not my reading of it.

**The Hon. DUNCAN GAY:** That might not be what you want but that is effectively what the amendments would do. I suspect that is not what the Opposition wants but that is what is in the amendments that have been moved.

**The CHAIR (The Hon. Jennifer Gardiner):** Order! Opposition amendments Nos 6 and 8 have been moved separately but I propose to put the question on them in globo.

**Question—That Opposition amendments Nos 6 and 8 [C2013-087D] be agreed to—put.**

**The Committee divided.**

**Ayes, 14**

Ms Barham	Dr Kaye	Mr Veitch
Mr Buckingham	Mr Primrose	Mr Whan
Mr Donnelly	Mr Searle	<i>Tellers,</i>
Dr Faruqi	Mr Secord	Mr Moselmane
Mr Foley	Mr Shoebridge	Ms Voltz

**Noes, 17**

Mr Ajaka	Mr Gay	Mrs Mitchell
Mr Blair	Mr Green	Reverend Nile
Mr Borsak	Mr Khan	Mrs Pavey
Mr Brown	Mr Lynn	<i>Tellers,</i>
Ms Cusack	Mr MacDonald	Mr Colless
Ms Ficarra	Mrs Maclaren-Jones	Dr Phelps

**Pairs**

Ms Cotsis	Mr Clarke
Ms Fazio	Mr Gallacher
Ms Sharpe	Mr Harwin
Ms Westwood	Mr Mason-Cox
Mr Wong	Mr Pearce

**Question resolved in the negative.**

**Opposition amendments Nos 6 and 8 [C2013-087D] negatived.**

**The Hon. STEVE WHAN** [3.44 p.m.]: I move Opposition amendment No. 7 on sheet C2013-78D:

No. 7 Page 13, clause 27. Insert after line 6:

(5) At least one of the members of each local board who is appointed by the Minister must be an Aboriginal person.

Engagement with the Aboriginal community was a valuable part of the former Catchment Management Authorities. I note that consultation with the Aboriginal community is specified in a number of places in the bill but it is the Opposition's contention that each board should have an Aboriginal representative. The input of an Aboriginal representative is important not only to catchment management overall but also to things such as travelling stock reserves. For example, recently I was speaking to a number of Aboriginal people in the north of the State about the importance of travelling stock reserves and remnant vegetation. Aboriginal people still use some of that vegetation for traditional medicine. I commend Opposition amendment No. 7 to the Committee.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.45 p.m.]: The Government opposes Opposition amendment No. 7. The bill already allows for Aboriginal persons to be appointed or elected to Local Land Services boards. The bill also requires engagement with the Aboriginal community in the delivery of Local Land Services. Clause 29 (1) (f) requires local boards to develop a strategy for the engagement of the Aboriginal community in the region in respect of the delivery of Local Land Services. I note that proposed Opposition amendment No. 13 also concerns Aboriginal people. The bill also states that the Minister will have due regard to ensuring that there is a balance of interests on Local Land Services boards.

**The Hon. JEREMY BUCKINGHAM** [3.46 p.m.]: The Greens support Opposition amendment No. 7. I acknowledge Minister Gay's comment that the bill allows for someone of Aboriginal descent to be appointed or elected to Local Land Services boards. The proposed amendment will ensure that each board has an Aboriginal representative. The services proposed to be provided by these Local Land Service boards will require someone with a connection to the Aboriginal community such as a local land council representative. As the Hon. Steve Whan said, travelling stock routes are culturally significant reserves for Aboriginal people and many contain things such as artefacts and scarred trees. Just as we are seeking to incorporate elements of natural resource management through agricultural extension it also crosses into Aboriginal cultural knowledge of the landscape. This is another opportunity for us to blend together different areas and the cultural knowledge of Aboriginal people should be represented on these boards.

**The Hon. JAN BARHAM** [3.48 p.m.]: I support Opposition amendment No. 7 and congratulate the Opposition on proposing it. It is important for Aboriginal people to be accorded the respect they deserve for the natural resource management of this State. I recently read the report on the independent scientific audit of marine parks in New South Wales as well as the submissions to the inquiry into the management of public land in New South Wales. The importance of Aboriginal representation in any natural resource management should be acknowledged.

I have listened to the Government's comments in relation to the bill and the fact that Aboriginal people may be encouraged to be in these positions. But that is not the same as showing respect to the people who have tens of thousands of years of understanding about this landscape and who have a lot to teach us by appointing at least one of them to the board. I note previous debates in this Chamber regarding the respectful way in which we should acknowledge Aboriginal ownership and relationship to country at the appropriate time and place. Either gender may be represented on the board but it is very important that we respect

their knowledge and understanding and also the importance of the sacredness of certain areas.

In the task force report on the Aboriginal Land Rights Act considerable mention was made about the importance of natural resource management, particularly in the Western Lands and on stock routes. If this Government is willing to show respect for the role and responsibility of Aboriginal people and for the information they hold and education they provide, then this amendment is extremely important and should be supported by the House to show respect to Aboriginal people.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.51 p.m.]: The Hon. Jan Barham indicates that the reason we should support this amendment is to show respect to Aboriginal people and that if we do not support it we are showing lack of respect.

**Dr John Kaye:** I don't think she said that actually.

**The Hon. DUNCAN GAY:** That is the corollary of what she said.

**Dr John Kaye:** No, it's not. That's nonsense.

**The Hon. DUNCAN GAY:** You might have your go in a moment but give me my chance to speak. As I indicated, the bill allows for Aboriginal persons to be appointed or elected to the boards; we are compulsorily required to engage them. Each board has four appointed members. Members on these boards would have competing interests. The Greens and the conservationists would have an interest in being appointed; stock and station agents may well argue that they should be one of the appointed members; graziers who graze their animals on the land could argue they should be appointed; and foresters may legitimately argue they should be appointed. Farmers, the people who dig up the soil to grow the crops, orchardists and vegetable growers, so many people could say that they should be one of the four members. If we start delegating these positions we remove the ability of the Minister to pick the right people.

**The Hon. STEVE WHAN** [3.52 p.m.]: I make a couple of points in response. The Minister, in his first response to this amendment, said that a number of parts of this legislation required consultation with the Aboriginal community. He said such discussion was encouraged and he talked about the fact that an Aboriginal person could be appointed to the board. The point is he said "could", not "must". The Opposition believes an Aboriginal person should be appointed to the board.

The Minister just said that a range of people with different skills in the community may consider they should be represented on the board. No doubt that is true; but those representatives may not be a member of the First Peoples of this nation. The First Peoples of this nation are recognised in a range of legislation and, in my view, the role of First Peoples on this board should be separately recognised and specified in this legislation. I have no doubt that there are many Aboriginal people who could bring to the board a range of other skills that would add to the general make-up of the board in some of the areas the Minister has mentioned.

**The Hon. JAN BARHAM** [3.54 p.m.]: I felt the need to respond because I believed from the comments made by the Government that I had been misrepresented. On reflection, perhaps I have not been misrepresented because I am of the belief that if we do not directly designate a

role for Aboriginal people it is a sign of disrespect. We cannot compare the relationship with and connection to country of First Peoples with that of others. I am not sure that this bill requires people who are involved in natural resource management to have cultural awareness training. As a member of committees and having worked with Aboriginal people and been involved in local government and a catchment management authority, I have seen people gain an understanding of Aboriginal relationship to country. I believe this statement of Government is at odds with some of the good work that has been done by the Minister for Aboriginal Affairs, who shows respect, self-determination and a right for governance, particularly in relation to natural resource management. I believe this issue is important as a true statement about showing respect for Aboriginal people.

**Question—That Opposition amendment No. 7 [C2013-87D] be agreed to—put.**

**The Committee divided.**

**Ayes, 15**

Ms Barham	Mr Primrose	Mr Whan
Mr Buckingham	Mr Searle	
Mr Donnelly	Mr Secord	
Dr Faruqi	Ms Sharpe	<i>Tellers,</i>
Mr Foley	Mr Shoebridge	Mr Moselmane
Dr Kaye	Mr Veitch	Ms Voltz

**Noes, 18**

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Khan	
Mr Brown	Mr Lynn	
Mr Clarke	Mr MacDonald	<i>Tellers,</i>
Ms Cusack	Mrs Maclaren-Jones	Mr Colless
Ms Ficarra	Mrs Mitchell	Dr Phelps

**Pairs**

Ms Cotsis	Mr Gallacher
Ms Fazio	Mr Harwin
Ms Westwood	Mr Mason-Cox
Mr Wong	Mr Pearce

**Question resolved in the negative.**

**Opposition amendment No. 7 [C2013-87D] negatived.**

**Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.**

**Progress reported from Committee and consideration set down as an order of the day for a later hour.**

## COAL- AND GAS-FIRED POWER STATIONS

**The Hon. ROBERT BROWN:** My question without notice is addressed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware of a plan by The Greens New South Wales to close down every coal- and gas-fired power plant in the State by 2030 whilst simultaneously guaranteeing employment for displaced power station workers? What is the Government's position on the future of coal- and gas-fired power stations and the job security of the 22,000 workers in the Hunter and Illawarra who would be affected by The Greens vision of the future?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question. Without analysing the question too closely, I would suggest that the term "The Greens vision" is an oxymoron. Those words should not be used in the same breath. As the North Korean Greens are in the ascendancy, we only had to watch their new leader earlier today with his tie on—what is his name?

**The Hon. Robert Brown:** John.

**The Hon. DUNCAN GAY:** Dr John Kaye.

**The Hon. Greg Donnelly:** Special K.

**The Hon. DUNCAN GAY:** It is a special day for him. He has finally got the numbers. He has been waiting for years to move to the front seat of that seven-seat Prius.

**The Hon. Greg Donnelly:** A move to the left.

**The Hon. DUNCAN GAY:** Thank you for that; they are taking a big turn to the left. On ascending to the leadership, his first suggestion was that we need more budget deficits. His second suggestion was that we need to ignore the ratings agencies. We need to go from triple-A, to triple-B and then to triple-C. That is the way The Greens want it; that is their nirvana; that is what their new dear leader is suggesting. A lot of what The Greens say is rubbish. In this instance what they are saying affects communities. No coalmining and no gas will mean no power. They just do not think about what they say. The Greens pretend to be the farmers' friends, but they are like those koalas that collect money on the street—one does not know what or who is inside the costume. If you are looking at a member of The Greens, be very careful.

## MINERALS EXPLORATION AND LAND ACCESS AGREEMENTS

**The Hon. JEREMY BUCKINGHAM:** My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. No doubt the Minister is aware that the NSW Farmers Association has just withdrawn its support for a template access agreement for minerals exploration in New South Wales. It has taken this extraordinary action because a coal company has been deceptively passing off its agreement as the NSW Farmers Association template agreement. Is the Government concerned about this potential

deception by a mining company, and what will it do to ensure that landholders are not deceived when negotiating land access agreements?

**The Hon. DUNCAN GAY:** Yes, the Government is concerned about these sorts of allegations—especially if they are true.

**The Hon. Melinda Pavey:** If.

**The Hon. DUNCAN GAY:** With the Hon. Jeremy Buckingham, the big emphasis is on "if". Every day he comes in like Chicken Little with his alarmist stories.

**The Hon. Jeremy Buckingham:** Point of order: The member is casting aspersions upon me. I gave him the press release from the NSW Farmers Association, so he knows it is true.

**The PRESIDENT:** Order! While the Hon. Jeremy Buckingham started his point of order well, he should have quit while he was ahead. I encourage the Minister not to reflect on members during his answer.

**The Hon. DUNCAN GAY:** I dare not say that these are meant to be questions without notice. I was not commenting on the NSW Farmers Association press release. I am not aware of the additional information contained in the member's question about allegations against mining companies. As I said, if that is the case, it is just not acceptable. If they have removed themselves from this, a proper dialogue should be undertaken with the NSW Farmers Association to make sure that this important process continues. We need a proper template that includes all parties. A members know, I was the former shadow Minister in this area.

**The Hon. Trevor Khan:** And a good one.

**The Hon. DUNCAN GAY:** Well, not nearly as good as the current Minister. However, the one thing I learned was that one needs to work with all sides. The Greens do not understand that—they like to have enemies. The Greens want to put people in corners. They do not want to work with anyone; they just want to attack everyone. The only way we can fix this is to get everyone together.

**The Hon. Walt Secord:** Kumbaya.

**The Hon. DUNCAN GAY:** And, as the honourable member said, a little bit of kumbaya—but not too much. With some common sense, it can be sorted out.

## [NATIVE FORESTS MANAGEMENT](#)

**The Hon. DUNCAN GAY:** On 21 May 2013 the Hon. Robert Borsak asked me a question about native forests management. The Minister for Primary Industries has provided the following response:

Forestry Corporation manages approximately 2 million hectares of native forest, much of which is not available for harvesting and is managed for conservation. Forestry Corporation advises that there are a number of ways the "management cost" for its estate might be defined and calculated.

One measure of management cost is "net cost" (i.e. revenue minus expenditure). On a net cost basis, for native forest operations in 2011-12, the "management cost" is about \$4 per hectare. This figure represents the current commercial loss divided over the entire native forest estate, a figure that has been declining in real terms as the Corporation improves management methods.

## COAL INDUSTRY EMPLOYEES

**The Hon. MICHAEL GALLACHER:** On 21 May 2013 the Hon. Jeremy Buckingham asked me a question about coal industry employees. I provide the following response:

The coal industry continues to play a vital role in the growth of the NSW economy. Coal is NSW's single largest merchandise export in value terms, with total exports worth an estimated \$16.8 billion in 2011/12. I am advised that the March 2013 quarter total of saleable tonnes shows an increase in production of 8.4% from the March 2012 quarter. The NSW Government will continue to work with the coal industry and other regional industries to maintain economic growth.

## ASSENT TO BILLS

Assent to the following bills reported:

Government Sector Employment Bill 2013  
Members of Parliament Staff Bill 2013  
Heavy Vehicle (Adoption of National Law) Bill 2013  
Local Government Amendment (Conduct of Elections) Bill 2013  
Local Government Amendment (Early Intervention) Bill 2013  
NSW Self Insurance Corporation Amendment Bill 2013  
Public Health Amendment (Vaccination of Children Attending Child Care 2013

**Pursuant to sessional orders debate on committee reports proceeded with.**

## GENERAL PURPOSE STANDING COMMITTEE NO. 5

### **Report: Management of Public Land in New South Wales**

**Debate resumed from 21 May 2013.**

**The Hon. ROBERT BROWN** [5.07 p.m.]: I am delighted to speak on report No. 37 of General Purpose Standing Committee No. 5 entitled, "Management of public land in New South Wales". The committee was asked to inquire into and report on the management of public land in New South Wales, including State forests and the national park estate, with particular reference to the following: the process of conversion of Crown land, State forests and agricultural land in the national park estate or other types of conservation areas; the

operational, economic, social and environmental impacts of that conversion; the adherence to management practices on all public land that are mandated for private property holders, including fire, weed and pest management practices; and the examination of models for the management of public land, including models that provide for conservation outcomes which utilise the principle of sustainable use.

This was a wide-ranging inquiry that generated and continues to generate great interest, as evidenced by the 518 submissions and 13 supplementary submissions received from a range of stakeholders. In addition, the committee travelled extensively throughout New South Wales and held 11 public hearings, including at Parliament House, Deniliquin, Bourke, Coonabarabran, Port Macquarie and Grafton. It was this avalanche of interest and the amount of work that went into the inquiry that prompts me at the outset to thank the committee staff.

(...)

I also thank my fellow committee members. The Hon. Cate Faehrmann, who is no longer a member of this place, substituted for the deputy chair, Mr Jeremy Buckingham. I thank the Hon. Rick Colless, who stood in as deputy chair, for his support. I also thank the Hon. Greg Donnelly, the Hon. Scot MacDonald, the Hon. Dr Peter Phelps and the Hon. Peter Primrose. I thank them all for their genuine contributions and efforts in making the inquiry a worthwhile examination of the ways in which we can better manage public lands. I also extend my utmost gratitude to the many people who participated in the inquiry. I acknowledge the effort made by individuals from across the State who attended the public hearings and who provided the committee with their personal experiences, views and concerns. Some of those witnesses travelled considerable distances to attend hearings.

The report comprises 15 chapters and 12 recommendations addressing the terms of reference. It also contains three dissenting reports in appendices to the main report. When members of a committee cannot agree on a report, divisions are usually called and the subject matter and the result of the votes are included in the minutes to fully inform anyone who reads it. I urge the Government to implement the recommendations, some as a matter of urgency. A key theme throughout the inquiry and the report is the complexity of the current approach taken to public land management in New South Wales. The rapid expansion and current management of national parks has highlighted the growing tensions between achieving conservation outcomes and meeting the economic and social needs of communities across the State, particularly those in regional New South Wales.

This is underscored by evidence of inconsistencies and variations in the way in which public lands of different tenures are managed. These differences are no more apparent than when examining the impact of converting Crown land, State forests and agricultural land to national parks. A key question raised during the inquiry was whether national parks provide the best means of conservation, and, if so, whether they are fulfilling the conservation objectives they were designed to fulfil. The committee concluded that reservation is not the only means by which to protect biodiversity and that conservation outcomes can be achieved alongside sustainable land use.

The evidence received, particularly in relation to how fire, pests and weeds are now managed on public and private land, suggests that a nil-tenure approach—also known as a cross-tenure approach—while not supported by some is regarded as necessary to combat these threats and to address broader land management issues in New South Wales. There are several

outstanding examples of nil-tenure management of public and private lands. The report recommends that the cross-tenure approach be extended to a nil-tenure standard on all policy areas insofar as land management is concerned, beginning with fire, pests and weeds and conservation management, to ensure consistent and improved land management outcomes for both public and private land managers.

Regarding the process of converting Crown land, State forests and agricultural land to national parks, the report notes the often expressed public view that the conversion process has become too politicised. While the basis upon which land is identified for reservation in New South Wales seeks to maximise areas of highest conservation value, it was repeatedly claimed by witnesses that economic and social values had not been equally considered in that process. In fact, many witnesses who had been badly affected through the process of converting Crown land, State forests and agricultural land to national parks expressed disappointment and anger about what they saw as a systematic disregard of their livelihood and future. The committee made 12 recommendations designed to improve the management of public land in New South Wales. I will not deal with all of them in detail, but I will refer briefly to the first two. Recommendation No. 1 states:

That the NSW Government conduct an independent, full-scale and comprehensive assessment of the management of all public lands in New South Wales, and that this be achieved by extending the current review of Crown land management to include an evaluation of the management of all public lands, including all national parks and State forests in New South Wales. The review should:

1.1 be conducted by an independent panel comprised of experts in the relevant fields, and be led by an eminent expert as chair

This has proven to be a valuable template. In fact, it was the template used by the Minister for Primary Industries in a recent review of marine parks. The recommendation continues:

1.2 investigate the wider application of the multiple land-use model in the management of public land in New South Wales, and identify appropriate areas for the multiple land-use model to be implemented

1.3 investigate the adoption of a nil-tenure approach to the management of public land in New South Wales

1.4 investigate innovative land management models, including the use of private conservancies, for possible application to public land in New South Wales

**Mr Scot MacDonald:** Hear, hear.

**The Hon. ROBERT BROWN:** I acknowledge that interjection. The Hon. Scot MacDonald was most concerned that the report include reference to the fact that private land conservancies work at minimum cost to the taxpayers and that there is no reason not to expand them. The recommendation further states:

1.5 examine requiring all public land managers to make a financial contribution to maintain local infrastructure, and investigate whether this contribution should be made through council rates or an alternative mechanism

1.6 for the sake of simplification of land tenure arrangements in the State, investigate the option of converting all remaining Western Land Leases into freehold title.

Recommendation No. 2, which is simple, states:

That the NSW Government impose a moratorium on the creation of any new national parks or the extension of any existing national parks, for the duration of the review of public land management in New South Wales, with the exception of conversion of existing reserved areas, or a National Park declaration that is currently before the NSW Government.

As members know, the inquiry was comprehensive and conducted over a considerable period at considerable cost to the taxpayers of this State. The key message in the report is the urgent need for a fresh examination of the management of public land in New South Wales. I believe that the inquiry has resulted in sensible, middle-of-the-road recommendations. As I have said previously, one of the gauges of the success of these inquiries is dissenting reports from all sides of politics. Generally speaking, the committee's recommendations were supported by the majority of members most of the time and I urge the Government to embrace them. Once again, I thank everyone involved in the inquiry. I commend the report to the House.

**Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.**

## **LOCAL LAND SERVICES BILL 2013**

### **In Committee**

**Consideration resumed from an earlier hour.**

**The Hon. LYNDA VOLTZ** [5.21 p.m.]: I move Opposition amendment No. 9 on sheet 2013-87D:

No. 9 Page 14, clause 29 (1). Insert after line 3:

(g) to assist landholders and the community to further the objectives of the local strategic plan,

(h) to provide educational and training courses and materials in connection with local land services,

(i) to provide grants, loans, subsidies or other financial assistance for activities in relation to local land services in the region that it is authorised to fund by Local Land Services,

**The Hon. STEVE WHAN** [5.21 p.m.]: Opposition amendment No. 9 inserts on page 14 new subclauses (g), (h) and (i) to clause 29 (1) regarding functions of Local Land Services boards. Subclause (g) will assist landholders in the community to further the objectives of the local strategic plan; subclause (h) will provide educational and training courses and materials in

connection with local land services; and subclause (i) will provide grants, loans, subsidies or other financial assistance for activities in relation to Local Land Services in the region that it is authorised to fund by Local Land Services. These amendments reinstate provisions from the previous legislation and specify the roles of the Local Land Services boards.

As has been mentioned previously in debate, it is important to engage landholders. The provision of educational materials and training courses is not particularly well specified in the bill. One of the important roles of extension officers in the Department of Primary Industries and the catchment management authorities was their work in training and educating the community. The opinion poll, which the Minister has used on numerous occasions to justify this move, shows that farmers highly valued the work of the Department of Primary Industries on the ground and particularly on field days. Field days and educational work topped the ratings of the work being done by the Department of Primary Industries. The information dissemination role of extension officers in the Department of Primary Industries was seen as one of its strengths.

Education and training opportunities were also cited as a positive attribute of the catchment management authorities. I do not think that is spelt out well enough in the present bill. It is theoretically possible that in the bill as presently written the grants, loans subsidies or other financial assistance for activities noted in subclause (i) will be provided. But the specification of the fact that money can flow outwards from the organisation to assist activities in the region is not clear in the bill. This amendment will assist in making that an obvious role of the new Local Land Services.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [5.24 p.m.]: The Government opposes Opposition amendment No. 9. It believes this amendment is not necessary because subclause (e) already provides that it is a function of the Local Land Services board to engage the community in developing plans and delivering Local Land Services. Subclauses (h) and (i) are unnecessary. It would involve duplication that would confuse the accountability for functions. These are functions of Local Land Services under clauses 14 (1) (d) and (f), and can be devolved to the local level through delegation. There is no need for such operational detail to be included in the bill. It is implicit in the bill.

**The Hon. JEREMY BUCKINGHAM** [5.25 p.m.]: The Greens concur with the Government that Opposition amendment No. 9 is caught by other clauses of the bill and The Greens will not support the amendment.

**Question—That Opposition amendment No. 9 [2013-87D] be agreed to—put and resolved in the negative.**

**Opposition amendment No. 9 [C2013-87D] negatived.**

**Part 3 agreed to.**

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [5.26 p.m.], by leave: I move Government amendments Nos. 6, 7 and 8 on sheet C2013-091 in globo:

No. 6 Page 17, clause 37 (3). Insert after line 26:

(d) sound evidence-based practices to support primary industries, resilient communities and healthy landscapes, and

No. 7 Page 21, clause 47 (3). Insert after line 4:

(e) sound evidence-based practices to support primary industries, resilient communities and healthy landscapes,

No. 8 Page 21, clause 49 (2). Insert after line 25:

(e) sound evidence-based practices to support primary industries, resilient communities and healthy landscapes,

Together these amendments require that the State and local strategic plans are to have regard to sound evidence-based practices in their preparation. This reflects the emphasis in the Catchment Management Authorities Act 2003 on the application of sound scientific knowledge. The amendments also require the strategic plans to be developed to support primary industries, resilient communities and healthy landscapes. This recognises the natural resource management functions and central role of communities in the activities of Local Land Services.

**The Hon. STEVE WHAN** [5.28 p.m.]: The Opposition welcomes these amendments. They are consistent with some of the issues that Landcare NSW Inc. raised with the Opposition and I gather with the Government. I welcome the introduction by the Government of these amendments into the bill.

**The Hon. JEREMY BUCKINGHAM** [5.28 p.m.]: The Greens will support these amendments. As the Hon. Steve Whan has stated, they reflect some of the issues raised by the land care movement. The inclusion of these provisions is sensible.

**The Hon. MICK VEITCH** [5.29 p.m.]: Whilst the Opposition will support the Government amendments, I ask the Minister to advise what the legislative definition of "sound" is?

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [5.30 p.m.]: My understanding is that it is a standard term.

Question—That Government amendments Nos 6 to 8 [C2013-91] be agreed to—put and resolved in the affirmative.

**Government Amendments Nos 6 to 8 [C2013-91] agreed to.**

**The Hon. STEVE WHAN** [5.30 p.m.], by leave: I move Opposition amendments Nos 10 to 12 on C2013-87D in globo:

No. 10 Page 20, clause 46. Insert after line 14:

(2) Without limiting the matters that may be provided for in a draft local strategic plan or plans prepared under subsection (1), the plan or plans must include the following:

(a) a catchment action plan or plans for an area (including, with the agreement of a local board for another region, a plan with respect to a catchment area that includes part of that other region) that takes into account State-wide standards,

(b) provision with respect to the matters described in section 4 (1) (b)–(e), including (to the extent relevant to the region)

planning for emergencies, biosecurity, pest control and animal welfare (including planning for vertebrate pest animal control consistently with the *New South Wales Wild Dog Management Strategy 2012–2015* published by the Department of Primary Industries),

(c) provision for the sustainable management of travelling stock reserves and stock watering places, including appropriate stocking practices, conservation of wildlife (including the conservation of critical habitat, and threatened species, within the meaning of the Threatened Species Conservation Act 1995) and protection against soil erosion and diminution of water quality.

No. 11 Page 22, clause 51. Insert at the end of line 25:

, and

(d) without limiting paragraph (a), has referred so much of the draft local strategic plan (and, in particular, any catchment action plan forming any part of it) as relates to natural resource management to the Natural Resources Commission and is satisfied, having regard to advice given by the Commission, that the plan:

(i) complies with State-wide standards concerning natural resource management, and

(ii) promotes the achievement of State-wide targets for natural resource management so far as they relate to the operations of Local Land Services.

No. 12 Page 133, Schedule 7.35 [2], lines 19 and 20. Omit all words on the lines. Insert instead:

**[2] Section 13 Specific functions**

Omit section 13 (1) (b). Insert instead:

(b) to recommend the approval, under the *Local Land Services Act 2013*, of so much of any draft local strategic plan prepared under Part 4 of that Act as relates to a catchment action plan (within the meaning of that Act) as is consistent with State-wide standards and targets adopted by the Government for natural resource management issues,

These amendments are moved in globo because they are similar. I outlined these important matters in my contribution to the second reading debate. The Opposition believes they should be included in the local strategic plans. The previous Catchment Management Authority Act required catchment action plans to be developed—and a number of other provisions to which I will shortly refer—but they have been removed from the more generic provisions in the proposed legislation. The Opposition believes it is important to specifically mention matters that are required to be in a strategic plan or plans. I say plan or plans specifically because different timetables for completion may be required for a range of strategic plans so that the completion time is realistic. They would also link in with existing catchment action plans

from the Catchment Management Authority.

Amendment No. 10 requires that as part of the strategic plan there be a catchment action plan or plans for an area, with the agreement of a local board for another region or plan with respect to a catchment area that includes part of that other region, and that the plan or plans take into account statewide standards. The Minister and I both referred to this matter in our contributions to the second reading debate, and the Minister responded in part to this issue. The amendment recognises that the new areas do not follow the old catchments. The catchment management authorities were generally designed to take in a catchment, or a portion thereof. In some cases a Local Land Services crosses four catchments, which means that catchment action planning may not necessarily be the highest priority for that organisation. I and many in the natural resources sector think that it is important to continue to undertake this planning.

This amendment suggests that catchment action plan or plans be a requirement of local strategic plans as they could cross over. For instance, the Local Land Services that covers the Monaro area could combine with the Local Land Services that covers some other parts of the Murrumbidgee, for example, and have a shared or jointly developed plan. They would have their own plan for the Snowy River catchment, which is wholly in that area, but they might also have a shared plan for the areas that go into the Sydney catchment area, and so on. That would need to be coordinated throughout the State.

In relation to "statewide standards", later in the requirements for the Minister approving a strategic plan, the Opposition would like to reintroduce the requirement that the Natural Resources Commission have a role in this process. In the current Catchment Management Authority Act the comments of the Natural Resources Commission have to be taken into account before the Minister approves a catchment action plan. The Natural Resources Commission has played a very important role in providing some best practice guidelines which have been used by many catchment management authorities in developing their plans. The feedback I have received from people involved in the development of those plans is that the role has been very positive

In this legislation the Government is seeking to remove all references to the Natural Resources Commission and asks simply that the Minister in areas relevant to that portfolio consult with, and have ticked off by, the Minister for the Environment. The Opposition would keep the consultation with the Minister for the Environment but believes there needs to be reference to the Natural Resources Commission for those relevant areas. Obviously, areas of animal management would not be relevant to that but the catchment action plan and some aspects of management of travelling stock reserves would be relevant.

Proposed section 46 (2) (b), as provided in amendment No. 10, includes planning in relation to emergencies, biosecurity, pest control and animal welfare. The Opposition would like to specifically include reference to planning for vertebrate pest control, consistent with the New South Wales Wild Dog Management Strategy. That strategy highlights nil tenure approaches to wild dog management, which have been so successful in some parts of New South Wales but which are not used in every part of New South Wales. The Opposition believes it is important to put that planning in place.

Proposed section 46 (2) (c) deals with travelling stock reserves. The legislation as proposed by the Government has removed a number of previous provisions in the Rural Lands

Protection Act which covered the management of travelling stock reserves and stock watering places, specifically the role played by remnant vegetation in travelling stock reserves. They play a role in wildlife conservation and conservation of critical habitat and threatened species. The previous Rural Lands Protection Act specifically mentioned protection against soil erosion and diminution of water quality. The Opposition believes that those should be specifically mentioned in this legislation.

With amendments Nos 11 and 12 the Opposition is seeking to bring back in the role of the Natural Resources Commission to provide advice and tick off plans. A subsequent amendment to the proposed amendments to the Natural Resources Commission Act would give them back that role which the Government is seeking to remove. At the moment the Government is seeking to remove that role in relation to catchment action plans.

The Government and the Minister have sought in this process to suggest that there is a lot of dissatisfaction with catchment management authorities and have used the opinion poll to which I earlier referred as one of their justifications. It needs to be noted that it was a poll of 386 farmers which is being used by the Government as justification for a lot of work that it has done and for the provisions of this Act and the future of this legislation when it comes to the services for farmers and landholders. It is not necessarily an adequate representation of the broader community—the environment movement, natural resource managers overall and their view of their relationships with catchment management authorities and their roles. As I said in my contribution to the second reading debate, one of the major negatives of this legislation is the abolition of catchment management authorities. I was shocked when The Greens voted for that. I do not believe that The Greens have adequately talked to the environment community about their decision to support the Government in abolishing catchment management authorities.

**The Hon. Jeremy Buckingham:** Oh, Steve, you are on the phone all day, every day to—

**The Hon. STEVE WHAN:** I love the interjections from The Greens, who believe that they are possessors of all knowledge in relation to these matters. It was fairly clear last week in their voting with the Government to abolish catchment management authorities that The Greens had not put a lot of thought into that. The Opposition wants to try to ensure that this new body incorporates a number of the key roles played by catchment management authorities, and, very critically, a reference to the role of the Natural Resources Commission in that process. It also seeks to set out some of the travelling stock reserves.

Under the bill Local Land Services will be required to develop strategic plans and the Government will be able to direct them on what they should include but the legislation will not be specific on what they should include. The Opposition does not believe that is adequate. It must be remembered that the old Catchment Management Authorities Act was developed after significant consultation with the community and included measures arrived at following considerable negotiation and activity towards that end. I was a new member of Parliament at the time and I well remember the large amount of work that went into that legislation, going backwards and forwards with the community.

The Government has held a series of consultations around New South Wales but it set the basic model, which was not negotiable. This bill has been introduced into the Parliament without people in the community having much opportunity to comment on it. Indeed, a number of groups, including those I mentioned during the second reading debate and in

Committee, have told me that they would like to see some of the measures specified in greater detail. Therefore, I urge the Government and the crossbenchers to support Opposition amendments Nos 10, 11 and 12.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [5.40 p.m.]: I note the Opposition spokesperson indicates his community consultation, much of which sought to alarm the community and get people up in arms against this bill. He has been dramatically unsuccessful with that.

**The Hon. Steve Whan:** You would never have done that, Duncan.

**The Hon. DUNCAN GAY:** What I would do and would not do is not the point. The fact is that you spent a lot of time trying to alarm the community. People have not been alarmed because this is a good piece of legislation. The Government opposes Opposition amendments Nos 10, 11 and 12. As I am sure the Hon. Steve Whan knows, this has ramifications for amendment No. 14 also as that amendment hangs off amendment No. 10.

Opposition amendments Nos 10 and 14 are unnecessary because clause 46 (1) already allows for one or more local strategic plans: for example, a plan dealing with natural resource management, a plan dealing with biosecurity and emergency management et cetera. This means that it is not necessary to prescribe that a separate catchment action plan be prepared since a separate natural resource management plan can be prepared under clause 46. If amendment No. 10 is rejected there is no need to define the cap as proposed in amendment No. 14. Similarly, it is not necessary to prescribe in clause 46 (2) (b) and (c) that a local strategic plan include these elements, because this is covered by the general requirement in clause 46 (1) that the plan must be in respect of the delivery of local land services defined in proposed section 4.

Including these provisions might have unintended consequences in that they may limit the scope or approach in a local strategic plan. The additional requirements in clause 46 (2) (b) and (c)—for example, that planning for vertebrate animal control be consistent with wild dog policy and that there be protection against soil erosion—are not necessary because the Minister cannot approve a local strategic plan unless she is satisfied that the plan promotes the achievement of State priorities for Local Land Services. The term "statewide priorities" captures all government policies, targets and standards.

The management of travelling stock reserves is subject to a specific Crown lands review, which is underway. It is considering their optimal management from every perspective. It is important, given the shadow Minister's comments in debate, to note that we did not change anything in relation to travelling stock reserves and watering places. The provisions were carried over totally intact, as is currently prescribed.

**The Hon. JEREMY BUCKINGHAM** [5.44 p.m.]: The Greens intend to support these amendments, but, after the contribution of the Hon. Steve Whan, somewhat reluctantly. I would remind him that there are none so pure as the impotent.

**The Hon. STEVE WHAN:** Coming from a Green!

**The Hon. JEREMY BUCKINGHAM:** You should remind yourself that today The Greens were successful in negotiating with the Government the inclusion of objects from the former

Catchment Management Authorities Act.

**The Hon. Steve Whan:** Are you proud of that? Duncan will go for a reconsideration.

**The Hon. JEREMY BUCKINGHAM:** I think that was a reasonable suggestion and reasonable response from the Government. I am pleased that, rather than flailing about, we have managed to achieve something. I remind members of Gough Whitlam's words in that regard. The inclusion of a provision that is explicit about the need for a catchment action plan is a reasonable amendment and The Greens will support that amendment. Opposition amendment No. 10 relating to clause 46 (2) (b) is already caught by proposed section 4 but we will support it because it makes it more explicit. Clause 46 (2) (c) relating to the sustainable management of travelling stock reserves has already been carried across but it will not hurt to include it also.

The amendments have been moved in globo. The key amendment involves regard being given to advice from the Natural Resources Commission. We heard the views of the Government in the second reading speech and debate as to the ongoing role of the commission. If that is the case, it is important to be explicit about that. We support the amendment because of the reference to catchment action plans and retaining the role of the Natural Resources Commission in assessing plans and ensuring that they comply with statewide plans. The Greens support the amendments.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [5.47 p.m.]: May I continue? I was commenting on amendment No. 10 when the enthusiastic member for The Greens jumped up. The outcome of the amendment will also see the creation of silos within Local Land Services. This is inconsistent with the creation of a single, integrated, coordinated, multifunctional agency. Local Land Services strategies will encompass the sustainable management and functioning of all activities—natural resource management, biosecurity and agricultural extension. The amendment is unnecessary and even counterproductive to the intent and design of Local Land Services.

Amendment No. 11 is not necessary. Clause 51 already allows the Minister to refer the draft plan to the Natural Resources Commission for advice, and this is the intention. Again, there is no need to be that prescriptive in the bill. It is our intent that the Natural Resources Commission does the auditing and assessment work, at least for the natural resources management component, and provides advice to the Government, as I noted in my second reading speech. The Natural Resources Commissioner has been asked to be the independent performance auditor of Local Land Services, specifically with respect to natural resource management activities. Local Land Services will also be audited on its other core activities of biosecurity and advisory services.

The Natural Resources Commission is an independent body with a strong track record in driving improvements in performance, governance and accountability. The auditing function will ensure that Local Land Services and its local boards are accountable to and serving the needs of farmers and communities and that good governance, transparency and accountability are front and centre. The Government also opposes Opposition amendment No. 12. This proposal is not consistent with the new framework for Local Land Services; it is broader than natural resource management. The same argument applies to proposed amendment No. 7. The bill provides for the Minister to seek advice and this is intended to include the Natural Resources Commission. The Natural Resources Commission will be engaged to carry out

independent audits of natural resource management functions. Therefore the Minister will be required to seek the advice of the Natural Resources Commission under clause 51 (2) (b).

**The Hon. STEVE WHAN** [5.50 p.m.]: I am disappointed by the Government's response to these amendments. Many of the Minister's comments boiled down to, "We do not need this. Trust the Minister." But I and many others in the community do not trust the Minister. The Minister said that the community has not been alarmed by this but he is burying his head in the sand. I have a folder filled with comments made by people in local media and on the internet in various forums about their disappointment both at the consultation meetings and at the model being locked in before the meetings. I have reports that the chair said at the commencement of those meetings, "We are already bound by the cost cutting that has occurred. We cannot do anything about that."

**Mr Scot MacDonald**: Point of order: The member is misleading the House. I attended those consultation meetings and the chair did not start off with that narrative.

**The CHAIR (The Hon. Jennifer Gardiner)**: Order! That is a debating point, not a point of order.

**The Hon. Duncan Gay**: Point of order: My point of order is relevance. The Hon. Steve Whan moved these amendments and he is now indulging in a second reading speech. This is a further alarmist example.

**The Hon. STEVE WHAN**: To the point of order: When responding to my proposed amendments the Minister spoke about an alarmist campaign around the State and suggested that the community has not been alarmed. I suggest that the Minister has introduced this material to debate.

**The CHAIR (The Hon. Jennifer Gardiner)**: Order! I ask all members to confine their remarks to Opposition amendments Nos 10 to 12.

**The Hon. STEVE WHAN**: The Minister said it was not necessary to have the Natural Resources Commission specifically mentioned because the legislation allows the Minister to refer to it. He said the Minister intends to do just that. That is not good enough for those on this side of the Chamber. The Government cannot be trusted with the ongoing future reference to natural resources focused groups.

**The Hon. Duncan Gay**: Do not judge others by your own example.

**The Hon. STEVE WHAN**: The Minister interjected and said, "Do not judge others by your own standards." We are judging this Government's record on environmental issues so far. The Minister for the Environment has repeatedly shown that she is not up to the task of battling various elements in the O'Farrell Government on the environment.

**The Hon. Duncan Gay**: Point of order: My point of order is relevance. The Hon. Steve Whan is drifting from the leave of the amendments.

**The CHAIR (The Hon. Jennifer Gardiner)**: Order! The Hon. Steve Whan will confine his remarks to the amendments.

**The Hon. STEVE WHAN:** The aim of the former Catchment Management Authorities was to take a holistic approach to catchments, engaging with communities and planning for the improvement of the whole environment for the benefit of farmers, land managers and communities in those catchments. Those provisions have been significantly watered down in this legislation yet the Government asks us to trust the Minister for Primary Industries. The Government said it is not necessary to include references to the Natural Resources Commission because it is planning to do that. But we do not know what the Government's long-term plans are for the Natural Resources Commission or for how long the Natural Resources Commission will have a role.

Generic statewide priorities are used in a number of areas. We will now be referring to this Government critical parts of the standards used in rural and regional New South Wales. Environmental standards are not something that this Government should be trusted with. It is ridiculous for the Minister to suggest that setting out specific things to be included in strategic plans will promote silos in the new organisation. That is tantamount to saying we do not trust the new bodies to work professionally together. It is a cop-out to say that we need to leave it generic so there will be no silos.

In putting these plans in place it is vital that we specify important areas such as the Natural Resources Commission's ongoing role, which will also involve amending the Natural Resources Commission Act. If members were to read the local papers from country New South Wales they would see from the comments of Department of Primary Industries staff, landholders, mayors, people involved in past Rural Lands Protection Boards and Pastures Protection boards, as well as others involved in catchment management, that there is great angst about these proposed changes. As I said earlier, many people will try their best to make them work but that does not mean they think all is fine. Minister Gay and the Minister for Primary Industries have shown that they have their heads in the sand by consistently suggesting that everyone is happy. It is also offensive to those who have been raising concerns. Yet again this is a sellout by The Nationals of the representation of the people of country New South Wales.

**Question—That Opposition amendments Nos 10, 11 and 12 [C2013-87D] be agreed to—put.**

**The Committee divided.**

**Ayes, 16**

Ms Barham	Dr Kaye	Ms Westwood
Mr Buckingham	Mr Primrose	Mr Whan
Ms Cotsis	Mr Secord	
Mr Donnelly	Ms Sharpe	<i>Tellers,</i>
Dr Faruqi	Mr Shoebridge	Mr Moselmane
Mr Foley	Mr Veitch	Ms Voltz

**Noes, 18**

Mr Ajaka	Mr Gallacher	Reverend Nile
Mr Blair	Mr Gay	Mrs Pavey
Mr Borsak	Mr Green	
Mr Brown	Mr MacDonald	
Mr Clarke	Mrs Maclaren-Jones	<i>Tellers,</i>

Ms Cusack Ms Ficarra	Mr Mason-Cox Mrs Mitchell	Mr Colless Dr Phelps
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**Pairs**

Ms Fazio	Mr Pearce
Mr Wong	Mr Harwin
Mr Searle	Mr Lynn

**Question resolved in the negative.**

**Opposition amendments Nos 10, 11 and 12 [C2013-87D] negated.**

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [6.05 p.m.]: I move Government amendment No. 9 on sheet C2013-091:

No. 9 Page 23, clause 54. Insert after line 20:

(3) The Minister may, at any time the Minister considers it appropriate to do so, arrange for an audit of a local strategic plan.

This amendment provides for the Minister to arrange for a snap audit of a local strategic plan. The bill already provides in clause 24 (3) for the Minister to arrange for an audit of the exercise of all or any particular functions of Local Land Services. Similarly, under clause 44 (2), the Minister can arrange for the audit of the State strategic plan to ascertain whether its provisions are being given effect. The bill also requires the Minister to ensure that a local strategic plan is audited within three years of its approval. This amendment provides that in addition to this the Minister can arrange for an audit of a local strategic plan at any time.

**The Hon. STEVE WHAN** [6.06 p.m.]: The Opposition supports the amendment. I believe it was another issue that Landcare, amongst others, raised with the Government and it seems sensible.

**The Hon. JEREMY BUCKINGHAM** [6.06 p.m.]: The Greens support this amendment which appropriately will give the Minister the capacity at any time to arrange for a snap audit of a local strategic plan. We believe that it is appropriate for the Minister to have that oversight and that accountability mechanism for Local Land Services and local strategic plans that are being implemented. These are very important plans; they will guide the delivery of a number of key services and, as we saw with local health and pest authorities and what emerged from the Ryan review, sadly, there is an opportunity for maladministration in these areas. To ensure that that does not occur again, inserting a provision for snap audits is eminently sensible. The Greens support the amendment.

**Question—That Government amendment No. 9 [C2013-091] be agreed to—put and resolved in the affirmative.**

**Government amendment No. 9 [C2013-091] agreed to.**

**Part 4 [Clauses 36 to 54] as amended agreed to.**

**Parts 5 to 14 [Clauses 55 to 211] agreed to.**

**Schedules 1 to 9 agreed to.**

**Dictionary agreed to.**

**Title agreed to.**

**Bill reported from Committee with amendments.**

### **Adoption of Report**

**Motion by the Hon. Duncan Gay agreed to:**

That the report be adopted.

**Report adopted.**

### **Third Reading**

**Motion by the Hon. Duncan Gay agreed to:**

That this bill be now read a third time.

**Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendments.**

## **ENVIRONMENTAL MOVEMENT**

**The Hon. Dr PETER PHELPS** [9.31 p.m.]: Australia is slouching towards a Green-Left totalitarianism. Let me begin with some examples. Farmers are taxed by government to buy up water because of the "environment" only to find that the government has not left enough water for farm irrigation. The government then pays for infrastructure improvements for farmers to drive down the demand for water, and it pays for those capital works using more taxes—including the taxes it has collected from farmers.

But it is not just in relation to water. Government buys up productive land and then locks it up in the form of unwanted, unvisited national parks. When local towns become unviable because of their folly, government uses more taxpayers' money to buy out the newly unproductive secondary industries and pays go-away money to their employees. The government uses taxes to fix a range of problems which would never have been problems if it had not used taxes in the first place to create those problems. Welcome to modern government. And all of this is done in the name of the environment.

I can understand why people might like scenic forests. I could understand if they voluntarily banded together to buy areas of bushland for their enjoyment. I would say, "If that's your thing, then go for it." But, no, that is not good enough for these left-wing urban elitists. They do not want to put their hands into their pockets either to buy these areas or to maintain them. Instead, they force us to pay for these things through our taxes. They do not charge park entry fees—except for the snowfields and a couple of parks around Sydney—because they know that precious few people would voluntarily pay for this so-called national park experience.

Instead, they tell us, the uninterested taxpayers, that we must pay for these things because of something called the environment.

What is the environment? It is an ill-defined, amorphous, quasi-religious mass with no intrinsic dollar value but is instead invested with a completely spurious, bogus emotional value. I have to say this about the environmental movement: it has been very good at recycling. It has recycled socialism in the guise of environmentalism. It has recycled the same old anti-capitalist mantras, the same old dogmas and, in many cases, the same old anti-capitalist personnel. They have simply taken off their Mao jackets and put on koala suits. They have infested the areas of environmental agencies, non-government organisations and academia. They move between these sinecures with, at best, a languid nonchalance or, more usually, an unconcealed antipathy for the ordinary Australians who are forced to pay for their indulgence.

Academics lobby government departments filled with their pedagogical progeny for more funding for their research. They are backed by non-government organisations which are also filled with their ideological minions who know that their opportunities for influence will increase. The academics and non-government organisations propose greater regulation and government intervention which, in return, boosts the power and influence of the government officials who so assiduously promoted, financed and fetishised the former's self-serving contributions to the public debate. The gravy train always has room for more carriages when everyone is pulling in the same direction.

This is the way that the rent-seekers of the so-called environmental movement operate. This is how the plague of professional agitators, who live to destroy productive capacity, work. These are the people who make nothing, yet rely on those who live by commerce—whom they despise and damn—to pay their wages. We have arrived at the day in agriculture when, in order to produce, one needs to obtain permission from people who produce nothing. We have arrived at the day when riches flow to those who deal not in goods but in favours. We have arrived at the day when people get richer by influence rather than by hard work, and when our laws do not protect you against them but protect them against you.

In the foyer outside we have a photo collection of the Murrumbidgee Irrigation Area [MIA]. It was one of Australia's greatest engineering achievements. It fed the nation and it fed the world. But today it would never even be contemplated: a foul triumvirate of environmental academics, non-government organisations and officials would have found every possible debating point under the sun to oppose it. It would never have been built today. Look at those pictures and remember that we stand in the midst of the greatest achievements of the greatest productive motor in human history—Western civilisation. Yet an unholy Green trinity seeks to destroy it and to return us to either a pre-industrial idyll of precarious subsistence or a Soviet kleptocracy where they, as the nomenklatura, skim the cream off the neo-serfdom they have created. Unless we are prepared to join this ideological fight—this battle for civilisation in the truest sense of the word—then we are doomed to lead future lives that can only be described as communistic, nasty, poor, brutish and short.

**Legislative Council Wednesday 26 June 2013**

## COAL INDUSTRY EMPLOYEES

**The Hon. JEREMY BUCKINGHAM:** I direct my question to the Minister for the Hunter. Mina Xstrata announced this week that it has axed jobs from the Ravensworth Coal Mine. Does the Minister know how many miners lost their jobs from that mine this week?

**The Hon. Duncan Gay:** Are you upset?

**The Hon. Jeremy Buckingham:** Yes, but he should know how many miners.

**The Hon. MICHAEL GALLACHER:** Are we coming down to numbers? It is an absolute disgrace that we find ourselves in the situation in which the member wants to play games with numbers. We are talking about people's lives, people's jobs and their families. Thanks to people like the honourable member the coal industry is under immense pressure. He and his Federal colleagues are supporting initiatives that are placing a stranglehold on the coal industry, which is the lifeblood of the Hunter.

**Mr David Shoebriidge:** Point of order: My point of order is that the Minister should be addressing his remarks through the Chair, not pointing and directing his remarks at the member.

**The PRESIDENT:** Order! I uphold the point of order. The Minister should direct his remarks through the Chair.

**The Hon. MICHAEL GALLACHER:** I apologise, but one becomes emotional about the games The Greens are playing.

**The Hon. Dr Peter Phelps:** The hypocrisy.

**The Hon. MICHAEL GALLACHER:** And the sheer hypocrisy, as if somehow they are concerned about the jobs of miners in the Hunter. The Greens can rest assured that they have played their own special part in destroying community confidence. Early reports in the media suggest that about 46 jobs are to go. That is 46 jobs too many. But there is one job that we would all love to go—and that is the job of the Hon. Jeremy Buckingham. If we can get him out, we might be able to create jobs in the coal industry again because confidence will start to return. I am sure that the Labor Party and those on this side of the House wholeheartedly agree that our State and national economies rely heavily on the coal industry, which The Greens are singlehandedly working day and night to destroy. I am sure the honourable member will be very proud of the work he has done to ensure the loss of 46 jobs being lost in the Hunter Valley.

**The Hon. JEREMY BUCKINGHAM:** I ask a supplementary question. What percentage of the Hunter Valley labour force is now directly employed by mining?

**The PRESIDENT:** Order! The question is clearly out of order.

## MINERALS EXPLORATION AND LAND ACCESS AGREEMENTS

**The Hon. JEREMY BUCKINGHAM:** My question is directed to the Minister for Roads and Ports, representing the Minister for Energy and Resources. Yesterday in relation to allegations that a mining company has been misusing the Government's template access agreement for mining exploration, NSW Farmers Association President Fiona Simson said:

We have had to advise all our members that, effective immediately, we are withdrawing the template from our website and we can no longer endorse its use.

In response to a question from me yesterday, the Minister said, "Yes, we are concerned about these sorts of allegations—especially if they are true."

**The PRESIDENT:** Order! The member will either ask the question properly or he will sit down.

**The Hon. Matthew Mason-Cox:** Point of order: The member has been speaking for almost a minute and he has not asked a question; he has given a soliloquy.

**The PRESIDENT:** Order! Does the member want to ask his question again?

**The Hon. JEREMY BUCKINGHAM:** In response to a question from me yesterday on this matter, the Minister said, "Yes, we are concerned about these sorts of allegations—especially if they are true." Has the Minister investigated these allegations, and are they true?

**The Hon. DUNCAN GAY:** First of all, this is the second question on the same subject in two days.

**The Hon. Jeremy Buckingham:** You said you would do something. Is it true?

**The Hon. DUNCAN GAY:** I did say I would do something. I said I would go to the Minister and get a response. I have gone to the Minister; I have not yet got a response.

## FOSSIL FUEL DIVESTMENT STRATEGY

**The Hon. JEREMY BUCKINGHAM** [5.52 p.m.]: This evening I make a contribution on the need, power and benefit of the Fossil Fuel Divestment Strategy. The International Energy Agency's flagship publication in 2012, the *World Energy Outlook*, stated:

No more than one-third of proven reserves of fossil fuels can be consumed prior to 2050 if the world is to achieve the 2° goal, the internationally recognized limit to average global warming in order to prevent catastrophic climate change.

The case for fossil fuel divestment has been strongly made by Bill McKibben, who was recently in the country. Mr McKibben simply explained fossil fuel divestment:

The logic of divestment couldn't be simpler: if it's wrong to wreck the climate, it's wrong to profit from that wreckage. The fossil fuel industry ... has five

times as much carbon in its reserve as even the most conservative governments on earth say is safe to burn ...

Mr McKibben is linked with the organisation 350.org, the driving force behind the divestment movement, which stated:

When we started this effort, Archbishop Desmond Tutu, who won a Nobel Peace Prize for his role in helping end apartheid in South Africa, told us,

"The divestment movement played a key role in helping liberate South Africa. The corporations understood the logics of money even when they weren't swayed by the dictates of morality. Climate change is a deeply moral issue too, of course ... Once again, we can join together as a world and put pressure where it counts."

Fossil fuel divestment occurs when institutions remove financial support from select companies in order to promote certain behaviour or policy. Recent divestment campaigns have targeted a host of issues, such as sweatshop labour, use of landmines and tobacco advertising. Undoubtedly, the best-known example of divestment occurred in the 1970s and 1980s in response to the apartheid regime of South Africa. Retirement funds, mutual funds and investment institutions across the country sold off the stocks of companies that did business in South Africa, and ultimately contributed enormously to the end of that abhorrent regime. Paul Gilding, author of *The Great Disruption* and former head of Greenpeace, said:

We know from the Potsdam Institute for Climate Impact Research that to reduce the risk of crossing that 2 degree [Celsius] threshold to around 20%—to give us an 80% chance of not spiralling out of control—gives us a carbon budget. On current forecasts the entire budget [for burning coal, oil and gas] will be consumed in a little over a decade. That will then leave around three quarters of all the currently known, economically recoverable reserves unable to be burnt—reserves that are today the key assets of listed companies. Just consider the consequences when the markets realise that the financial carbon bubble will burst.

In response to Carbon Tracker's 2013 report, "Unburnable Carbon: Australia's carbon bubble", John Connor of the Climate Institute stated:

Australian and overseas investments in Australian coal rest on a speculative bubble of climate denial, indifference or dreaming. ... this report shows they do not [take climate change seriously] or are taking risky gambles.

Citigroup warns that fossil fuel reserves face significant writedown. Citigroup, a large multinational financial services corporation, has stated that much of Australia's coal reserves will become worthless as the world hits carbon emission limits. In San Francisco and other United States cities divestment is gaining pace. Just last month the San Francisco Board of Supervisors unanimously passed a resolution calling on the San Francisco Employee Retirement System [SFERS] to divest over \$583 million from fossil fuel corporations. Supervisor John Avalos said:

Divestment is an important part of our city response to climate change.

San Francisco is doing it; people all around the world are doing it. Recently, the Australian National University divested from Metgasco with subsequent implications. Divestment is a legitimate strategy; one that we need and that is very powerful.

## Legislative Council Thursday 27 June 2013

### CARBON POLLUTION REDUCTION

**The Hon. LYNDA VOLTZ** [10.17 a.m.]: I move:

1. That this House notes that according to the Australian Bureau of Meteorology:

- (a) January 2013 was Australia's hottest month on record,
- (b) the summer of 2012-13 was the hottest summer on record and the average Australian maximum temperature for September to December 2012 was the highest on record with average temperatures across the country at 28.6°C, 1.1°C above normal, and exceeding the previous record set in the summer of 1997-98 by more than 0.1°C,
- (c) a new record was set for the number of consecutive days the average maximum daily temperature for Australia exceeded 39°C, being seven days between 2 and 8 January 2013, almost doubling the previous record of four consecutive days in 1973,
- (d) numerous sites across New South Wales broke long-term records for both daily and monthly maximum temperatures,
- (e) Australia set a new record for the hottest day for Australia as a whole on 7 January, recording 40.30°C, surpassing the previous record set on 21 December 1972,
- (f) the area-averaged temperature for Australia as a whole exceeded 39°C on seven consecutive days from 2 to 8 January, the longest such period previously recorded was four days in December 1972, and
- (g) across New South Wales January temperature records were broken at Sydney, Tibooburra, Nyngan, Sydney Airport, Gunnedah, Williamtown RAAF Base, Moruya Heads, Hay, Newcastle, Katoomba, Mungindi, Murrurundi, Prospect, Reservoir, Bathurst, Peak Hill, Quirindi, Bankstown, Dunedoo, Parramatta North, Trangie, Tumbarumba, Wellington, Woolbrook, Gulgong, Paterson, Orange, Camden, Gosford, Oberon, Riverview, Narooma, Batemans Bay, Bathurst, Bombala, Braidwood, Cessnock, Mudgee, Nullo Mountain, Scone, Ulladulla, Young, Bega, Dubbo, Tamworth and Wanaaring.

2. That this House also notes that:

- (a) six of Australia's 10 hottest summers on record have come in the last 11 years, meaning that very hot summers have been

occurring at about five times the rate you would expect without a warming trend and only two of the hottest summers on record occurred before 1990,

(b) the heat during the 2012-13 summer occurred during a "neutral" period in the El Niño-Southern Oscillation which essentially means that the record was consistent with warming trends, and achieved without an extra push from natural variability associated with El Niño,

(c) Australia and the globe are experiencing rapid climate change. Since the middle of the twentieth century, Australian temperatures have, on average, risen by about 1°C with an increase in the frequency of heatwaves and a decrease in the numbers of frosts and cold days,

(d) rainfall patterns have also changed, the northwest having seen an increase in rainfall over the last 50 years while much of eastern Australia and the far southwest have experienced a decline,

(e) Australia has warmed by nearly a degree Celsius since 1910 which is consistent with warming observed in the global atmosphere and oceans.

3. That this House acknowledges the comments by Opposition Leader Tony Abbott on the 29 July 2009 on Sky News when he stated that:

If you want to put a price on carbon why not just do it with a simple tax.

4. That this House congratulates the Federal Government for taking action to reduce emissions and transform our economy and note that since the carbon price started, Australia has continued to experience solid economic growth and is now the twelfth biggest economy in the world while and will deliver over 750 million tonnes of emissions reductions in the period to 2020 and achieve those emissions reductions at the lowest cost to our economy.

It is worth repeating the figures. According to the Australian Bureau of Meteorology, January 2013 was Australia's hottest month on record. The summer of 2012-13 was the hottest summer on record, and the Australian maximum temperature for September to December 2012 was the highest on record, with average temperatures across the country at 28.6 degrees Celsius, 1.1 degrees Celsius above normal, and exceeding the previous record set in the summer of 1997-98 by more than 0.1 degree Celsius. A new record was set for the number of consecutive days the average maximum daily temperature for Australia exceeded 39 degrees Celsius, being seven days between 2 and 8 January 2013, almost doubling the previous record of four consecutive days in 1973. Numerous sites across New South Wales broke long-term records for both daily and monthly maximum temperatures. Australia set a new record for the hottest day for Australia as a whole on 7 January, recording 40.3 degrees Celsius, surpassing the previous record set on 21 December 1972. It is a day that is certainly seared in my mind and the minds of the Hon. Niall Blair and the Hon. Paul Green. We were all playing soccer

for *The Big Issue* on Sydney Harbour; we had not realised it was going to be the hottest day ever. Certainly by 11 o'clock we were keen for the speeches to finish. The area-averaged temperature for Australia as a whole exceeded 39 degrees Celsius on seven consecutive days from 2 to 8 January. The longest such period previously recorded was four days in December 1972.

**DEPUTY-PRESIDENT (The Hon. Paul Green):** Order! The Hon. Lynda Voltz said I was present at the soccer match in January this year.

**The Hon. LYNDA VOLTZ:** You were not at the soccer match?

**DEPUTY-PRESIDENT (The Hon. Paul Green):** Not this year. The Hon. Lynda Voltz may want to withdraw that comment for the record. I was present the previous year, and it was also hot.

**The Hon. LYNDA VOLTZ:** The previous year was also hot. It must have been the Hon. Niall Blair and me who played that day. I am sure the Hon. Paul Green meant to play because I know he is a big supporter of *The Big Issue* soccer days.

**DEPUTY-PRESIDENT (The Hon. Paul Green):** I would have been there in spirit.

**The Hon. LYNDA VOLTZ:** Across New South Wales January temperature records were broken at Sydney, Tibooburra, Nyngan, Sydney Airport, Gunnedah, Williamtown RAAF Base, Moruya Heads, Hay, Newcastle, Katoomba, Mungindi, Murrurundi, Prospect, Reservoir, Bathurst, Peak Hill, Quirindi, Bankstown, Dunedoo, Parramatta north, Trangie, Tumbarumba, Wellington, Woolbrook, Gulgong, Paterson, Orange, Camden, Gosford, Oberon, Riverview, Narooma, Batemans Bay, Bathurst, Bombala, Braidwood, Cessnock, Mudgee, Nullo Mountain, Scone, Ulladulla, Young, Bega, Dubbo, Tamworth and Wanaaring.

The Bureau of Meteorology has now added to these records a prolonged heatwave that affected south-east Australia between 2 and 13 March 2013, breaking numerous records but especially the record for the duration of persistent hot days and nights. Alongside these records the oceans surrounding Australia were similarly exceptionally warm, with sea surface temperatures also posting their hottest month on record in February, and it was the warmest summer on record. Indeed, the six months from September 2012 were characterised by significant heatwaves and record temperatures for the entire Australian region.

The frequency of these extreme high temperatures and the lack of extreme low temperatures in Australia in recent months are consistent with long-term trends towards more extreme high temperatures and fewer extreme low temperatures, which in turn are consistent with an overall warming in Australian mean temperatures of about 0.9 degrees Celsius since 1910. Sea surface temperatures in the Australian region during summer were also 0.5 degrees Celsius above normal—the warmest since records began in 1900. Sea surface temperatures have been particularly warm off the southern coast of Australia in recent weeks. They were generally one to two degrees Celsius above normal for the month of February and were the highest on record for that month over an area extending from western Bass Strait to the central Great Australian Bight.

As the motion states, six of Australia's ten hottest summers on record happened in the last 11 years, meaning that very hot summers have been occurring at about five times the rate one

would expect without a warming trend, and only two of the hottest summers on record occurred before 1990. The heat during the 2012-13 summer occurred during a neutral period in the El Niño-Southern Oscillation, which essentially means that the record was consistent with warming trends and was achieved without an extra push from natural variability associated with El Niño.

Australia and the globe are experiencing rapid climate change. Since the middle of the twentieth century, Australia has seen an increase in the frequency of heatwaves and a decrease in the number of frosts and cold days. Rainfall patterns have also changed, the north west having seen an increase in rainfall over the last 50 years while much of eastern Australia and the far south west have experienced a decline. As already noted, Australia has warmed by nearly one degree Celsius since 1910, which is consistent with warming observed in the global atmosphere and oceans. Yet despite these figures, the other side of the Chamber is full of climate sceptics.

**The Hon. Dr Peter Phelps:** Hear! Hear!

**The Hon. LYNDA VOLTZ:** I look forward to their explanations of these figures, particularly from the Hon. Dr Peter Phelps, who I know is always keen to regale us with his theories. I note the comments of members such as the Hon. Marie Ficarra, who has stated in this Chamber that "man-made climate change is spin". When challenged on her spurious sources, she informed us that the National Aeronautics and Space Administration [NASA] was the source and that NASA was not a spurious organisation. Indeed, NASA is not a spurious source. Let us take a look at what NASA actually says on the matter. NASA states: On Earth, human activities are changing the natural greenhouse. Over the last century the burning of fossil fuels like coal and oil has increased the concentration of atmospheric carbon dioxide (CO<sub>2</sub>). This happens because the coal or oil burning process combines carbon with oxygen in the air to make CO<sub>2</sub>. To a lesser extent, the clearing of land for agriculture, industry, and other human activities have increased concentrations of greenhouse gases.

The consequences of changing the natural atmospheric greenhouse are difficult to predict, but certain effects seem likely:

- On average, Earth will become warmer. Some regions may welcome warmer temperatures, but others may not.
- Warmer conditions will probably lead to more evaporation and precipitation overall, but individual regions will vary, some becoming wetter and others dryer.
- A stronger greenhouse effect will warm the oceans and partially melt glaciers and other ice, increasing sea level. Ocean water also will expand if it warms, contributing further to sea level rise.
- Meanwhile, some crops and other plants may respond favourably to increased atmospheric CO<sub>2</sub>, growing more vigorously and using water more efficiently. At the same time, higher temperatures and shifting climate patterns may change the areas where crops grow best and affect the makeup of natural plant communities.

Several lines of evidence show that current global warming cannot be explained by changes in energy from the sun:

- Since 1750, the average amount of energy coming from the Sun either remained constant or increased slightly.
- If the warming were caused by a more active sun, then scientists would expect to see warmer temperatures in all layers of the atmosphere. Instead, they have observed a cooling in the upper atmosphere, and a warming at the surface and in the lower parts of the atmosphere. That's because greenhouse gasses are trapping heat in the lower atmosphere.
- Climate models that include solar irradiance changes can't reproduce the observed temperature trend over the past century or more without including a rise in greenhouse gases.

According to the NASA website, 97 per cent of climate scientists agree that climate-warming trends over the past century are very likely due to human activities. That is, 97 per cent of scientists say the science is right, yet those on the other side of the Chamber still refuse to accept the science on this issue. Indeed, that very page on the NASA website shows a graph of temperature data from four international science institutions and all show rapid warming in the past few decades and that the last decade has been the warmest on record. One of those four institutions is NASA Goddard Institute for Space Studies. Although I looked, I could not find any references on the NASA website that man-made climate change is spin. Indeed, what I found was quite the opposite.

Members will note also the previous ramblings of the Hon. Peter Phelps, who I am sure will provide us with more. He stated in this Chamber that higher CO<sub>2</sub> emissions are acceptable because during the Cambrian period carbon dioxide levels were much higher. That may be fine if one is an arthropod with an exo-skeleton and a segmented body—which I have never heard the Hon. Dr Peter Phelps described as—but the mammals on this planet would be pretty well stuffed. I recommend that the member grab a copy of Peter Ward's *Out of Thin Air* for reference—and, for the Hon. Marie Ficarra's information, the book is funded by NASA. It describes a mountaineer who makes it to the top of Mount Everest where he cannot survive without the aid of oxygen; he looks above to see a flock of geese flying high unheeded by the lack of oxygen. The Hon. Peter Phelps may then recall that their ancestors developed respiratory systems during the Cambrian period at a time when oxygen levels at sea level were significantly lower and carbon dioxide levels were higher with higher temperatures.

Our current atmosphere is greatly different from the atmosphere at most times of earth's history. It is currently suited to mammals, but that was not so during the Cambrian period. Two other periods of astrobiological timescales, 250 million years and 200 million years ago, nearly wiped out our furry ancestors, and if it had not been for the survival of a pre-mammal named *Thrinaxodon* the earth would not be dominated by the likes of the Hon Peter Phelps but by birds. The arguments of the Hon. Dr Peter Phelps about the Cambrian period and his assessment of the history of the atmosphere and the evolution of respiratory systems are nonsense, but it is just the type of nonsense we constantly get from the Hon. Peter Phelps. The motion then goes on to acknowledge the comments by the Opposition leader, Tony Abbott, on 29 July 2009 on Sky News when he stated, "If you want to put a price on carbon, why not just do it with a simple tax?" In 2009 that was his view. He may have taken that view because he was running a campaign at the time against the then Opposition leader, Malcolm Turnbull, on carbon tax and the emission trading scheme, but because there are a lot of people on the other side of the Chamber who argue about liberalism's role and the role of

government in free markets I will quote Malcolm Turnbull's comments on the introduction of the emissions trading scheme:

But, given we have an apparent bipartisan agreement that emissions should be reduced by five per cent of 2000 levels by 2020, is an emission trading scheme ... the best policy to achieve the desired outcome? Believing as I do, as a Liberal, that market forces deliver the lowest cost and most effective solution to economic challenges, the answer must be yes. Because more emissions intensive industries and generators need to buy more permits than less intensive ones, lower emissions activities, whether they are cleaner fuels or energy efficient buildings, are made more competitive. A brown coal fired power station, for example, pumps out four times as much CO<sub>2</sub> as an efficient gas fired one. Gas is expensive and clean; brown coal is cheap and dirty. If there is no cost charged for emitting carbon, there is simply no incentive to move to the cleaner fuel.

Until 1 December last year, there was a bipartisan commitment in Australia that this carbon price, this exercise in reducing emissions, should be imposed by means of a market-based mechanism—this emissions trading scheme. At their core, therefore, these bills are as much the work of John Howard as of Kevin Rudd. The policy I am supporting here today as an opposition backbencher is the same policy I supported as John Howard's environment minister. And why did we in the Howard government believe an emissions trading scheme was the best approach? It was because we as Liberals believed in the superior efficiency of the free market to set a price on carbon. As the Shergold report observes:

Market-based approaches have the potential to deliver least-cost abatement by providing incentives for firms to reduce emissions where this is cheapest, while allowing the continuation of emissions where they are the most costly to reduce.

Later in the speech he continued:

All of us in this House know that industries and businesses, attended by an army of lobbyists, are particularly persuasive and all too effective at getting their sticky fingers into taxpayers' pocket. Having the government pick projects for subsidy is a recipe for fiscal recklessness on a grand scale—

**The Hon. Dr Peter Phelps:** Hear! Hear! Who said that?

**The Hon. LYNDIA VOLTZ:** Malcolm Turnbull. He continued:

—and there will always be a temptation for projects to be selected for their political appeal. In short, having the government pay for emissions abatement—

I am glad that The Hon. Peter Phelps agrees with Malcolm Turnbull here and disagrees with his current leader, Tony Abbott—

as opposed to the polluting industries themselves, is a slippery slope which can only result in higher taxes and more costly and less effective abatement of emissions. I say this as a member and former leader of a political party whose

core values are a commitment to free markets and free enterprise. The Shergold report went on to say this about this very issue:

Financing subsidies and specific project-based interventions also impose costs on society from their use of taxation. If these approaches were to be used extensively to achieve large-scale abatement, the economy would suffer losses in economic and administrative efficiency. In contrast, market-based approaches to emissions abatement involve the explicit pricing of emissions, allowing the market to determine the cheapest source of emissions reduction.

Malcolm Turnbull went on to say:

The proposed ETS is a balanced, substantive and timely step forward on an issue of immense importance. By relying so heavily on market forces to address this very severe challenging problem, the ETS is far more in the great traditions of modern liberalism than any other available policy response. After all, I have always believed that Liberals reject the idea that government knows best and embrace the idea that government's job is to enable each of us to do our best.

Those are the words of Malcolm Turnbull. I will be interested to hear The Hon. Peter Phelps' views on Malcolm Turnbull's comments.

**The Hon. Dr Peter Phelps:** Don't worry; you'll get my views.

**The Hon. LYNDA VOLTZ:** I know we will get your views—at length, I assume. I have set out my reasons for introducing this motion. I have taken into consideration all the figures that have come out, all the scientific evidence and all the evidence about the best way to deal with carbon emissions. I congratulate the Federal Government on taking action to reduce emissions and to transfer our economy. I note that since the carbon price began Australia has continued to experience solid economic growth and has now the twelfth biggest economy in the world. Australia will deliver over 750 million tonnes of emissions reductions in the period to 2020 and is set to achieve these emissions reductions at the lowest cost to our economy.

**The Hon. Dr PETER PHELPS** [10.33 a.m.]: Once again I enter the lists to fight the enemies of freedom, commonsense and scientific accuracy, as we have to battle once again against this great anthropogenic global warming swindle. What is the latest evidence we have? It is that this is the coldest spring in France and Britain in the past 50 years. That is right: it is the coldest spring in France and Britain in the last 50 years. This comes on top of 17 years of no statistically significant change in world temperatures. Let me repeat that: for the last 17 years there has been no statistically significant change in world temperatures. And yet, through that period, carbon dioxide percentages in the atmosphere have been rising—and not merely rising but rising exponentially. So if human-produced carbon dioxide is the sole cause of global warming one would have to ask: Where is this global warming? Where is it? Where is it?

We know it does not exist, because the alarmists have even changed their terminology. In the nineties it was all about "global warming this" and "global warming that" but when the global warming failed to eventuate they changed their terms and it then became "climate change". It was not "global warming" anymore; it became "climate change". Why was this so? Because

there was no warming to speak of. In fact, as professor Curry, Chair of the School of Earth and Atmospheric Sciences at the Georgia Institute of Technology, said recently:

The real question now is not whether global warming has paused for the past 15 years, but whether the next 10 years will see a global cooling as well.

Let me repeat that: Recent evidence of ten-year trends infers that we are approaching a period of global cooling. And yet all through this time carbon dioxide output has been rising. And now we have a Climate Commission that says we need to shut down Australia's coal industry—at a cost of \$50 billion a year. Now, aside from the sheer insanity of that in economic terms, consider this: Australia's planned cut to emissions by 2020 would make a difference to the world's temperature, even assuming all these global warming alarmists' models are correct, of just 0.0038 of a degree by 2100—three one-thousandths of a degree.

The truth is this: Digging coal is no threat to anyone, except the green ideologues who want to enfeeble our economy and enslave our bodies. These people have more front than Mark Foy's. We have the East Anglia email scandals; the "hide the decline" scandal; the "use the science trick" scandal; the "we cannot explain the slowdown" scandal; and—the greatest hoax of all—the hockey stick graph scandal.

The Hon. Lynda Voltz mentioned warming in the lower troposphere. There is still no explanation from the climate alarmists for the failure to find any significant trace of warming in the lower troposphere, despite the fact that it was predicted by all the alarmist models. It should be there but it is not there. But do they say the models are wrong? No, no, they say, "It must be something else". It is even worse than that. They do not even bother to try to explain away the failure to find warming in the lower troposphere. Similarly, there is no attempt by the climate alarmists to explain why the Vostok ice cores show that CO<sub>2</sub> rises after, and not before, temperature rises. And there is still no explanation as to why, despite exponentially increasing amounts of CO<sub>2</sub> being released into the atmosphere, there has been no warming trend for more than a decade and a half.

The Climate Commission is headed by the same Tim Flannery whose outrageous claims suckered foolish governments into wasting billions of dollars on completely unnecessary desalination plants. The fact is that even this week Warragamba Dam had to open its gates and spill water. Yet only a few years ago Professor Flannery was saying our dams would be empty and that Perth would have to be evacuated because it would run out of water. Yet the water continues to flow down from Lake Burragorang into the river and out to sea. Sea level predictions also have proved to be increasingly inaccurate as time goes by. I am not the one who is saying that; it is the Intergovernmental Panel on Climate Change [IPCC]. The panel's four previous reports have all downgraded the level of sea level rise that is predicted even under the global warming alarmists' models. Even under these alarmist models, the Intergovernmental Panel on Climate Change has been forced on each and every occasion to revise downwards its expected sea level rise.

So where is this climate change? Being a sceptic about anthropogenic global warming is not about hating science; it is about loving science more than the zealots and conmen who purport to speak in its name. Instead of science you have glib hucksters and government grant shysters barricaded in the halls of academia simultaneously demanding more money for the new environmental theology while despising the very society that allows wealth to be created. So there are requests for more money for green industries despite the fact that the Spanish experience demonstrates beyond a shadow of a doubt that green industries are

woefully inefficient and each job costs hundreds of thousands of dollars. They are the sorts of people who, as I mentioned earlier this week, work on a nice little rotating current where they slide their way out of so-called environmental faculties at universities into non-government organisations and then into government departments, then back to environmental faculties, then to non-government organisations and then to government departments—all of them mutually reinforcing the lie.

The government departments support this with taxpayers' funds and the non-government organisations and academics increase their own power as bureaucrats. The academics rely on non-government organisations to provide them with support, and on the government to provide them with money to allow them to continue their own little fiefdoms. The non-government organisations are, of course, just as mercenary, relying on the patronage of government to give them a status far in advance of what any normal rational person would give them and using the academy as its training ground, breeding ground and holding area for environmental activists. These, quite frankly, are the sorts of people who should be unceremoniously defenestrated from their ivory towers and made to apologise to the people of Australia. But it will not happen. Why will it not happen? Because eco-guilt is the new original sin. As Pascal Bruckner wrote in the *Chronicle of Higher Education*:

For the past half-century we have, in fact, been witnessing a slide from one scapegoat to another: Marxism designated capitalism as responsible for human misery. Third-worldism, upset by the bourgeoisification of the working classes, substituted the West for capitalism as the great criminal in history and the "inventor" of slavery, colonialism, and imperialism.

With ecologism, we move up a notch: The guilty party is humanity itself, in its will to dominate the planet. Here there is a return to the fundamentals of Christianity: Evil is the pride of the creatures who are in revolt against their Creator and who exceed their prerogatives.

Let us be under no illusion: it is a theology, not a science. The global warming alarmists have purported to create a science but they have created the Scientology of science. They have created the ability for the hucksters, the shysters and the swindlers to make money out of the guilt of others. There is little doubt that the damage being done by climate change policies currently exceeds the damage actually being done by climate change, and would for several decades to come even if the alarmist models were correct. Hunger, rainforest destruction, excess cold weather deaths and reduced economic growth are all exacerbated by a rush to biomass, wind and solar. These dwarf any possible effects of worse weather, for which there is actually no evidence anyway, and the harm done falls disproportionately on the poor. Climate worriers claim that at some point this will reverse and the disease will become worse than the cure. An acceleration in temperature rise, they say, is long overdue. The snag is, of course, the best science says otherwise.

A couple of months ago saw the publication of a paper in the prestigious journal *Nature Geoscience* from a high-profile international team led by Oxford scientists. The contributors include 14 lead authors of the scientific report of the Intergovernmental Panel on Climate Change, which is coming up, and the study is about as authoritative as you can get. It uses the most robust method of analysing the earth's heat budget over the past hundred years or so to estimate a transient climate response—the amount of warming that, with rising emissions, the world is likely to experience by the time carbon dioxide levels have doubled since pre-industrial times. The most likely estimate, even in this instance, is only 1.3 degrees Celsius.

Even if we reach doubled carbon dioxide in just 50 years we can expect the world to be about two-thirds of a degree warmer than it is now, and maybe a bit more if other greenhouse gases are included. As the economist Bjorn Lomborg recently summarised:

Economic models show that the overall impact of a moderate warming (1-2C) will be beneficial [so] global warming is a net benefit now ...

Contrast this new result with the flagship climate model used by climate alarmists. The climate alarmists' model predicts a response of 2.5 degrees Celsius, or almost double the best estimate that the Oxford team has published. Indeed, the Oxford study concludes that it is more than 95 per cent certain that the response is below 2 degrees Celsius, considerably short of the what is predicted by the climate alarmists' model. The new paper also fits the known physics of the greenhouse effect, which predicts a warming of 1.1 degrees Celsius for a doubling of carbon dioxide. Only unverified assumptions by modellers about the added effects of water vapour and clouds have allowed politicians and activists to claim that a much higher number fits the laws of physics. Only now-disproven claims about how much the sulphur pollution in the air was masking the warming enabled them to reconcile their claims with observed actual data.

In an insightful new book, *The Age of Global Warming*, Rupert Darwall makes the point that "in believing scientists and politicians can solve the problems of a far distant future, the tangible needs of the present are neglected". The strong possibility that climate change, if it does exist, will be slow and harmless must be taken seriously before we damage more lives, landscapes and livelihoods of people in its name. The Greens love the idea of a theocratic serfdom for all humanity in which they are the high priests sent to redeem us from the sins of growth, development and civilisation. But the time of reckoning for the swindlers, the fakirs and the fellow travellers is at hand. That time of reckoning is coming, and it is coming soon.

**Mr SCOT MacDONALD** [10.48 a.m.]: Thank you, Deputy-President.

**Dr John Kaye**: The voice of the gas industry.

**Mr SCOT MacDONALD**: I acknowledge that interjection: the voice of industry.

**Dr John Kaye**: Point of order: The member has deliberately misled the House. I said, "The voice of the gas industry", not, "The voice of industry."

**DEPUTY-PRESIDENT (The Hon. Paul Green)**: Order! There is no point of order. The member acknowledged the interjection. Whether the member heard that in its full context is subjective, not objective. The Hon. Scot MacDonald has the call.

**Mr SCOT MacDONALD**: I will correct the record. Dr John Kaye did say "the gas industry". I was a little bit selective.

**Dr John Kaye**: Thanks, Scot. You're not a bad bloke.

**Mr SCOT MacDONALD**: Members on this side of the House have always understood that The Greens are prepared for and looking forward to the phasing out of the coal industry. I talked about this topic last week. What is shameful to this House is that the Australian Labor Party is turning its back on one of the foundations of that party—the coal industry. I mentioned last week that Ben Chifley, in his maiden speech, was very forthright about the

value and the importance of the coal industry to this State. It is a great shame that the Australian Labor Party has fallen for the shenanigans and extremism of The Greens and other groups such as 350.org. It is no longer a proponent of the coal industry. That has been played out in the Independent Commission Against Corruption over the past few weeks.

This debate is about extremism, practicalities and who stands up for the economic wellbeing of the State of New South Wales. The Coalition Government stands up for the economic wellbeing of our primary industries—mining and agriculture. A rigorous environmental regulatory regime is in place, although I am sure it could be improved in various ways. My view, which is shared by other members on my side, is that shutting down the New South Wales coal industry or putting a burden on it such as the Hon. Lynda Voltz has talked about achieves nothing. As I and the Hon. Dr Peter Phelps have pointed out in other debates, Australia represents about 5 per cent, and New South Wales less than 2 per cent, of world coal production. I am sure Dr Kaye will bring his facts to bear on it. If we shut this industry down tomorrow the world coal industry would have a shortfall of eight days of production to make up.

With less than 1 per cent of global greenhouse gas emissions, New South Wales has about 2 per cent of global coal production. That coal production and its exports would be replaced in eight days. I will be fascinated to hear from members opposite. If coal production in New South Wales is abolished 17,000 jobs in the Hunter Valley, 5,000 direct jobs in the north north-west, 9,500 jobs around the Illawarra and Sydney region and many more flow-on jobs will go. The shortfall of eight days would be replaced with coal production from places such as Indonesia and South Africa that have lower calorific coal. The impact on places such as China and India would be more greenhouse gas production. There is no sustainable argument to say that if we shut down coal production in New South Wales today or tomorrow then solar, wind, gas or nuclear energy would replace it.

There is an evolving energy mix and things are changing. For instance, India's renewable energy production is about 1 per cent. India is investing \$13 billion to increase that to 8 per cent, but that will take decades and decades. In the meantime members opposite want to cripple our economic wellbeing in New South Wales for a negative environmental impact. As the previous speaker articulated far better than I can, these are thought bubbles that are not rooted in practical, pragmatic economic realities. It startles me that although New South Wales and Australia built their standard of living and division of wealth across all societies based on cheap energy, cheap electricity—it is our industrial string—little by little we are being crippled. It starts with a tax and then becomes broader. Other countries, particularly in Europe, have moved away from emissions trading schemes. The price in Europe is down to €3 or €4 a tonne, which is a factor five or six times less than we are experiencing in Australia.

The point I am trying to make is that Australia is a small country with a population of 23 million. It is difficult, because of high costs as a result of our distance from the market, for us to produce and export goods that are sought overseas. Australia has the highest labour costs in the world and the highest environmental inputs on all production, whether it is agriculture or mining. And the Opposition wants to cripple us even more. It does not make sense at either an environmental level or an economic level. I reinforce the point that, unless markets are intervened in in a completely inefficient way, this will occur at great cost to the poorest people in our community and overseas. The poorest people in our communities are disproportionately affected by higher energy costs, higher electricity costs. For example, renters do not get the opportunity to take advantage of solar energy. Their electricity costs are

far higher than those of wealthy people. The wonderful concepts promoted by those opposite are completely at odds with the view of the world of Ben Chifley and the people who came after him: to look after the poorest people in our communities, not to impoverish the least wealthy in communities here and overseas.

When this country exports coal it assists 1.2 billion people who do not currently have access to electricity, or 2.8 billion people who are still cooking and heating with peat and wood. As I said in the House last week, 3.5 million women and children die every year from respiratory diseases because they have no alternative to cooking indoors with wood and peat.

There is this wonderful idea that we are going to fix the world's problems and we may change the energy mix over the years. However, in the meantime we will have three and half million more people. More people die of malaria and AIDS. I look forward to members presenting figures disproving that. In addition, 1.2 billion people are not on the grid. They are impoverished, they have a lower standard of living and they die earlier than we do. However, that is okay because New South Wales will fix it with a small carbon tax. We will feel better and it will not change our energy mix substantially. Of course, it makes no economic or environmental sense. This House needs to be reminded that the Government stands up for the agricultural and mining industries and members opposite are walking away from them as quickly as possible. Their forefathers would be bemused by this motion. They are turning their backs on 17,000 people in the Hunter, 9,500 people in the north and north-west and 5,000 people in the Sydney region who are directly employed in mining, primarily in the coalmining industry. I condemn the motion and look forward to the House rejecting it.

**Dr JOHN KAYE** [11.00 a.m.]: On behalf of The Greens I support the motion moved by the Hon. Lynda Voltz. I thank her for creating the opportunity for members of the Coalition to put on the record their attitude to what is clearly the greatest moral challenge of the twenty-first century—climate change. So far we have heard two different approaches to the problem. Approach number one, which was presented by the Hon. Dr Peter Phelps, could be largely categorised as climate change denial; that is, the science is wrong. Climate change deniers say that it is all a conspiracy and that tens of thousands of scientists around the world have cooked up this theory to create a conveyor belt from non-government organisations to academia and industry. The Hon. Scot MacDonald—

**Mr Scot MacDonald:** I no longer use "the honourable".

**Dr JOHN KAYE:** It is good to know that a fourth member has rejected that title. Mr Scot MacDonald's view is that we should not even talk about climate change. He did not address climate change once during his contribution. One approach is to deny that it exists and the other is to pretend it does not exist. I suspect that Mr Scott MacDonald probably accepts the science because he has worked in industries in which science is paramount. However, I also suspect that like many people in the fossil fuel industry he is taking a she'll-be-right attitude to the 23 billion tonnes of carbon dioxide equivalent that our global economy pumps into the atmosphere each year.

People of his ilk take a she'll-be-right attitude to the warnings issued by 97 per cent of scientists; they take a she'll-be-right attitude to the appalling weather patterns descending on North America and Europe—both extremely hot and extremely cold; they take a she'll-be-right attitude to the pleas of Pacific Island nations such as Tuvalu, who are calling out to the world to do something about the increasing saltwater inundation of their homes; and they take

a she'll-be-right attitude to growing concerns about the health, economic, social and safety aspects of the warnings issued by climate scientists. That is their right, but would they take the same attitude to smoking cigarettes and the spread of infectious diseases?

The situation is entirely analogous. The tobacco industry was a big employer of both industrial workers in cigarette factories and farm workers. Indeed, in the 1940s and 1950s when the health warnings were first issued about the connection between head, neck and respiratory cancers and cigarettes there were people who waved the flag for the tobacco industry just as Mr Scot MacDonald waves the flag for extractive industries. Some were like the Hon. Dr Peter Phelps and said that it was not true and that it was a conspiracy perpetrated by the Communists. They were the crude end of the tobacco industry's assault on science. Others said that it might be true and it might not be, but we do not want to destroy jobs. That line was trotted out until their loved ones started to die from throat cancer, neck cancer, lung cancer and emphysema. Of course, by then it was too late.

This motion implores the House not to leave it until it is too late and to acknowledge the science. I am a climate change sceptic, but I am also a quantum mechanics and evolution sceptic. That does not mean that I do not use a telephone or a television or that I refuse to board an aeroplane, all of which rely on quantum mechanics. If our understanding of quantum mechanics were grotesquely wrong, none of those technological advances would work. I believe that the science of quantum mechanics has a long way to go. My reading of it is that the fundamental understandings continue to evolve, but I accept its outcomes. It allows us to do things with semi-conductors, light beams and lasers, and so on.

Similarly, we are making constant advances in our understanding of evolution. However, we still use it to explain our planet and a large number of phenomena in medical science that are crucial to the development of vaccines and cures. Being a sceptic is good; it is about challenging science and perceived wisdom, which is a healthy thing to do. Every good scientist is a sceptic. What is deeply wrong with what the Hon. Dr Peter Phelps said is that it indicates that his scepticism has become denialism. Advances in science are explained away by saying that the previous understandings were wrong so all understandings are wrong. The honourable member—who should know better because he was trained in the science of thought—has turned the complexity of science into an alarm bell, a clarion call or a dog whistle for everything loose in our society.

Denialism is now the new politics of the far right, not only in Australia but also in the United States. It is very clever politics and it smothers our natural spirit of rebellion and scepticism. They are good characteristics because they reflect our capacity to challenge perceived wisdom and to shuck off people who tell us what we should believe. That rebelliousness and scepticism is the heartbeat of a modern democracy and freedom. Climate change deniers pervert those characteristics. They do so using the hundreds of millions of dollars that flow out of the extractive industry into organisations such as the Heartland Institute in the United States and, I suspect, its equivalents in Australia, including the Institute of Public Affairs. That money is fed into the debate to give a political and media voice to some of the craziest and most dangerous ideas we have heard this century.

Climate change alarmists create their own language and their own dynamic of the debate about climate change. One only has to listen to the bullying by Alan Jones, who cowers his audience into submission over his bizarre beliefs on climate change. Such people are deeply misleading the community over what is one of the most complex and challenging debates that

we should have for the twenty-first century—that is, how we respond to the warnings of 97 per cent of scientists who look at this issue. I suspect that if those who are funded directly by the fossil fuel industry are removed, the figure would be far higher. That 97 per cent of scientists say that our current mode of economy, based on dumping billions of tonnes of carbon dioxide and carbon dioxide equivalent greenhouse gases into the atmosphere every year, will do damage to the climate system of our planet. That damage will translate into real and palpable damage for individuals, economies, agriculture, water supply and human health.

To ignore the warnings of those 97 per cent of scientists is to ignore the canary in the coalmine. To ignore the warnings from scientists about the consumption of tobacco, hygiene, control of disease, their challenge about the way we run our economy and about the hole in the ozone layer from chloroflurocarbons in each case would have led to massive human misery. When 97 per cent of scientists say there is a real and present danger that we are destroying our life support system, as civilised, intelligent sceptical human beings we have no choice but to ask questions about we should respond. Instead of spending our money, time and effort on debating the science we should be debating how to respond to that science and what to do.

I foreshadow that I will introduce a bill on behalf of The Greens in relation to how we should respond to that warning, I am sure that the Australian Labor Party will have a different view. I am sure that members of the Government will have a range of views on how we should deal with that warning. It is not a debate about the science; it is a debate about how we should respond to the science. What is appalling is this debate has been taken back whether the science is to be believed. We do not have an option whether to believe the science. We can hold beliefs about the science if we want to, but if we are to be rational and to define a set of policies that work for the future we have to accept the warnings of scientists and of the planet.

One aspect of denialism that I find most alarming is the idea that scientists are wrong because Europe had a very cold winter and therefore global warming is not occurring. Nothing is simple in relation to a climate system. Perhaps scientists were wrong to name it "global warming" because global warming in one part of the planet will inevitably move air flows. What happened in Europe this winter was the direct result of a jet stream moving south bringing cold air, carrying a large amount of frozen water on to Europe. There is good argument that that was a direct result of climate change; of the melting of ice, the change of the ice cover on the Arctic as a result of which the jet stream moved further south and brought cold air into the central sections of Europe that would normally go to only the northern section of Europe. It is ridiculous, absurd, simplistic and deeply misleading to say there is no problem with the planet because Europe had one of the coldest winters, and it belittles those who say it.

Members will recall that in 2006 and 2007 the community had a far stronger belief with respect to climate change because we were in the middle of a drought. Now that we have La Niña effect the community has a weakened belief in climate change. The reality is that we cannot rely on individual climatic episodes to say whether there is climate change; we must rely on the science.

**The Hon. Trevor Khan:** I hope people apply that on both sides of the debate.

**Dr JOHN KAYE:** There is no debate on the science; there is only debate on how to respond

to it. I find it alarming when politicians say they can have policies that ignore the science. I will put one statistic on the record in relation to jobs. If we build a new coal-fired power station in New South Wales, 80 per cent of the capital value will be spent overseas—that is, 80 per cent of the employment value of those jobs will go overseas. If we build the equivalent capacity of wind turbines, 80 per cent of that construction and capital value can be had in New South Wales. Mr Scot MacDonald talked about 32,500 jobs in extractive industries, only a part of which is coal. I trump him with 73,800 new jobs in renewable energy. The Greens support the motion.

**The Hon. STEVE WHAN** [11.16 a.m.]: I support this important motion. Climate change sceptics often state their point of view in this place. I believe that climate change is a real challenge for New South Wales and for the world. There is overwhelming scientific endorsement of climate change. Of course, there are deniers in our society, but the overwhelming scientific opinion supports the need for us to act on climate change. I am a member of Clean Energy for Eternity, the south-east region's body, which for some years has been working on a target of 50:50 for clean energy in the south-east. Many local councils in the Monaro and South Coast regions have signed up to it. We have seen grassroots community action taken to try to address climate change.

The problem in rural New South Wales is that a head-in-the-sand attitude will hurt the economy and agriculture in New South Wales. The south-east has a real challenge in the ski industry, to which I will refer in a moment, and in agriculture. The CSIRO, which has been a reputable source of information on many aspects of agriculture for many years, has made an assessment of the impact of climate change in the south-east region on agriculture and has made some quite concerning findings. The CSIRO looked particularly at the impacts on water supply in the Murray-Darling Basin. In its October 2008 report the CSIRO referred to the impact of climate change by 2030. It said that surface water availability across the entire Murray-Darling Basin is more likely to decline than increase. A decline in the south of the Murray-Darling Basin is more likely than in the north and a very substantial decline is possible.

The CSIRO median figures for the entire Murray-Darling Basin is 11 per cent decline in water, 9 per cent in the north and 13 per cent in the south of the Murray-Darling Basin which would have a very significant effect on agriculture as well as on the health of the river systems. According to the CSIRO, median water availability would reduce the total surface water use by 4 per cent under current water sharing arrangements but would further reduce the flow at the Murray mouth by 24 per cent, to be 30 per cent of the total, without development outflow.

In volumetric terms, the majority of the impact on climate change would be borne by the environment rather than consumptive water users which would be a concern to environmentalists but it would also have an impact on agriculture in the Murray-Darling Basin. Over many years the water users, with less security in their licences, would see declines in the amount that was allocated to them. In Australia's alpine areas a series of studies have shown significant impacts on snow cover.

A study conducted by Rachel Slatyer on climate change impacts on Australia's alpine ecosystems predicts a decline in the area of snow cover in Australia of between 22 per cent and 85 per cent by 2050. Environmental impacts on endangered species such as the mountain pigmy possum are highlighted in a number of climate change reports. The Garnaut report

suggests that the impacts in the ski industry will be particularly significant. I have previously spoken in this place about the impact of climate change on alpine resorts in south-east New South Wales, in particular. For example, the report on the economic significance of Australian alpine resorts showed that the gross regional product generated by alpine resorts in the Snowy River Shire was \$561.6 million, or 57 per cent of the local government area total.

The Garnaut report and many others, including the CSIRO's predictions which some were based on, show a severe potential impact on the Snowy region, including decreased snow season duration, decreased snow depth and coverage, an increased artificial snow making requirement, deteriorating conditions for artificial snow production, increased peak energy demand, infrastructure damage and business interruption, reduced stability of soil and infrastructure foundations, and loss of alpine habitat. The implications for the industry include increased expenditure to maintain ski infrastructure, reduced visitor numbers, reduced employment opportunities, reduced integrity of structural foundations, increased catastrophic events—for example, the Thredbo landslide—and increased demand and utilities costs, particularly water and power as more snow is being made.

The Garnaut report looked at a number of scenarios, including the "business as usual scenarios"—that is, the view taken by many of those opposite that we should not take action on climate change. Those scenarios show the impact on the alpine climate, and therefore the ski industry, to be nothing less than high to extreme. The scenarios in which we make sensible attempts to mitigate climate change over a period of time—and I will return to this if time permits—range from low to moderate. This is worrying. That is why we see a large number of messages when we visit alpine areas about climate change and acting responsibly for the environment.

There is much debate about how to respond to climate change. The sensible response is to start pricing emissions, as the Federal Labor Government has done. Even those economic rationalists on the other side of the House would have to agree that when a price signal is put on something people will change their behaviour and shift to options with different pricing structures. That is why, as well as the clean energy and renewable targets, we have already seen a strong shift towards other sorts of power usage in New South Wales. For example, because of the price of electricity in New South Wales I now have solar panels on my roof with no feed in tariff. It is more economically viable and logical for me to do so with a 19-year-old and 20-year-old living in my house.

Carbon pricing is critical in responding to climate change. It is of real concern that if the Federal Coalition is elected at the upcoming election it might ditch carbon pricing. Indeed to any economic rationalist the Federal Coalition's proposed policy of paying people to do things rather using market mechanisms must seem quite illogical. I never cease to be amazed at how those who claim to be supporters of the market can support an approach that moves from a market to an incentive mechanism. However, the move away from fossil fuel will be gradual. As I have said before, we will need to increase our reliance on cleaner energy as we go forward over a period of time—the Garnaut report talks about periods of time ranging up to 2100. The Garnaut report strongly endorses the need for more gas use in New South Wales and that is why I consistently talk about the need for a gas supply in this State. The report states:

In an effective global approach to mitigation, Australia would move quickly to replace high-emissions coal generation with increased output from currently operating gas plants. It would also concentrate new investments on gas and

renewables, and over time would replace established coal generation capacity with new gas and renewable energy.

"Over time" being a key point. It continues:

Eventually, with deeper reductions in emissions and a higher carbon price, gas itself would become uneconomic in the absence of low-cost biological or geological sequestration of emissions. Economically efficient sequestration would, of course, give coal a new economic lease on life, and prolong the economic life of gas. It seems likely that sequestration from gas combustion will be cheaper and easier from coal.

It is clear that gas should be part of the fossil fuel transition process. We should not lose focus on the potential for clean coal—as appears to have happened in recent years—or take a nimby approach to these things. I have now seen protests against every source of energy in New South Wales. This Government gives lip-service to those who oppose wind farms. Wind farms are like any industrial development—namely, there are right and wrong places for them. They should not be found in areas of highly dense development or highly dense rural residential development; as long as we talk with local communities they are perfectly appropriate in broadacre rural areas. I have even seen a protest about a solar farm bizarrely supported by Mr John Barilaro, the member for Monaro. He backed people protesting about a solar farm in the Australian Capital Territory. We all recognise the need for energy and that means we will have new energy developments in various locations.

**The Hon. Dr Peter Phelps:** I am not sure The Greens recognise that.

**The Hon. STEVE WHAN:** I acknowledge the interjection of the Hon. Dr Peter Phelps. And in the longer term, when it can be proven that gas can be safely extracted, gas will be included in those developments. One of the biggest threats to our progress towards reducing reliance on fossil fuels is the prospect of losing carbon pricing under an Abbott government. I also blame The Greens for that. Had The Greens not blocked the first Rudd Government's attempt to have an emissions trading scheme we would now have a scheme that could not be reversed. It is possible that by next year there will be no carbon pricing in Australia and The Greens will share in the blame for that. It may not have been the perfect scheme but in politics, and in life, we have to try and come up with something which will survive in the long term.

I am always outraged to hear Government members in this place say that Australia should not be on its own in taking action on this. Yesterday President Obama said his focus over the next few years will be on climate change. He described those opposing his measures again as "flat earthers". When I visited China I saw massive wind farm developments being built as part of an attempt to not just rely on coal—

**The Hon. Dr Peter Phelps:** What about China's coal developments?

**The Hon. STEVE WHAN:** China's coal developments are big but it is trying to not just rely on coal. I have spoken before in this place about coal being a key ingredient in moving many people out of poverty in China, and that is absolutely critical. We should not lose sight of the fact that energy, electricity, is a critical factor in people coming out of poverty. Shenzhen in China is about to introduce a carbon pricing mechanism. Two Chinese provinces will be involved in a carbon pricing trial to help determine a national mechanism. For Government members to say that Australia is operating on its own in this area is completely wrong. The

world's biggest country, based on population, is moving in that direction. The United States of America is moving in that direction. The world's first and second biggest economies are taking strong action on climate change. It is interesting that recently the American Environmental Protection Authority noted that carbon emissions are falling in the United States for the first time, largely because of the move to gas, and that is an important part of that mix.

I strongly support this motion. As I said, I am a member of Clean Energy for Eternity in the local area. I have swum the 7½ kilometres of Lake Jindabyne several times, mostly in February, to raise money for that organisation and for solar panels. I will continue to support grassroots action on climate change, as well as national and State level action on climate change. It is critical for Australia to act on climate change because the cost to our agricultural sector of not acting is devastating. The cost to our economy is critical, particularly in the Snowy Mountains. Indeed, all the projections show that a move to cleaner energy will generate jobs in south-eastern New South Wales. Climate change needs to be treated seriously by governments at all levels in Australia. I commend the Hon. Lynda Voltz for moving this motion.

**The Hon. RICK COLLESS** [11.30 a.m.]: I express my concern about and opposition to this motion and in so doing I will bring members up to speed with a few scientific facts about something I know a fair bit about, that is, carbon. One aspect of this debate that has concerned me greatly over the years is that carbon and carbon dioxide have been identified as pollutants.

**The Hon. Dr Peter Phelps:** Demonised. Unfairly demonised.

**The Hon. RICK COLLESS:** Carbon and carbon dioxide have been demonised. I will argue that carbon and carbon dioxide are not foes or demons; they are very much our friends. Members who studied science at school would have learned about the carbon cycle. I am sure Hon. Steve Whan did because he is not interested in my comments. Members who learned about the carbon cycle at school would know that the carbon cycle is also termed "the cycle of life". Carbon is a friend. The carbon dioxide in the atmosphere is taken up by green plants; photosynthesis occurs—

**The Hon. Steve Whan:** Why don't you advocate increasing emissions?

**The Hon. RICK COLLESS:** If the Hon. Steve Whan listens he will learn. That carbon dioxide is turned into sugars and energy, which other animals need in order to go about their daily business. If I hold up this glass of water, what is the energy source that is stopping the glass from falling to the ground? It is the oxidation of carbon. It is the carbon that is being oxidised from the sugars in my body, my food, my blood that is holding up the glass. In so doing I am emitting carbon dioxide, which is then taken up by plants and the cycle starts again. It is the cycle of life. Let us talk about the various amounts of carbon dioxide in different parts of the countryside.

In the atmosphere there are about 730 gigatonnes of carbon dioxide. In the ocean there are about 38,000 gigatonnes of carbon dioxide. In vegetation and soils there are about 2,000 gigatonnes of carbon stored in that process. There is a flux; it moves between each one of those storages every day. Photosynthesis takes carbon dioxide out of the atmosphere and combines it with water and light and energy from the sun to produce sugars, which we then

use for food. And it releases oxygen, which we need to breathe. Carbon is the basis of all our food. That food plus oxygen give off water, carbon dioxide and energy. As I said, when I was holding up the glass, the oxidation of that carbon gives off energy, which allows us to go about our daily work.

**DEPUTY-PRESIDENT (The Hon. Sarah Mitchell):** Order! I welcome to the public gallery members of the Moss Vale Probus Club, guests of the member for Goulburn, the Hon. Pru Goward.

**The Hon. RICK COLLESS:** The people in the public gallery have come at an opportune time as we are talking about global warming and the role of carbon dioxide in our food supply. In the atmosphere there is 78 per cent nitrogen, 21 per cent oxygen, a trace of a gas called argon and a smaller trace of a gas called carbon dioxide, which is currently between 380 and 400 parts per million. Over the past 140,000 years the carbon dioxide level in the atmosphere has varied from 150 to 380 parts per million. Over the past 600 million years it has varied from 150 to 7,000 parts per million. That is 20 times higher than it is currently. Carbon dioxide is not a pollutant.

**DEPUTY-PRESIDENT (The Hon. Sarah Mitchell):** Order! If the Hon. Lynda Voltz and the Hon. Dr Peter Phelps wish to conduct a conversation they should do so outside the Chamber.

**The Hon. RICK COLLESS:** The Hon. Lynda Voltz should be listening to this. Carbon dioxide is a colourless, odourless, non-toxic gas that is heavier than air. Over millions of years, as I said, it has varied from more than 7,000 parts per million down to 150 parts per million. I do not follow the argument that, for example, the Barrier Reef will be destroyed if the carbon dioxide gets above a certain level. In the Devonian period, which was 350 million or 400 million years ago, the carbon dioxide levels were about 3,000 parts per million. Members who have been to Western Australia and visited the Napier range would know that it is an ancient barrier reef. It is a calcium carbonate barrier reef that formed at a time when the earth's carbon dioxide levels were 3,000 parts per million. I note the silly giggle coming from the Hon. Lynda Voltz. Obviously she does not understand the true science of the story of carbon.

Over the last 2,000 years the earth's temperature has varied dramatically. In the period prior to 900, which was known as the Dark Ages, the earth's temperature was about one degree cooler than it is now. That period was called the Dark Ages because it was cold, it was uncomfortable for people to live and people did it tough. Then came a period called the Mediaeval Warm Period, which existed from about 900 to 1300. During that period the earth's temperature was about two degrees warmer than it is now. That was the time of a big human expansion in the world, and it is the time when many major cathedrals and other buildings were constructed in Europe. It was a period of expansion. What caused that warming during that time?

From 1300 to about 1800 or 1850 we went through a period that is known as the Little Ice Age, when the earth again was about two degrees cooler than it is now. I suspect that no-one in this House can remember this, but many of us have read the history books and heard about the ice fairs that were held on the Thames River in the 1600s. The Thames River froze over because the earth's atmosphere was about two degrees cooler than it is now. From 1900 the earth has entered a period called the Modern Warm Period. During that time, the carbon

dioxide level has not varied by much. What caused the increase from two degrees lower than it is now? It is the first 100 parts per million of carbon dioxide in the atmosphere that has the greatest impact on the temperature. If one looks at the carbon dioxide curve, as the carbon dioxide level increases the temperature decreases. The increase in temperature becomes less as the carbon dioxide level—

**The Hon. Dr Peter Phelps:** It is a logarithmic scale.

**The Hon. RICK COLLESS:** It is a logarithmic curve, as the Government Whip points out. Doubling the current level of carbon dioxide will cause only a minor increase in global temperature. I have a graph of that here; if members would like to have a look at it, I am more than happy to share it with them. That experiment has been repeated many times.

There are many other impacts on temperature. The rotation of the earth impacts on the temperature; the path of the earth around the sun impacts on the temperature; the inclination of the earth's axis impacts on the temperature; the influence of other planets, such as Saturn and Jupiter, impacts on the temperature; and the procession of the earth's axis impacts on the temperature. If those opposite do not know what I am talking about, I suggest they do some research because these facts are well known and well understood. The oceanic water turnover can affect the carbon dioxide. Cloud albedo—which is the amount of cloud cover—has a much greater impact on the earth's temperature than carbon dioxide does. Volcanic activity has an effect.

Finally, I want to talk about sunspots and solar activity. I am sure the people in the public gallery from Moss Vale understand that on a cold winter's night when one puts a log on the fire the fire flares up and gets warmer and one moves away from the fire a little bit. As the fire cools down, one has to get closer to keep warm. That is exactly what happens with the sun. The sun flares up and cools down, and when there is more energy coming out of the sun the earth gets warmer. It is as simple as that. We are now in a period of solar activity that is decreasing. Solar cycles 24 and 25 have been well researched and it is known that the sun is emitting less energy now than it did during the last 30 or 40 years. That is a very powerful driver of the earth's temperature. I note the Hon. Lynda Voltz and the Hon. Jeremy Buckingham giggling about this. They do not understand it.

**The Hon. Dr Peter Phelps:** They don't understand it.

**The Hon. RICK COLLESS:** They have never bothered to research it. They have never bothered to study it and to try to understand it. The point is that there are many factors that impact on the global temperature of the earth, not just carbon dioxide. Carbon dioxide affects the earth's temperature for the first 100 parts per million and after that the effect diminishes. Are we so arrogant that we believe that we can control the temperature of this planet?

**The Hon. Dr Peter Phelps:** We're not.

**The Hon. RICK COLLESS:** We are not, but some are. There was a famous king a few generations ago who thought he could push back the tides.

**The Hon. Dr Peter Phelps:** Canute. They've been canuted by your arguments.

**The Hon. RICK COLLESS:** King Canute. Now we have Queen Canjulia or King Canrudd

who arrogantly think they can control the temperature of this planet. In fact, they have very little impact on it. I would love to continue to talk about how we can deal with this so-called carbon dioxide level in the atmosphere if we needed to. It can easily be done through agricultural science by sequestering carbon dioxide into the soil.

**The Hon. Jeremy Buckingham:** Why would you bother if it's not a problem?

**The Hon. RICK COLLESS:** Because it is good for the soil. The Hon. Jeremy Buckingham does not understand that either. That is another failing: he does not understand how good carbon is for the soil. If he does, I invite him to tell us how carbon works in the soil. It looks as though he has a speech ready to go. I oppose the motion.

**The Hon. JEREMY BUCKINGHAM** [11.43 a.m.]: I commend the Hon. Lynda Voltz for bringing this important motion before the House. I begin by pointing out that humans did not move on from the Stone Age because we ran out of stones; it was because we developed new technology. Humans have used knowledge and innovation to adapt and develop new technologies.

**Mr Scot MacDonald:** Point of order: If members directly quote from a source during debate, in order to avoid plagiarism they should acknowledge the author. The Hon. Jeremy Buckingham's words are directly from Bill McKibben. The member should acknowledge that.

**DEPUTY-PRESIDENT (The Hon. Sarah Mitchell):** Order! There is no point of order.

**The Hon. JEREMY BUCKINGHAM:** I would rather take my cues from Bill McKibben than from Tony Haggarty, King Coal.

**Mr Scot MacDonald:** Are you going to acknowledge it or not?

**The Hon. JEREMY BUCKINGHAM:** It is not plagiarising, it is called paraphrasing.

**The Hon. Dr Peter Phelps:** Parroting.

**The Hon. JEREMY BUCKINGHAM:** The Hon. Dr Peter Phelps is the parrot. It is important to note in this time of climate change—

**The Hon. Dr Peter Phelps:** There has not been a ruling.

**The Hon. JEREMY BUCKINGHAM:** There has been a ruling. It is important to note that there has been consensus in the scientific community that the globe is warming. In New South Wales we have a Coalition Government building a State-owned coalmine and selling subsidised coal to electricity generators. The Hon. Peter Phelps is always lambasting The Greens, saying we support the North Koreans, but here he is—

**The Hon. Lynda Voltz:** Point of order: I have previously raised the constant interjections by the Hon. Peter Phelps during debate in this Chamber. He should remain silent and not interject. Members should remain silent during debate.

**The Hon. Rick Colless:** To the point of order: It is hypocritical of the Hon. Lynda Voltz to

take that point of order when she constantly interjected during my speech.

**DEPUTY-PRESIDENT (The Hon. Sarah Mitchell):** Order! I uphold the point of order. I remind members that interjections are disorderly at all times. Members who continue to interject will be called to order.

**The Hon. JEREMY BUCKINGHAM:** So here we are in New South Wales in 2013 with the Coalition Government forging ahead with a State-owned coalmine. Treasury official Kerry Schott, in an analysis on the sale of State-owned electricity assets, stated:

Taxpayers will be hit with about \$450 million in penalties relating to the privatisation, which sold trading rights for electricity produced by state-owned power stations for a profit of about \$1.2 billion.

That is a huge liability for the people of New South Wales: a \$1.4 billion cost to develop a State-owned coalmine in the age of climate change and the sale of subsidised, poor-quality coal, which no-one wants, extracted from mines that the communities of Cobbora, Dubbo and Dunedoo oppose. This crazy plan is outrageous. I call on the Government to drop its plan for a State-owned coalmine, which will destroy the local environment, exacerbate the problem of climate change and diminish our contribution to carbon reduction. Climate change is real.

**The Hon. Dr Peter Phelps:** Is global warming real?

**The Hon. JEREMY BUCKINGHAM:** There is a consensus in the rational, peer-reviewed, scientific community that the globe is warming. I refer to the latest figures from the National Oceanic and Atmospheric Administration [NOAA] in the United States, which provides statistics on recent temperatures. In May 2013 global temperatures were the third highest on record. From March to May this year temperatures were the eighth warmest on record. The globally averaged temperature for May 2013 tied with 1998 and 2005 as the third warmest May since record keeping began in 1880. May 2013 also marks the thirty-seventh consecutive May and the 339th consecutive month with a global temperature above the twentieth century average. You guys opposite just do not do maths; you do not do statistics; you do not do science. You cherrypick of what was happening in 1642 when someone used to go ice skating on the Thames as evidence that all these scientists are wrong. It is ridiculous; it is a joke. I reiterate: May 2013 marks the thirty-seventh consecutive May and the 339th consecutive month with a global temperature above the twentieth century average.

Many areas of the world experienced higher than average monthly temperatures, including most of northern Siberia, western Russia, northern and eastern Europe, and central Australia. Meanwhile, western Siberia, north-eastern Kazakhstan, western Europe, south-western Greenland, parts of the central and south-eastern United States, and Australia were above average. This data is building on a massive amount of information the scientific community has that we are warming the planet through the contribution of greenhouse gases.

The Hon. Lynda Voltz's motion speaks for itself. Australia set a new record for the hottest day for Australia as a whole on 7 January, recording 40.3 degrees, surpassing the previous record set on 21 December 1972. There is consensus among the people of Australia: we acknowledge and accept the science that underpins global warming. The people want action to reduce our greenhouse gas emissions because the community understands what is at risk. I believe there is a growing consensus in the farming community that acknowledges the devastating impact increased temperatures will have on our capacity to farm and grow crops

and be resilient into the future.

There is no doubt climate change will make our cyclones worse; there is no doubt climate change will make our floods worse; and there is no doubt climate change will make our droughts worse. That is the most devastating thing I think we will see in the future. The Hon. Rick Colless will reap the whirlwind when the next El Niño comes and there are record temperatures on top of that. He will look back at all he has said in this House, which has been recorded by Hansard, and he will have to hang his head in shame.

I turn now to a very important issue, which is the contribution of shale and coal seam gas to global warming and climate change as a result of fugitive emissions from this huge and emerging industry. A study was done recently and a report issued by the Centre for Climate Energy Solutions, which said America's shift from coal to gas had produced important climate gains. That is what they said initially. Carbon dioxide emissions fell last year to their lowest point since 1994. The United States made a massive reduction in CO2 emissions. So despite the howls from members opposite, the rest of the world is moving to adopt renewables and the United States—

**The Hon. Dr Peter Phelps:** No they're not. It's nuclear and gas.

**The Hon. JEREMY BUCKINGHAM:** They have moved and there is a massive increase in investment in renewable energy. Last year, CO2 emissions in the United States fell to their lowest level since 1994. Energy-related carbon dioxide emissions were 12 per cent below 2005 levels. But, concerningly, the report said that those reductions were not enough on their own to escape the most catastrophic consequences of climate change. Also, they were being offset by a sharp rise in methane emissions, the most powerful greenhouse gas, on a human time scale, that was being released into the atmosphere at well sites, compressor stations and pipelines. Methane is up to 105 times more potent than carbon dioxide as a greenhouse gas on a 20-year time scale. Dr Eileen Claussen, President of the Center for Climate and Energy Solutions [C2ES], said, "We have to deal with the methane emissions, whether they are large, which I think is unlikely, or whether they are small. Natural gas is growing and we need to deal with the emissions because last year some 29 per cent of America's electricity came from natural gas."

The United States has made this transition to gas and now, after the fact, people are assessing the methane emissions. Studies are being done in Tara, Queensland, and in other areas by Southern Cross University that are giving indications of considerable fugitive emissions from coal seam gas and unconventional gas development. If that is the case, it completely undermines the case for natural gas, as it is called—coal seam gas—being a clean alternative to coal. We need to roll out renewable energy on a massive scale. My colleague Dr John Kaye has launched a fantastic initiative, "100% renewable NSW", which sets out the pathway to a renewable future for New South Wales. In this State we have billions of dollars worth of wind farms on the books ready to go to generate clean energy, regional jobs and investment. The Government is getting in the way of that development.

I note Mr Scot MacDonald is not in the Chamber, but many areas, especially in the north of the State, are absolutely champing at the bit to get renewable energy going in their districts. Recently I was in Moree talking to the mayor, councillors and farmers and they would love the opportunity to build base load solar thermal power generation in their district. They see it as a win-win for them—local jobs, local power generation, and clean energy being produced

in their region as an alternative to coal seam gas development and coalmining, which undermine their capacity to grow the food and fibre that feeds and clothes us. Those communities are saying they want renewable energy. They cannot understand why this Government would put roadblocks in the path of that development, which are purely ideologically based. They are based on cherry-picked flawed science when the overwhelming consensus in the scientific community continues to be that we have to deal with climate change and that the world is warming.

Nothing in the record shows a cooling trend. Everything points to a long-term warming trend and an increase in greenhouse gases in the atmosphere as we go past 400 parts per million. The honourable member talked about there being 7,000 parts per million in the atmosphere in times when humans did not exist on Earth. At no time in our history have humans experienced this level of greenhouse gas in the atmosphere. It is a massive risk. It is a huge experiment and an entirely unnecessary one because we have the capacity, as I said earlier, to embrace new technologies. The world is doing it. Expenditure and investment in renewables is now outstripping other forms of fossil fuels. It is the future. We need to address climate change. Our country cannot risk—[*Time expired.*]

**Reverend the Hon. FRED NILE** [11.59 a.m.]: The first paragraph of the motion moved by the Hon. Lynda Voltz concerning temperature changes in Australia commences, "That this House notes that according to the Australian Bureau of Meteorology", and then goes on to cite a number of matters without giving a reference as to where the report came from. I have found a report issued by the Bureau of Meteorology entitled, "Special Climate Statement 43—extreme Heat in January 2013." I urge the Hon. Lynda Voltz to study that report, which describes the meteorological situation in detail, commencing with the rainfall being below average in southern Australia. The climate statement goes on to describe multiple instances of winds drawing very warm air from Central Australia onto south-western Australia, South Australia, Victoria, Tasmania and New South Wales. This is confirmed by the bureau's various monthly weather reviews, which add further detail. For example, the review for the Northern Territory says:

Throughout the month several high pressure centres moved along the sub-tropical ridge. These slow-moving, dry and very stable air masses allowed for high temperatures to persist across the central NT.

It went on to say:

Beginning on the 15th, a surface based low-pressure system formed over Central Queensland and began moving to the northwest in the ensuing days. At the middle levels of the atmosphere the monsoon trough began shifting south to meet the surface low. This caused the onset of the North Australian Monsoon on the 17th of January. This came about three weeks later than usual, but still within the standard deviation of the monsoon timing.

In other words, the heatwaves were caused by warm conditions in Central Australia, a monsoon running late and winds distributing the warm air. This explains why we had those heatwaves during January. It had nothing to do with humans, nothing to do with anything else at all. They are just the climatic conditions in Australia. The Hon. Lynda Voltz built her whole case on what she has interpreted as a report, without looking at the entire report to get it in context, which I have just done. The Greens and others debate global warming and, when that does not look to be popular, they swing over to climate change. We cannot lose a debate on climate change, because the climate changes. We all acknowledge that it changes. The question is what causes those changes.

The latest figures on carbon dioxide emissions as a percentage of world totals—for the benefit of those who are panicking about Australia—show that China contributes 19 per cent and the United States 18 per cent. How much does Australia contribute? It is 1.5 per cent. In other words, if we stopped driving all the cars in Australia, closed all the coalmines, removed all the cattle and shut down all the factories it would have no impact on the world's carbon emissions. Obviously we would go back to primitive times when people were living in caves. We need to get things in context. People like to mislead the community by saying we should look at emissions per person because Australia's large geographical area and small population distort those figures.

We should compare the figures for each nation, and Australia's contribution is only 1.5 per cent. If we stopped that 1.5 per cent it would have no effect on the total emissions and no effect on the world's temperature, except that it would destroy our economy and our jobs. It should be noted that the earth's climate constantly goes through periods of warming and cooling. Scientists are now able to extract ice core samples from the Antarctic dating back 650,000 years. Using these samples, they have been able to estimate what temperatures were in the past. The recent warming trend is not outside the range of natural variability. The latest scientific data suggests that we may be entering a period of global cooling, not global warming.

Another matter that members should note is that carbon dioxide is likely not the major cause of global warming, if it does occur. The same Antarctic ice core shows a relationship between carbon dioxide levels and temperature that is the opposite of what environmentalists would expect: Temperature changes precede increases in carbon dioxide by 100 to 1,000 years. Even if carbon dioxide was the cause, there is not much we could do about it. Man-made carbon dioxide accounts for a very small percentage of atmospheric carbon dioxide. There is a much stronger correlation between solar output and global temperatures.

Solar output is influenced by radiant heat energy and solar winds, both of which appear to have natural cycles. As human beings on planet Earth we have no impact on the sun. We also should know that in spite of claims that all scientists are totally in support of the theory as presented by the Hon. Lynda Voltz in her motion, there is not a scientific consensus that man is the primary cause of global warming. A group of scientists and researchers have already signed a declaration that there is no convincing evidence to suggest that carbon dioxide emissions from modern industrial activity cause climate change, and called upon world leaders to abandon all efforts to reduce emissions. That petition was signed by 31,000 scientists.

**Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.**

## **CARBON TAX**

**Reverend the Hon. FRED NILE:** I ask the Minister for Roads and Ports, representing the Minister for Resources and Energy: Is it a fact that Australia's only contribution to the world's total carbon emissions is 1.5 per cent? What will be the future impact of the carbon tax—if it continues—the mining tax and the closure of New South Wales power plants on the New

South Wales economy and jobs?

**The Hon. Steve Whan:** You should have done this this morning in the debate on climate change.

**The Hon. DUNCAN GAY:** I thank the Hon. Steve Whan, the former member for Monaro—who is now reclining on the losers' lounge because the people in his electorate threw him out at the last election—because his comments are absolutely correct. It is not usual but it is good to see that he is listening—he has not learned a lot yet but he is listening.

**The Hon. Walt Secord:** Stop attacking Reverend the Hon. Fred Nile.

**The Hon. DUNCAN GAY:** Reverend the Hon. Fred Nile is not on the losers' lounge; he is in the Christians' lounge.

**The PRESIDENT:** Order! The Minister should ignore the interjections and continue with his answer.

**The Hon. DUNCAN GAY:** It is more like the Christians' lobby. The Hon. Steve Whan is correct; there was a debate this morning on climate change. I heard the Deputy Opposition Whip, the Hon. Lynda Voltz, limp into it and then I heard the Government Whip, the Hon. Dr Peter Phelps, deliver what I think was one of the finest contributions I have heard from him, and we know he finds some absolute crackers.

**The Hon. Steve Whan:** Point of order: There is a standing order against Ministers reflecting on members of the House. I suggest that the Minister's reflections are not helping the Government Whip.

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

**The Hon. DUNCAN GAY:** I think it is obvious to members that some of the silly comments that have been made by the Leader of the Opposition in the other place and by The Greens on this issue are not helping our State. There are important issues of employment in this State and the Leader of the Opposition in the other place, John Robertson, says they want to stop coal production—

**The Hon. Steve Whan:** Point of order: The Minister is reflecting on the Leader of the Opposition by suggesting that he said something he did not say.

**The PRESIDENT:** Order! The Hon. Steve Whan has been frequently cautioned about making debating points under the guise of a point of order. It is out of order and disorderly for him to do so. I call the Hon. Steve Whan to order for the first time.

**The Hon. DUNCAN GAY:** The Opposition loves to try to change history. The Opposition is ignoring the fact that the Leader of the Opposition in the other place not only said what I said but also he said that Luke was developing a plan—"We have a plan coming and Luke is developing that plan". Reverend the Hon. Fred Nile should be asking when Luke's plan is coming, when will he have this plan to close down the coalmine, which will mean that the power stations will close and the whole industry will stop.

## COAL SEAM GAS

**The Hon. ROBERT BORSAK:** My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware of comments made by Santos Chief Executive David Knox that The Greens and other environmental groups in Australia were originally supportive of coal seam gas as a transitional fuel to wean the country's energy grid off coal and eventually on to renewable resources, but were now opposed because of its success? With more than 60 per cent of Australia's homes now connected to gas, will the Government consider legislation to ensure that at least 15 per cent of any gas mined in this State—as outlined in the recent General Purpose Standing Committee No. 5 inquiry—is hypothecated for use in this State, given that such gas being mined is going overseas? Will this lead to price increases domestically?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question.

**The PRESIDENT:** Order! I call the Hon. Walt Secord to order for the second time.

**The Hon. DUNCAN GAY:** At least within this question there is a degree of common sense on issues that need to be examined when we are looking at the future of our energy requirements in New South Wales. I do not think anyone, except perhaps The Greens—and I have not seen what is in Luke's plan—is in denial that we are facing a crisis with gas. Even some of the staunchest critics have indicated that one of their concerns is that, if we open up mining, the bulk of that gas will go overseas. That is the crux of the honourable member's question—will a proportion of that gas be retained for use in New South Wales? I think that is a sensible question and a matter that should be looked when considering the future of our gas reserves. We need that gas. New South Wales is facing a crisis and we have to be careful how we approach the development of gas resources. We must maintain a common-sense approach to this important matter. From conversations I have had with the Minister for Mining and Energy I know that it is certainly a thought that he has. He is a guy who certainly understands his portfolio.

## COAL INDUSTRY

**The Hon. RICK COLLESS:** My question without notice is addressed to the Minister for Roads and Ports, representing the Minister for Energy and Resources. Will the Minister update the House on the importance of the coal industry in New South Wales?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question and I thank him for the extra time to be able to get the answer right. As I indicated earlier in answer to a question from Reverend the Hon. Fred Nile, it appears that the Opposition leader in the other place was caught red-handed, saying he wanted to shut down the State's coal industry—

**The Hon. Jeremy Buckingham:** And The Greens.

**The Hon. DUNCAN GAY:** And The Greens, of course—I am sorry, I have not mentioned them yet. The Opposition leader in the other place wanted to shut down the State's coal

industry, axing tens of thousands of jobs and raising power prices in the process. It was telling yesterday, the glee with which the honourable member from The Greens asked a question on loss of jobs in the Hunter. There seemed to be a degree of relish that was unhealthy.

The coal industry is one of the most significant pillars of our economy, with more than 125,000 families dependent on mining for employment. Coal remains the State's single biggest export, worth \$13.9 billion in 2012. It is at the heart of the economies of the Hunter, Illawarra, Central West and New England. By any measure, this was an irresponsible and reckless comment from a man who seeks to lead the Labor Party and to lead the State. Indeed, one might expect these sorts of irresponsible comments—in fact, we have seen them—coming from The Greens. True to form, as if on cue this week, Dr John Kaye announced a bill that would effectively put into action the Hon. John Robertson's secret plan.

Unlike The Greens and the Leader of the Opposition, this Government governs in the best interests of the people of New South Wales and that includes energy customers. There is not one policy decision that would have a more devastating effect on the cost of living of households than completely removing coal from the energy mix. The bill is typical of The Greens: All ideology with no consideration of the impact on families across New South Wales. The Victorian Government recently commissioned a report that found that the cost of converting to 100 per cent renewable energy by 2030 would be as high as \$1 trillion.

**The PRESIDENT:** Order! If The Hon. Jeremy Buckingham and Dr John Kaye wish to have a private conversation, they should leave the Chamber.

**The Hon. DUNCAN GAY:** That would amount to approximately \$500,000 per household in Victoria. What a nonsensical approach.

**The PRESIDENT:** Order! I call The Hon. Jeremy Buckingham to order for the first time.

**The Hon. DUNCAN GAY:** Together with Robbo, The Greens want to impose a half-million-dollar cost on every household and to claim that it solves the problems of the world. For context, 100,000 wind turbines would be needed if wind was used to meet all of Victoria's energy needs. That is the same number of wind turbines that exist in the whole world. Even that will not ensure a 24/7 supply: The wind is not always blowing, nor is the sun always shining.

The New South Wales Government will continue to maximise the use of our existing networks, while recognising the role that renewable energy will continue to play in the State's energy mix. A soon-to-be-released Renewable Energy Action Plan explores further positive actions for developing alternative fuels in New South Wales. [*Time expired.*]

## **ROYAL NATIONAL PARK PLAN OF MANAGEMENT**

**The Hon. ROBERT BROWN:** My question without notice is to the Minister for Roads and Ports, representing the Minister for the Environment. Is it a fact that the Plan of Management for Royal National Park requires the preparation of a deer management plan for the reserve, and that a plan was approved in 2002 to cover a three-year period and a second plan was

approved for the period 2005-08? Does the deer management plan require an annual report to be prepared, and when was the last annual report published?

**The PRESIDENT:** Order! I call the Hon. Jeremy Buckingham to order for the second time.

**The Hon. DUNCAN GAY:** I do not have the information the honourable member is seeking, although I suspect he guessed that. It is an important question and I will take it on notice and seek an answer.

## **LAND ACCESS AGREEMENTS**

**The Hon. JEREMY BUCKINGHAM:** My question without notice is to the Minister for Roads and Ports, representing the Minister for Primary Industries. In light of the template access agreement for minerals exploration being withdrawn, the Land and Water Commissioner has stated that rather than using an actual template to guide access agreements for the coal seam gas industry, an "information sheet and list of questions landholders should ask during negotiations were now being drafted". How will an information sheet and questions protect landholders from better resourced mining companies, and will the Government commit to allowing landholders to be legally represented during arbitration?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question, which is a follow-up to the question asked yesterday about the template. I have to say, frankly, that I thought the NSW Farmers' action was a tad premature. It appears that one company had done the wrong thing. This template was developed with goodwill between NSW Farmers, the miners and the Government over a long time. There was 12 months work. We started a couple of years ago—

**The Hon. Rick Colless:** In Opposition.

**The Hon. DUNCAN GAY:** —in Opposition to develop this template. We had something that we thought was a pretty good template. It is important that templates like this are treated properly and with goodwill. I am taking as true, and I do not know whether it is true, that one mining company changed it and acted inappropriately. I would have preferred NSW Farmers, rather than walking right away from it, to come back to it and say, "Something has gone wrong here. How did it go wrong and how do we fix it?" and not throw the whole thing out.

**The Hon. Jeremy Buckingham:** Point of order: My point of order is relevance. The question related to the new information sheet and questions that the Government is drafting to protect landholders. The Minister has not addressed that element of the question so far in his answer.

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

**The Hon. DUNCAN GAY:** Had the member not attacked me prematurely—he is a little premature this boy—

**The Hon. Michael Gallacher:** He has a reputation for that.

**The Hon. DUNCAN GAY:** Yes—he would have realised I was indicating that I felt the

existing template may have been a better way to go rather than throwing everything out. He is asking why the new one will not work. He is telling the House that in his view the new one will not work. I am saying it may have been better to have persevered a little longer with the old template before we went rash with a new one. Like the honourable member, I am not there at the coalface. Given that he supports no mining in the State, I would have thought he had a jaundiced view in this area. I am disappointed that they have walked away but I hope that through that great third party, Jock Lawrie—

**The Hon. Trevor Khan:** Great bloke.

**The Hon. DUNCAN GAY:** A great bloke—that they have a chance to come back together. He will be working hard to try to fix the situation.

### ASSENT TO BILLS

Assent to the following bills reported:

Appropriation Bill 2013

Appropriation (Parliament) Bill 2013

State Revenue and Other Legislation Amendment (Budget Measures) Bill 2013

### OFFICE OF ENVIRONMENT AND HERITAGE

**The Hon. LUKE FOLEY** (Leader of the Opposition) [3.45 p.m.]: The Office of Environment and Heritage Interim Corporate Plan 2012-13 is a masterful example of the strings of weasel words and bureaucratic clichés favoured by despots, management consultants and modern politics. Don Watson has done our society a great service, drawing attention to "this dead, depleted verbless jargon" that effectively strips language of meaning while simultaneously robbing important and real things of content, ideas and heart. The task of protecting our vast and gorgeous State is one of these real and important things. The document I refer to promises a shiny, new Office of Environment and Heritage that has "shifted the way we organise our business" to demonstrate "a clear return on investment". We are told that this is a "customer-focused organisation" facilitating business transactions, with nature its product. The document has a vision: to support the delivery of a "healthy, productive environment and economy"—four words attempting to describe the task of the New South Wales Government's champions of planetary health, of which two are from the arid domain of economic rationalism.

The Office of Environment and Heritage has five key strategies, only one of which relates to the environment—namely, healthy and protected landscapes. The other four key strategies deal with shared heritage, tourism, thriving local communities, and excellence in customer service and business reform. The people of New South Wales expect the Office of Environment and Heritage to ensure that national parks are clean, picnic areas are well maintained, and that the website tells them how to book a camping ground—the things of service to customers. More importantly, the people of New South Wales expect the Office of Environment and Heritage to focus on looking after the environment, not the economy,

customers or the tourism industry. People want a civilised society where nature is defended, not commodified; where our unique animals do not face the crunch of extinction; and where the beauty of the place in which we live is valued intrinsically for its own sake, and looked after accordingly.

Pity our children as the planet warms. Climate change gets no mention in the corporate plan of those charged with mitigating the threat. This is a world where the ice caps are not melting and freak weather events cause no alarm. Biodiversity gets one mention—on the last page of the Office of Environment and Heritage corporate plan. The koalas, bilbies and sugar gliders do not figure in the oft-repeated lists of "service customers". This document is a sad artefact of two truths. First, managerialism has gone mad in the governance of modern Australia. This is not confined to the current New South Wales Government. It can account for much of the loss of faith by Australians in governments of all persuasions. Politics should be about ideas, based in the idealism of belief in a better country and articulated with heart. The second truth is that the O'Farrell Government and its environment Minister have no intention of creating an environment department that puts protection of nature as its primary aim—an organisation that acts with lion-like ferocity to defend the earth against the more technocratic and destructive impulses of other arms of government. This lame document is no accident of bureaucrats gone insane; it is a true, albeit unreadable, reflection of how this Government sees nature and the environment: simply as a backdrop for economic activity and a consumable for customers.

## **THE GREENS**

**The Hon. ROBERT BORSAK** [3.50 p.m.]: Last week in this place Ms Cate Faehrmann delivered her valedictory speech. I did not believe what I was hearing so I read the transcript to make sure what I heard was correct. She said that she "despaired at the politicisation of protecting the environment". They are prophetic words. With all due respect, she has got to be joking. Who was responsible for the politicisation of the environment? It was The Greens. It seems that while they could jerk a compliant Labor Government into line to do their bidding everything was fine. However, when they were confronted with a few reversals and realities, all of a sudden something was wrong. In a very thinly veiled attack on the Shooters and Fishers Party, she went on to say:

...there appears to be an anti-science, anti-intellectual and anti-environment motivation driving too many agendas in this place and in the Government more broadly.

I do not know who gave The Greens the right to be correct in their stance on any and every issue. If anyone disagrees with them, they must be wrong. The people of this State and across Australia have woken up to this duplicitous mantra from The Greens, but that is what The Greens think. Ms Faehrmann then referred to deals being done. That is a bit rich coming from a Greens member. How could anyone forget about the river red gums national parks deal done in the dying days of the previous Labor Government, when the then Minister for the Environment duded his own party into supporting the declaration in the hope of securing The Greens preferences at the 2011 election only to be duded by The Greens themselves? Apparently that does not count.

However, according to Ms Faehrmann, if the Shooters and Fishers Party strikes a deal it

makes a mockery of the role of the Legislative Council as a house of review and the people of New South Wales are being held to ransom by the Shooters and Fishers Party. The Shooters and Fishers Party's list of demands—the conditions of its support for the Government—is proudly displayed on its website for all to see. I feel as though I am on the set of a movie about a hostage situation. However, in this script there is no Dirty Harry or Bruce Willis among our leaders ready to save the day. The member stated that duck hunting, hunting in national parks, logging in national parks, de-gazetting national parks, a return to broadscale land clearing and a relaxation of gun control laws are all on the cards. Having said that, I thought she might feel better and return to reality. That did not happen. She went on to say:

The Shooters and Fishers Party claims that there is a battle of cultures and that they are standing up for their culture. But there is no hunting culture in this State. This is not North America. That idea has been manufactured by the taxpayer-funded Game Council. Instead, the culture war that does now exist is one that the Government ignores at its peril. New South Wales has a proud history and culture of protecting its native animals, plants and special places. The people of New South Wales are justifiably proud of this State's track record of creating national parks and more recently marine parks. Little did I know when I delivered my inaugural speech on 21 September 2010, in which I described the beauty and significance of the State's national parks, that I would then spend so much of my time here defending them.

Goodness me! Once again, The Greens fail maths 101. Apparently, if she was not able to protect national parks it means that democracy has broken out and the will of the majority holds sway. Most people do not find that difficult to comprehend. We were then subjected to the old climate change chestnut. However, this time Ms Faehrmann decided that Government members were luddites because once again not everyone shares her view. She stated:

It is damning that elected members of the Government refuse to even acknowledge the reality of climate change or that humans contribute to making it worse. My earlier comments about an anti-science agenda in this place are particularly relevant in this case. Some of the most respected and also the most conservative science and policy organisations in Australia and across the world have raised the alarm about the ramifications of rising temperatures and sea levels for human life as a result of human-induced climate.

Dare I ask: Is it human induced? Probably the most realistic comment Ms Faehrmann made was that her "election to the Senate is by no means guaranteed". I suggest that The Greens have a look at themselves and stop pontificating. They should recognise what is happening to their vote. No-one is right all the time, but they are right almost none of the time.