



# **ELO Hansard Review**

## **30 April- 2 May**

### **Autumn Session 2013**



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

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## **Contents**

<b><u>Legislative Assembly Tuesday 30 April 2013</u></b>	<b>2</b>
<b><u>NATIONAL PARKS AND WILDLIFE SERVICE NATIONAL FIRE MEDALS</u></b>	<b>2</b>
<b><u>ASSENT TO BILLS</u></b>	<b>3</b>
<b><u>PLANNING SYSTEM</u></b>	<b>4</b>
<b><u>FOREST AGREEMENT AND INTEGRATED FORESTRY OPERATIONS APPROVALS</u></b>	<b>6</b>
<b><u>PETITIONS</u></b>	<b>6</b>
<b><u>Legislative Council Tuesday 30 April 2013</u></b>	<b>7</b>
<b><u>ASSENT TO BILLS</u></b>	<b>7</b>
<b><u>FOREST AGREEMENTS AND INTEGRATED FORESTRY OPERATIONS APPROVALS</u></b>	<b>7</b>
<b><u>LOWER HUNTER REGION WATER PLAN</u></b>	<b>7</b>
<b><u>CLARENCE RIVER CROSSING</u></b>	<b>8</b>
<b><u>TOORALE DAM REPLACEMENT</u></b>	<b>9</b>
<b><u>REGIONAL INDICATORS REPORT</u></b>	<b>10</b>
<b><u>SOUTHERN HIGHLANDS COALMINING</u></b>	<b>11</b>

<u><a href="#">NATIONAL PARKS FERAL ANIMAL CONTROL</a></u>	11
<u><a href="#">THIRLMERE LAKES AND MINING</a></u>	11
<u><a href="#">ORANGE WATER SUPPLY</a></u>	11
<u><a href="#">MINING INDUSTRY</a></u>	12
<u><a href="#">HUNTING IN NATIONAL PARKS</a></u>	13
<u><a href="#">MURRAY-DARLING BASIN PLAN</a></u>	13
<u><a href="#">CONTAINER DEPOSIT SCHEME</a></u>	13
<u><a href="#">MINING-AFFECTED COMMUNITIES ECONOMIC ASSESSMENT</a></u>	14
<u><a href="#">NATIVE VEGETATION LEGISLATION</a></u>	14
<u><a href="#">KANGAROO POPULATION</a></u>	15
<u><a href="#">WASTE LEVY</a></u>	15
<u><a href="#">RENEWABLE ENERGY ACTION PLAN</a></u>	15
<u><a href="#">NATIONAL PARKS</a></u>	16
<u><a href="#">Legislative Assembly Wednesday 1 May 2013</a></u>	16
<u><a href="#">HUNTING IN NATIONAL PARKS</a></u>	16
<u><a href="#">Legislative Council Wednesday 1 May 2013</a></u>	17
<u><a href="#">IRREGULAR PETITIONS</a></u>	17
<u><a href="#">COAL MINING EXCLUSION ZONES</a></u>	17
<u><a href="#">GAS INDUSTRY DEVELOPMENT PLAN</a></u>	18
<u><a href="#">Legislative Assembly Thursday 2 May 2013</a></u>	18
<u><a href="#">RESOURCES FOR REGIONS PROGRAM</a></u>	18
<u><a href="#">STATE AND REGIONAL DEVELOPMENT COMMITTEE</a></u>	19
<u><a href="#">PETITIONS</a></u>	19
<u><a href="#">PETITIONS</a></u>	20
<u><a href="#">ROYAL NATIONAL PARK WORLD HERITAGE LISTING</a></u>	20
<u><a href="#">Legislative Council Thursday 2 May 2013</a></u>	21
<u><a href="#">UNLAWFUL ENVIRONMENTAL ACTIVISM</a></u>	21
<u><a href="#">MINING INDUSTRY BENEFITS</a></u>	38
<u><a href="#">COAL SEAM GAS INDUSTRY</a></u>	39

### [Legislative Assembly Tuesday 30 April 2013](#)

#### [NATIONAL PARKS AND WILDLIFE SERVICE NATIONAL FIRE MEDALS](#)

Ms **ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [12.07 p.m.]: On 22 April I had the honour of attending the National Fire

Medal ceremony at Parliament House and of presenting awards. The ceremony is held to formally recognise and reward the efforts of National Parks and Wildlife Service firefighters. At the ceremony 18 National Parks and Wildlife Service firefighters received the prestigious National Fire Medal, which marks 15 years of dedicated and active service in the field of fire management. A further 11 firefighters were honoured for an amazing 25 years of service, with two firefighters receiving the National Fire Medal and first clasp for their accumulated 25 years of service. We also celebrated an incredible 35 years of service by three staff from regions across the State. I was delighted to see there were representatives from throughout the State at the ceremony and particularly delighted to see representatives from the Hunter and my local area.

I understand that the award recipients at this year's ceremony have accrued almost 700 years of firefighting experience between them. This is an amazing achievement. These brave men and women have worked tirelessly to undertake hazard reduction and fire mitigation activities in some of the most bushfire-prone areas in the world. I was proud to be associated with the very worthy recipients at this year's awards ceremony and commend them for their service. In the spirit of the National Fire Medal ceremony I also draw the attention of the House to the outstanding hazard reduction activities undertaken by National Parks staff this financial year. For the first time in history the National Parks and Wildlife Service has conducted hazard reduction burns on more than 100,000 hectares to help protect life and property in the event of wildfires. The National Parks and Wildlife Service is adding to this number every week, weather permitting.

In my local area the National Parks and Wildlife Service has significantly reduced bushfire risks to the community and the environment by completing 26 prescribed burns over 6,472 hectares; scheduling a further 41,010 hectares of prescribed burns in 92 burn operations this financial year, which will be implemented as conditions permit; completing 71 mechanical treatments in asset protection zones, thereby reducing bushfire fuels adjacent to community assets; and responding to 109 bushfires on or near parks in the Hunter and Maitland area this financial year. National Parks and Wildlife Service firefighters also maintained and deployed a rapid aerial response team with specialist firefighters and a winch-equipped helicopter. The service also employed an additional 14 dedicated fire staff. Effective local initiatives such as these have meant that 89 per cent of fires that started in national parks and reserves in 2012-13 were effectively contained within park boundaries. This impressive statistic clearly demonstrates our commitment to minimising the spread of bushfires across New South Wales.

During the National Medal ceremony I launched the new Living with Fire in NSW National Parks strategy, which is our 10-year plan detailing how we will manage fuel reduction and firefighting in national parks across the State. The plan also commits to the ambitious target of doubling the area of hazard reduction each year to 135,000 hectares. The current financial year has turned out to be a wet one, but we have still managed to undertake hazard reduction in 117,000 hectares so far. This is the first year that New South Wales has conducted hazard reduction in more than 100,000 hectares. That is a milestone. In the wake of the 2009 Victorian bushfires the Government provided \$62.5 million to make fire management in New South Wales national parks a priority. I am delighted by the way the National Parks and Wildlife

Service works so hard with our Rural Fire Service across the border and across tenure.

I also attended the State Emergency Service Awards ceremony in Maitland, where I handed out awards to volunteers from around the State. I was pleased to see so many State Emergency Service workers from Maitland, Port Stephens and across the Hunter presented with awards. We know that the State Emergency Service was formed as a result of the Maitland floods of 1955, having previously been known as Civil Defence. I was delighted to attend Maitland Town Hall to present awards to those people who selflessly give up so much of their time to volunteer, whether on the front line, answering phones or feeding the volunteers who work horrendous hours. They also spend many hours practising and rehearsing their operations throughout the year. It was wonderful to acknowledge those people in front of their families and to see them receive at least a small measure of support from New South Wales for what they do. I commend the work of our National Parks and Wildlife Service staff and our State Emergency Service volunteers. It was a privilege to present awards to them.

### ASSENT TO BILLS

Assent to the following bills was reported:

- Crimes (Criminal Organisations Control) Amendment Bill 2013
- Election Fund, Expenditure and Disclosures Amendment (Administrative Funding) Bill 2013
- Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013
- Intoxicated Persons (Sobering Up Centres Trial) Bill 2013
- Law Enforcement (Controlled Operations) Bill 2013
- Public Interest Disclosures Amendment Bill 2013
- Road Transport Bill 2013
- Road Transport Legislation (Repeal and Amendment) Bill 2013
- Road Transport (Statutory Rules) Bill 2013

### PLANNING SYSTEM

**Mr CHARLES CASUSCELLI:** I direct my question to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. What has been industry and community reaction to the Government's bold new white paper for the future of the New South Wales planning system?

**Mr BRAD HAZZARD:** I thank the member for his question and for his intense interest in planning issues affecting people not only in his electorate but also throughout this great State. The Government has been working intently with the community on developing a new planning system. I remind members that shortly after the Coalition was elected I appointed a former Labor Minister, Ron Dyer, and a former Liberal Minister, Tim Moore, to conduct statewide public consultations about the planning system.

More than 100 community consultation sessions were held around the State. I can

assure members that the new system was born in that consultation—it was nurtured and developed through consultation—and we propose to give this new planning system its mature currency through ongoing consultation. The green paper was delivered on 14 July last year, following consultation across the State undertaken by the Hon. Tim Moore and the Hon. Ron Dyer. More than 1,200 submissions were received in response to the green paper. On 16 April I launched the new white paper on behalf of the Government. It is important to the Government and, I am sure, to the community that further consultation be held on the white paper, which is a little unusual under the Westminster system. Normally by this stage the Government direction is set and the Government proceeds to introduce legislation. The Government intends to progress that consultation process until 28 June.

Some 17 community sessions and another 15 council practitioner sessions will be held around the State. Innovative social media meetings will be held extensively, including a new and novel "meeting in a box" whereby various community members can use social media—twitter, online forums and so on—to discuss their views on the progression of the white paper. This new system is very much built around a community participation charter, which will be an Australian first. Various environment groups, including the Total Environment Centre and the Nature Conservation Council, and former Labor were involved in advising the Government on these issues. We believe we have produced a format that will guarantee ongoing community consultation upfront. But what did the community say about this process? On 17 April in the *Sydney Morning Herald* Jane-Frances Kelly from the Grattan Institute said:

The O'Farrell Government's moves to recast planning in NSW are bold but considered. If the proposals in its white paper are implemented successfully they will change the shape of Sydney for the better. It has long been clear that planning in NSW needs a fundamental overall.

It is an ambitious idea and a radical break from the past. Instead of plans being imposed from above, the community, business and government will engage in an informed dialogue to develop a shared view of acceptable development.

It is proposing a process of community engagement on a scale not yet seen in Australia.

Various environment groups have been very involved in the development of this community participation charter and this Government's approach to planning. I thank Peppy Clark and Jeff Angel for their involvement. Although they have not agreed on every issue, they have been supportive partners in the process. Jeff Angel from the Total Environment Centre was kind enough to say:

I've been impressed—and I've said this publicly—with the Minister and the way he listens.

I've never seen a Minister stay for a full four hours of a conference or a consultation session. And he has certainly, against developers, defended the involvement of environment groups.

The Government and I will certainly defend that involvement because it is about striking a balance between the environment and making sure that we have a planning system that delivers for all sectors of our community. I note also that Mr Angel said:

Definitely this Minister and by association the Cabinet are taking on board the communities' and environmental protection's viewpoint. I can't say we are there yet but there are still some issues with vagueness and discretion.

Mr Angel has noted that this Government is addressing some issues and will continue to do so. Patricia Forsythe from the Sydney Business Chamber said:

The Government has built on the strong community consultation on the planning Green Paper and is now one step closer to creating a new planning system that supports and facilitates both new business growth and new housing for Sydney's growing population.

The sensible shift from fixating on individual project assessments to upfront strategic planning processes is very much welcomed and a new approach that the business community has long argued is necessary to reflect international and interstate best practice.

Lucy Turnbull from the Committee for Sydney said:

The reforms will give NSW the best planning system in Australia, putting Sydney back on track to improve the productivity and liveability of our city.

*[Extension of time granted.]*

Tim Williams from the Committee for Sydney said:

Collectively this is a major reform program which will ensure Sydney's current planning system is replaced by one that embraces the delivery of the homes and supporting infrastructure our people and our economy so desperately needs,

These reforms will deliver greater community involvement in decision making but at the right stage: when the strategy for an area is being set. It then frees up the development application to efficiently deliver the community vision.

Glenn Byres from the Property Council of Australia said:

NSW's proposed new planning system provides for clearer rules that can be more easily followed by investors, councils and the community. We need to remove the angst and confusion that plagues the current planning system. More meaningful strategic planning, independent development assessment and simpler pathways for complying development signals a substantial shift to better policy settings.

Brendan Lyon from Infrastructure Partnerships Australia said:

The single feature of the White Paper is that it requires a real and upfront integration of land use and infrastructure planning decisions. One of the reasons that Sydney is not working well is because short-term decisions saw growth without a clear strategy to protect land and

support the transport, housing and social infrastructure needed to support the growth.

This Government is absolutely committed to ensuring that there is a very productive outcome from ongoing community consultation, which started nearly two years ago, and various sessions will continue to be held in Hornsby, Castle Hill, Tumbi Umbi, Sydney, Penrith, Brookvale, Bankstown, Queanbeyan, Shellharbour, Armidale, Dubbo, Newcastle West, Parramatta, Coffs Harbour, Wagga Wagga, Ballina and Cronulla. The Government is grateful for the input of so many community members in a genuine effort to bring to New South Wales a cutting-edge planning system that will deliver for the community and for this State. This Government is determined to make New South Wales number one again. The planning system that this Government is delivering will ensure that a major plank of making New South Wales number one again is very much in the present.

### **FOREST AGREEMENT AND INTEGRATED FORESTRY OPERATIONS APPROVALS**

**The Deputy-Speaker** announced the receipt, pursuant to section 69H of the Forestry Act 2012, of amendments to the integrated forestry operations approval for the Brigalow-Nandewar region, dated 15 April 2013.

### **PETITIONS**

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

#### **Duck Hunting**

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

#### **Container Deposit Levy**

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

### **Legislative Council Tuesday 30 April 2013**

### **ASSENT TO BILLS**

Assent to the following bills reported:

Crimes (Criminal Organisations Control) Amendment Bill 2013  
Election Funding, Expenditure and Disclosures Amendment  
(Administrative Funding) Bill 2013  
Independent Commission Against Corruption Amendment  
(Disciplinary Proceedings) Bill 2013

Intoxicated Persons (Sobering Up Centres Trial) Bill 2013  
Law Enforcement (Controlled Operations) Amendment Bill 2013  
Public Interest Disclosures Amendment Bill 2013  
Road Transport Bill 2013  
Road Transport Legislation (Repeal and Amendment) Bill 2013  
Road Transport (Statutory Rules) Bill 2013

## FOREST AGREEMENTS AND INTEGRATED FORESTRY OPERATIONS APPROVALS

### **Amendments**

**The President** announced the receipt, pursuant to the Forestry Act 2012, of Amendment No. 2 to the Integrated Forestry Operations Approval for the Brigalow-Nandewar region, including a statement of reasons, received out of session and authorised to be made public this day.

## LOWER HUNTER REGION WATER PLAN

**The Hon. RICK COLLESS:** My question is directed to the Minister for Finance and Services. Will he update the House on the latest progress in developing the Lower Hunter Water Plan?

**The Hon. GREG PEARCE:** The Government is determined to create a comprehensive, robust, cost-effective, whole-of-government plan to ensure water security for the lower Hunter region. Development of the plan is being overseen by an independent panel of water experts, with ongoing input from the community. This week I am very pleased to be able to announce a short list of supply and demand options that will be further investigated as part of the plan. The shortlisted options cover a range of drinking water supply and demand categories, such as stormwater capture, recycling, demand management, water efficiency, surface water transfers, groundwater, and emergency desalination.

The demand forecast for the region is a key part of that process, and it has been revised. The most recent model shows that growth in demand is lower than previously predicted and that major augmentation of supply is not needed in the short to medium term. However, modelling also has shown that while the existing water supply system performs well in normal conditions, the region is vulnerable to severe drought. The options shortlisted for further investigation take that into account and have been selected from more than 70 initial concepts. As the Government has always said, the Lower Hunter Water Plan will look at all options, other than the previously rejected Tillegra Dam. We now have sufficient information from the modelling work done to date and the community consultation workshops conducted so far to also rule out the need for us to construct a new dam in the region as part of the plan.

In fact, three landholdings that Hunter Water had earlier acquired for the previous Government's proposal to build Tillegra Dam already have been placed on the market.



While the shortlisted options are all technically feasible, that does not mean that they will all be included in the final mix of measures recommended in the plan. We need to compare the financial, social and environmental features of each option to identify resilient combinations that will meet the region's need throughout a severe drought at the least cost to the community. The options we are considering taking forward include programs to improve water efficiency and the introduction of "Water Wise Rules", as used successfully in Sydney and the Central Coast. They include new stormwater and wastewater recycling opportunities and potentially new groundwater options. There is also the potential to transfer water from nearby areas for use in the Hunter, if necessary. Those options are being investigated in close consultation with the appropriate stakeholders.

As I stated previously, the Government will not be proceeding with any proposals to construct new dams in the region. The Government fully understands that there will be strong community interest in many of those options. We are committed to giving the community every opportunity to contribute input. That is why we will be running a series of community engagement workshops over the next week. The next series of workshops will be the third undertaken since work on the plan began and demonstrates our continued commitment to community consultation. I urge anyone who is interested in the future of lower Hunter water supplies to participate in the workshops. Information about the shortlisted options are also on the Lower Hunter Water Plan website—[www.haveyoursay.nsw.gov.au/lowerhunterwaterplan](http://www.haveyoursay.nsw.gov.au/lowerhunterwaterplan). I encourage members of the community to take advantage of this great opportunity to provide input and have their say in the Lower Hunter Water Plan's processes.

### CLARENCE RIVER CROSSING

(...)

**The Hon. SARAH MITCHELL:** My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the preferred option for an additional crossing of the Clarence River at Grafton?

**The Hon. DUNCAN GAY:** For the information of the Opposition, last Tuesday the member for Clarence, Chris Gulaptis, and I had the pleasure of announcing the preferred option for the additional crossing of the Clarence River at Grafton.

(...)

**The Hon. DUNCAN GAY:** (...)The preferred bridge crossing, at this stage called Option C, crosses the river immediately downstream of the existing Grafton Bridge and connects the junction of the Pacific and Gwydir highways at South Grafton with Pound Street in the centre of Grafton. Option C was identified in December last year as the recommended preferred route and community feedback was invited in early March. Option C was one of six short-listed routes investigated in detail by Roads and Maritime Services. These investigations included sophisticated traffic modelling simulations and videos, all of which have been published on the Roads and Maritime Services website. Nearly 70 submissions were received during this period, providing a

variety of comments about the recommended preferred option and some suggested improvements. Importantly, public feedback did not raise any significant new issues that would alter the decision to advance with Option C, which was the preferred option.

On balance, Option C provides better and more efficient transport outcomes over the whole regional road network, including for freight movements. It also avoids impacts on the precinct around Victoria and Villiers streets. Overall, Option C presents greater value to the community, particularly because it addresses long-term road connection problems to help support Grafton as a major North Coast economic hub. I thank the Grafton community for its participation, feedback and patience during the long route selection process. It was important for the whole community to be involved and to make sure we reached the right decision. The State Government will spend \$3 million this financial year to start refining the concept design and produce a detailed environmental assessment for Option C. Both items will be displayed once again for community comment.

Any issues raised in future community submissions will be considered and, if appropriate, the proposal will be further refined to manage potential impacts. Overall, the Government has committed and spent a large part of \$20 million over four years for detailed planning for the second crossing of the Clarence River at Grafton. The timing of construction now depends on funding, but we have made a submission to Infrastructure Australia for a Federal funding contribution of up to 50 per cent of the project cost under the Nation Building 2 Program, which runs from 2014 to 2019.  
[Time expired.]

### **TOORALE DAM REPLACEMENT**

**The Hon. ROBERT BORSAK:** My question without notice is directed to the Minister for Finance and Services, representing the Minister for the Environment. I note and congratulate Bush Heritage Australia on its purchase of the Naree cattle station, known as the wetlands in the outback, on the Warrego River north-west of Bourke, and look forward to its long-term conservation plan and how it tackles woody weeds and feral pigs and goats. Given that the Toorale National Park is closer to the Darling River than Naree, what progress has been made on the Government's commitment to remove hundred-year-old dams on Toorale? What is the latest cost estimate for the work?

**The Hon. GREG PEARCE:** I thank the member for that very important question and his continuing interest in this area. I will get a detailed answer from the Minister for him.

### **REGIONAL INDICATORS REPORT**

**The Hon. ROBERT BORSAK:** My question is directed to the Minister for Finance and Services, representing the Minister for the Environment, and Minister for Heritage. I refer to the regional indicators report prepared by the Department of Trade

and Investment which claims that 39,000 people in regional New South Wales have entered the work force since February 2012—in other words, 39,000 additional jobs have been created in regional New South Wales since February 2012. In line with the Government's decentralisation policy, will the Minister inform the House how many Environment and Heritage jobs have been relocated out of Sydney and where they have been relocated to in regional New South Wales?

**The Hon. GREG PEARCE:** The member has asked a very good question. I am pleased to note that the regional employment increase during the last 12 months to February 2013 confirms efforts taken by the New South Wales Government to strengthen regions. According to data in the NSW Regional Labour Force Trends report, which found that more than 39,000 people in regional New South Wales gained jobs between February 2012 and February 2013, the unemployment rate in the regions as of February 2013 was 5.5 per cent, well below the 10-year average of 5.9 per cent under Labor.

(...)

**The Hon. GREG PEARCE:** (...) More than 60 per cent of the State's employment growth in the last 12 months has come from outside greater Sydney. Regional New South Wales work force participation continues to rise, which is a strong indicator of economic strength driven by this Government's policies and commitment to the people of New South Wales. Since this Government has introduced strong fiscal discipline in government there have been more jobs in regional New South Wales, including 1,300 nurses and 624 police officers. In the nine months to March 2013 the Government has facilitated 28 regional investment projects worth more than \$300 million that support more than 650 jobs. This Government has delivered infrastructure to regional New South Wales through securing 30 per cent from Restart NSW, more than \$1.5 million for the Pacific Highway, funding for Bridges for the Bush and more than \$1.7 billion for hospitals in places such as Tamworth, Dubbo, Wagga Wagga, Port Macquarie, Bega, Lismore and Kempsey.

The regional indicators report highlights projects supported by the New South Wales Department of Trade and Investment, such as the development of Aspen Medical's new international centre for resource health in the Hunter that is set to create 250 direct jobs for that region. Aspen Medical currently employs 450 people and is an industry leader in its field. The development by Riverina Oils and Bio Energy Pty Ltd of the 170,000 tonne oilseed crushing and edible oil refining plant in Wagga Wagga represents a \$150 million investment and is expected to create approximately 80 direct jobs, 200 construction jobs and more than 500 indirect jobs. The good news keeps coming. The upgrade and extension of the runway at Orange airport is expected to create 273 new jobs in the local community, facilitate new aviation businesses, improve the district's links with other centres and capital cities, and increase tourism business to the region. That is notwithstanding the Hon. Jeremy Buckingham standing in front of the planes on the airport runway, trying to stop them from landing and trying to stop the miners coming into Orange to work. I will have more good news—  
[Time expired.]

## SOUTHERN HIGHLANDS COALMINING

**The Hon. DUNCAN GAY:** On 26 March 2013 the Hon. Jeremy Buckingham asked me a question about coalmining in the Southern Highlands. The Minister for Resources and Energy has provided the following response:

(1)-(3) As is their legal right, the title holder has sought access to land under appropriate sections of the Mining Act 1992, including sections 142 and 143.

## NATIONAL PARKS FERAL ANIMAL CONTROL

On 26 February 2013 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Primary Industries a question without notice regarding licensed conservation hunters. The Minister for Primary Industries and Small Business provided the following response:

Game Council NSW does not hold information regarding pest control programs operated by the National Parks and Wildlife Service.

The Minister for the Environment will be best placed to answer this question.

## THIRLMERE LAKES AND MINING

On 27 February 2013 the Hon. Cate Faehrmann asked the Minister for Finance and Services and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage a question without notice regarding Thirlmere Lake. The Minister for the Environment provided the following response:

I received the final report from the Independent Committee—Thirlmere Lakes Inquiry on 24 October 2012 and referred it to the NSW Chief Scientist and Engineer for review in November 2012.

I received the review by the NSW Chief Scientist and Engineer on 8 March 2013, and am now considering its findings.

## ORANGE WATER SUPPLY

On 28 February 2013 the Hon. Robert Borsak, MLC, asked the Minister for Finance and Services and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage a question without notice regarding the Orange water supply. The Minister for the Environment provided the following response:

I am advised as follows:

The Office of Environment and Heritage [OEH] made a submission on the environmental assessment for the Macquarie River to Orange pipeline.

The Office of Environment and Heritage's role in this matter is

advisory only. The decision on whether the assessment is adequate is a matter for the consent authority, which in this instance is the Planning Assessment Commission.

## MINING INDUSTRY

On 28 February 2013 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding the mining industry. The Minister for Resources and Energy provided the following response:

(1)-(2) New South Wales produces a diverse range of minerals including coal, gas, metallic and industrial minerals and construction materials. The total value of these products were valued at over \$23 billion for the 2011-2012 financial year.

Mining brings significant economic benefits and employment opportunities to people living in regional and rural areas of the State.

An immediate cessation of all mining in New South Wales would have the following dramatic impact on this State:

- Current and planned infrastructure and services including schools, hospitals, road, transport, et cetera, would be impacted due to the loss of the State's income from royalties collected from minerals mined. During 2011-2012 the NSW mining industry contributed approximately \$1.46 billion in royalties to the State's income.
- The jobs and incomes of over 120,000 people will be in jeopardy. The New South Wales mining industry employs around 35,000 people directly and more than 85,000 people indirectly through the provision of both mine and non-mine related services. The majority of these jobs are in regional areas.
- The minerals industry is a major contributor to exports from New South Wales. New South Wales mineral and metal exports were worth more than \$21 billion in 2011-12, with coal being the single largest export by value from the State.
- Coal is also the source of more than 80 per cent of the State's electricity supply. The immediate cessation of mining in New South Wales would lead to massive ongoing blackouts not just in New South Wales, but in all States connected to the National Electricity Market as New South Wales's coal-fired generators represent 25 per cent of the total generation capacity in the National Electricity Market.

(3) I would be very interested to hear how The Greens and the Hon. Jeremy Buckingham intend to create over 120,000 new jobs to replace those directly or indirectly associated with the mining industry.

I would also be interested to learn how The Greens and the Hon.

Jeremy Buckingham propose to raise revenue to supplement the shortfall in the State's budget due to their desire to see New South Wales suffer a loss of \$1.46 billion million in royalty income.

### HUNTING IN NATIONAL PARKS

On 28 February 2013 the Hon. Luke Foley, MLC, asked the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council, representing the Hon. Barry Robert O'Farrell, MP, Premier and Minister for Western Sydney a question without notice regarding the Amateur Hunting Program. The Premier and Minister for Western Sydney provided the following response:

I am advised:

The New South Wales Government has commissioned a review of the Game Council to ensure that the statutory requirements of the Game and Feral Animal Control Act 2002 are being met.

The supplementary pest control program in national parks will not commence until the completion of this review and the announcement of the Government response.

### MURRAY-DARLING BASIN PLAN

On 12 March 2013 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Primary Industries a question without notice regarding the Murray-Darling Basin. The Minister for Small Business and Primary Industries provided the following response:

The New South Wales Government position remains that we will not agree to implement the Commonwealth's Basin Plan until a number of key issues have been addressed.

New South Wales has long sought a proper commitment from the Commonwealth that it will now focus on infrastructure and environmental works and measures over the expedient but socially and economically costly approach of simply buying back water licences.

No such commitment has been forthcoming. Therefore, on 15 January 2013 I implemented by way of an order a limit on buyback for environmental purposes in New South Wales of 3 per cent of extractions per valley per decade. This will ensure sufficient time for rural communities to adjust to the removal of water from agricultural production and to the flow-on effects to other businesses in rural communities.

The position of the New South Wales Government remains that while we have no ability to stop the Basin Plan, we will not be signing any intergovernmental agreement on the Basin Plan until our concerns have been addressed.

## **CONTAINER DEPOSIT SCHEME**

On 13 March 2013 the Hon. Paul Green asked the Minister for Finance and Services, representing the Minister for the Environment a question without notice regarding container deposits. The Minister for the Environment provided the following response:

The New South Wales Government supports the national approach under way and is the nominated lead jurisdiction in the process to prepare a Decision Regulation Impact Statement [DRIS] on Packaging Impacts. The DRIS will analyse the costs and benefits of 10 options to increase packaging recycling and decrease litter, including through the introduction of national container deposit schemes. It is due to be delivered to Australian environment Ministers by the middle of the year.

The New South Wales Government is waiting for the outcomes of the DRIS. The New South Wales Government is committed to making an evidence-based decision on this issue and remains open to all the options as long as they are cost effective and do not increase the cost of living burden on the community.

## **MINING-AFFECTED COMMUNITIES ECONOMIC ASSESSMENT**

On 13 March 2013 the Hon. Mick Veitch, MLC, asked the Minister for Police and Emergency Services and Minister for the Hunter a question without notice regarding the economic assessment of mining-affected communities. The Minister for Regional Infrastructure and Services provided the following response:

Distribution of funds under the Resources for Regions Program was determined by the 2012 Economic Assessment of Mining Affected Communities. This was conducted by a Working Group of senior officials, chaired by NSW Trade and Investment, with representatives from the Office of Resources and Energy, Department of Premier and Cabinet, Department of Planning and Infrastructure, NSW Treasury, Department of Finance and Services and Roads and Maritime Services NSW. An independent auditor, Hill Rogers Spencer Steer, was appointed to identify and report any issues which could compromise the integrity of the assessment. No issues of material concern were identified.

The report which includes detailed methodology, is publicly available at: [www.business.nsw.gov.au/data/assets/pdf\\_file/0019/27154/economic\\_assess\\_mining\\_comms\\_20130227.pdf](http://www.business.nsw.gov.au/data/assets/pdf_file/0019/27154/economic_assess_mining_comms_20130227.pdf).

All local government areas, including those in western New South Wales, will again be considered in next year's assessment.

## **NATIVE VEGETATION LEGISLATION**

On 14 March 2013 the Hon. Robert Brown, MLC, asked the Minister for Finance and Services and Minister for the Illawarra a question without notice regarding native vegetation. The Minister for the Environment provided the following response:

- The Native Vegetation Act 2003 is not being reviewed.
- The Native Vegetation Regulation 2005 is being reviewed.
- The regulation is scheduled for staged repeal under the Subordinate Legislation Act 1989 on 1 September 2013.

The Government will make announcements about the review outcomes before that date.

### **KANGAROO POPULATION**

On 14 March 2013 the Hon. Robert Borsak, MLC, asked the Minister for Finance and Services, representing the Minister for the Environment and Minister for Heritage a question without notice regarding the kangaroo population. The Minister for the Environment provided the following response:

Surveys undertaken in 2012 using well-established methodologies indicate that the total population of red, eastern grey, western grey kangaroos and common wallaroos in the commercial harvest zones of New South Wales, generally west of the Great Dividing Range, is more than 11 million. Populations have increased each year since the breaking of the drought in 2009-10. Systematic, broadscale surveys are only conducted in areas of the State where commercial harvesting is undertaken.

The Scientific Committee is an independent organisation that accepts submissions from the public on a large range of matters in respect to nominations. Surveys undertaken by the Office of Environment and Heritage are also made available to the Scientific Committee. Comparisons with submissions to the Scientific Committee have not been made by the Office of Environment and Heritage.

### **WASTE LEVY**

On 20 March 2013 the Hon. Paul Green, MLC asked the Minister for Finance and Services and Minister for Illawarra a question without notice regarding the waste levy. The Minister for the Environment provided the following response:

I am advised as follows:

In accordance with the Subordinate Legislation Act 1989, the Protection of the Environment Operations (Waste) Regulation 2005 is due to be remade by 1 September 2013. As part of this process, the Environment Protection Authority in consultation with stakeholders will be reviewing all provisions and requirements within the regulation, including the use of waste and other materials for



operational purposes at landfills. A draft regulation and regulatory impact statement are expected to be released for public consultation shortly.

### RENEWABLE ENERGY ACTION PLAN

On 25 March 2013 Dr John Kaye, MLC, asked the Minister for Roads and Ports, representing the Minister for Resources and Energy a question without notice regarding renewable energy. The Minister for Resources and Energy provided the following response:

Submissions to the Renewable Energy Action Plan are being considered and the final report will be released shortly.

The honourable member can be assured that, as with the draft Renewable Energy Action Plan, all wasteful green schemes will be excluded from the final plan.

### NATIONAL PARKS

On 27 March 2013 Mr Borsak, MLC, asked the Minister for Finance and Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage provided the following response:

I am advised as follows:

The total area of the six new parks is 11,284 hectares, including Dharawal and Berowra Valley national parks, and Wianamatta Nature Reserve. The total area of additions to existing parks is 11,237 hectares, including the addition to Goulburn River National Park. Malabar Headland National Park was the subject of an earlier announcement, with a total area of 18 hectares.

## Legislative Assembly Wednesday 1 May 2013

### HUNTING IN NATIONAL PARKS

**Mr JAMIE PARKER:** My question is to the Premier. Considering that thousands of people marched against the Government's hunting in national parks policy just two weeks ago, a policy also opposed by National Parks staff and many hunters, when will the Government finally dump this unscientific, unpopular and dangerous policy?

**Mr BARRY O'FARRELL:** I thank the member for his question and advise him that there has been no change to the Government's position. Let me take the opportunity to clear up a few inaccuracies peddled by the Labor Party, the unions and, I regret to say, The Greens. First, shooting in forests was introduced by those opposite almost a decade ago. Secondly, the program relating to pest eradication in New South Wales

has been operating successfully in Victoria and South Australia for a number of years. It was introduced by Labor Party governments. The feral pest eradication program will operate in fewer than 10 per cent of the State's national parks—just 75 of the State's 799 national parks, nature reserves and State conservation areas.

The program will not operate or be permitted in or near metropolitan areas or in any wilderness area or world heritage area, including the Blue Mountains National Park. The Minister for the Environment will have ultimate control over where, when and how volunteer pest management takes place. There will be strict controls. Risk assessment is still being conducted, but safety is paramount. The other fact that needs to be considered—and I would have thought The Greens would understand this—is the damage that feral animals do not just to our national parks but also to the adjoining farmlands. These pests damage habitat, kill native animals, kill stock, rob stock of feed and damage crops across the State. They do not stop when they get to boundaries. They go out of national parks into farmland.

(...)

**Mr BARRY O'FARRELL:** (...) Pests do not respect boundaries. They destroy habitat within national parks, but they also destroy stock within properties of New South Wales, costing \$70 million a year to farmers across the State. I have been perfectly up-front from day one as to why this is happening. We made a commitment to the electorate that we would build the infrastructure that it required after 16 years of neglect by those opposite. The people who use the national parks want us to get on with the job of building infrastructure for public transport, health services, education, and law and order. As I have said previously, the voters of New South Wales did not deliver us a majority in the other House, but people expect us to get on with the job and the program we were elected to offer. We need it, as the Treasurer has indicated, to unlock the asset value—in this case, the State's generators—to release additional billions of dollars for the economic infrastructure this State needs, not only to reduce funding to maintenance, but also to create additional jobs.

Following allegations of inappropriate behaviour by Game Council NSW employees in February, an independent review into the governance of the Game Council was announced. It is to be conducted by Steve Dunn, a former Chief Executive of the NSW Maritime Authority and a former Director General of NSW Fisheries. At the time I also announced that in light of the proposed role the Game Council will play in the implementation of the supplementary pest control program in national parks, it would not commence until the review had been completed and the Government had responded. I inform the House that Mr Dunn has requested a two-week extension. If additional time is required to ensure a robust and proper consideration of the issues, I am happy to grant the request. I anticipate a Government response as soon as practical after the Dunn report has been presented.

## **Legislative Council Wednesday 1 May 2013**

### **IRREGULAR PETITIONS**

**Leave granted for the suspension of standing orders to allow the Hon. Walt Secord to present an irregular petition.**

### **Byrrell Creek Dam**

Petition opposing the creation of a dam at Byrrell Creek on environmental and economic grounds, received from the **Hon. Walt Secord**.

### **COAL MINING EXCLUSION ZONES**

**The Hon. JEREMY BUCKINGHAM:** My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Is the Minister aware of the quote in yesterday's *Australian* by the former Howard Government Minister and chief executive officer of the Australian Racing Board Peter McGauran? He stated:

Mr McGauran, a former Howard government agricultural minister, described the NSW government's land use policy as "slow, cumbersome and creating uncertainty".

Further he stated:

We'll be doing everything possible to convey to the government that the industry requires a freeze on coal mining in breeding areas that are longstanding.

Will the Government commit to establishing coal mining exclusion zones for critical industries such as the New South Wales thoroughbred breeders?

**The Hon. DUNCAN GAY:** I am aware of the comments made by the Hon. Peter McGauran. I read them carefully to see whether he had misquoted a former shadow Minister in the portfolio. I am pleased to say that he accurately quoted quite appropriate comments from the former shadow Minister. As for the balance of the question, I will refer the detail to my competent colleague the Minister for Primary Industries.

### **GAS INDUSTRY DEVELOPMENT PLAN**

**The Hon. MICHAEL GALLACHER:** On 27 March 2013 the Hon. Jeremy Buckingham asked me a question, directed to the Hon. Barry O'Farrell, about gas industry development. I provide the following response:

The New South Wales Government is committed to appropriate and sustainable development of gas reserves in New South Wales and its supply to businesses and households.

A Legislative Assembly inquiry is already considering future issues relating to the delivery of gas to consumers. The inquiry commenced on 2 April 2013 and is being conducted by the State and Regional Development Committee who will consider:

- the adequacy of transmission pipeline systems and distribution networks for future downstream gas needs and supply challenges;
- barriers to the expansion of downstream gas supply and distribution networks;
- the effectiveness of competition in the downstream gas market and consumer pricing implications;
- the effectiveness of existing protections for consumers and measures to facilitate access to gas connection and supply; and
- possible measures to encourage gas network operators to extend existing distribution networks.

## **Legislative Assembly Thursday 2 May 2013**

### **RESOURCES FOR REGIONS PROGRAM**

**Mr GREG PIPER:** My question is directed to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure Services. Will the Deputy Premier address the anomaly that sees local government areas such as Lake Macquarie, with direct impact from five operational mines, a major coal preparation plant, two coal-fired power stations and hundreds of road and rail coal haulage movements each day, miss out on Resources for Regions funding?

**Mr ANDREW STONER:** I thank the member for Lake Macquarie for his ongoing and constructive interest in the Resources for Regions program and for his advocacy on behalf of his electorate. Earlier this year an independently audited assessment identified seven local government areas that were significantly directly or indirectly affected by mining activity and therefore eligible for funding in the 2013-14 Resources for Regions program. The assessment of direct impacts was based on royalties paid and the assessment of indirect impacts was based on survey responses from local governments as well as mining-related truck movements. While the assessment process was thorough, it did not consider that some local government areas that are directly impacted by mining activity may also be indirectly impacted.

There was therefore a subsequent analysis of mining-related truck movements in local government areas that responded to the economic assessment survey. That analysis showed that Lake Macquarie has an average of 350 mining-related truck movements per day. In comparison, the communities that qualified for Resources for Regions funding based on indirect mining impacts, Newcastle and Wollongong, had 550 and 1,250 mining-related truck movements respectively. Based on this analysis, the Lake Macquarie local government area is not eligible for Resources for Regions funding this year. However, unlike those opposite, this Liberal-Nationals Government listens to local communities and their suggestions to improve government

processes and policies. That is why, following representations from the member for Lake Macquarie, next year consideration will be given to formulating an index that considers the combined impact of direct and indirect mining activity on a community. Listen to the bleating from members opposite. That lot opposite sat on the Government benches for 16 years without offering any form of recognition for mining-affected communities.

(...)

## **STATE AND REGIONAL DEVELOPMENT COMMITTEE**

### **Reference: Inquiry into downstream gas supply and availability in New South Wales**

**Mr ANDREW GEE:** I inform the House that, pursuant to Standing Order 299 (1), the State and Regional Development Committee has received a referral from the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast to conduct an inquiry into downstream gas supply and availability in New South Wales, the full details of which are available on the Committee's homepage.

## **PETITIONS**

### **Northern Rivers Mining**

**The Speaker announced that the following petition signed by more than 10,000 persons was lodged for presentation:**

Petition calling on the Government to declare the Northern Rivers region a mining-free zone, to revoke all current licences or leases that allow for mining activities in the area and not to grant any new such licences and leases, received from **Mr Jamie Parker**.

**Discussion on petition set down as an order of the day for a future day.**

## **PETITIONS**

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

### **Container Deposit Levy**

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

## ROYAL NATIONAL PARK WORLD HERITAGE LISTING

**Mr LEE EVANS** (Heathcote) [5.28 p.m.]: I draw the attention of the House to the call for Australia's first national park to be placed on the World Heritage List. Sydney's heritage-listed Royal National Park, which is affectionately referred to by local people as "the nasho" or just "the royal", was established in 1879. It is the world's second-oldest national park. It was renamed the Royal National Park in 1955 after a flying visit by Queen Elizabeth II included a trip to Wollongong. It features unique heritage attractions along with fascinating plants, birds and animals. It is perfect for bushwalking, cycling, surfing, picnicking or whale watching. This diverse park offers everything from beaches to rainforest. The first priority for its establishment was people rather than native plants and animals.

The Royal National Park was created as the "lungs" of Sydney—a place where Sydneysiders could enjoy themselves in a natural environment. But in many cases it was the soft countryside of Mother England and not the rugged Australian bush that city residents sought. Mudflats and mangroves were replaced with grassed parklands and some 3,700 ornamental trees were planted. Buildings, roads and exotic landscaped gardens were installed. Areas were set aside for the acclimatisation of exotic animals for farming in Australia. Native trees were extensively logged. Military exercises were carried out in the park and deer, rabbits and foxes were introduced for sport—they still live in the park and are serious pests.

Over the years Audley was developed into a small village of amusements and was surrounded by pleasure gardens, which can still be seen today in the extensive lawns, boat hire facilities and causeway. A dance hall built in the 1940s still stands. The Royal National Park was also made gradually more accessible. Training walls were used to make the Hacking River more navigable, roads were developed throughout the park and a rail link was set up between Loftus and Audley. Sydney residents became increasingly interested in conservation around the turn of the twentieth century and the continued logging in the Royal National Park was heavily criticised. By the 1930s conservationists were lobbying the State Government for a national parks authority. In 1967, some 30 years later, the National Parks and Wildlife Service [NPWS] was created and it took over the management of the park.

For many thousands of years the Aboriginal people of the Dharawal nation have lived in the area of the Royal National Park. The park protects their rich and ongoing cultural heritage, including many Aboriginal sites and artefacts. One can learn more about Dharawal culture by joining a discovery tour in the park. An Aboriginal Discovery Ranger will demonstrate how people used to live in this ancient land—getting food, medicine and other necessities from their local environment. One can also arrange a guided tour of the rock engravings at Jibbon near Bundeena settled over millennia by the Indigenous people of the Dharawal tribe and rich in evidence of the cultural continuity of these Aboriginal people and their artistic and spiritual expression. The landscape is richly bequeathed with their dreaming, sacred and ceremonial sites, burials, middens and occupational sites as well as rock art and engravings.

The First National Park group was formed in 2010 to promote the listing of the Royal National Park, the Heathcote National Park and the Garawarra State Conservation Area onto the Australian Government's nomination list for World Heritage to eventually gain World Heritage listing. First National Park contracted the eminent conservationist Dr Geoffrey Mosley to prepare its submission to the New South Wales Government. These reserves are conserved lands of great cultural significance and exceptional beauty, and their biodiversity and geodiversity are certainly worthy of such appreciation and recognition. The document titled, "The first national park: a natural for world heritage", which all members have received, is a speculative guideline to some of the things First National Park may say in its report to the Government.

The lands reserved as the Royal National Park, the Heathcote National Park and the Garawarra State Conservation Area represent an extraordinary story of natural antiquity, diversity, beauty and human attachment. It is an environment in which key aspects of Australia's exceptional natural and cultural histories are protected and presented to a wide spectrum of the public. I encourage all members in this place and in the other place to support the call for the Royal National Park to be listed on the World Heritage List. New South Wales needs to lead the way to entree this proposal of listing the Royal National Park as a World Heritage listed site.

## **Legislative Council Thursday 2 May 2013**

### **UNLAWFUL ENVIRONMENTAL ACTIVISM**

**Mr SCOT MacDONALD** [11.37 a.m.]: I move:

1. That this House notes that:
  - (a) the New South Wales public expects its political representatives to reject illegal activities and participate in debate in a lawful manner, and
  - (b) elected Greens representatives have publicly stated their support for illegal blockades and the hoax perpetrated by an environmental activist against Whitehaven Coal and the ANZ Bank on Monday 7 January 2013.
2. That this House condemns the Greens Party for supporting unlawful activities in New South Wales.

On 7 January this year an anti-coal activist sent out a fake press release on ANZ letterhead claiming that the bank was withdrawing funding for the Maules Creek mine between Gunnedah and Narrabri. That precipitated a sale of Whitehaven shares on the Australian Stock Exchange. Estimates of the losses by investors are around \$314 million. Many of these were mum and dad savers and workers who rely on the results of their superannuation fund.

Former Greens leader Bob Brown has compared the Whitehaven hoaxer to Ghandi, Nelson Mandela, Martin Luther King and even Jesus Christ. The current leader of the Federal Greens, Senator Christine Milne, said the action "was part of a long and proud history of civil disobedience." New South Wales Greens Senator Lee Rhiannon congratulated the activist. Greens New South Wales member of the Legislative Council John Kaye was supportive of the hoax, tweeting, "100 per cent wrong, nothing could be more Oz", in reply to the chair of Whitehaven, Mark Vaile, stating that the hoax was un-Australian. On 9 January The Greens member of the Legislative Council Cate Faehrmann tweeted:

Yes, I support the activists and landholders who have been trying to draw attention to the Maules Creek destruction.

The Greens member of the Legislative Council, Jeremy Buckingham, has criticised the police for ensuring compliance with the law at mine or coal seam gas blockades. I am not sure whether Mr David Shoebridge supported the hoax. My guess is that he thought Maules Creek was a cheeky red wine. The Greens deserve the condemnation of this House and the New South Wales community for placing themselves above the laws of the land. Members are elected to this Parliament and the Federal Parliament to uphold the laws and the institutions that serve our society.

**DEPUTY-PRESIDENT (The Hon. Sarah Mitchell):** Order! Members will have an opportunity to contribute to the debate. Mr Scot MacDonald will be heard in silence.

**Mr SCOT MacDONALD:** New South Wales and the rest of Australia are fortunate to have a politically inclusive system. We have multiple layers of jurisdictions; voting is compulsory; turnout is high; political cycles are short; Ministers and members of Parliament are accessible; there is a robust media, notwithstanding the Gillard Government's attempts to muzzle the press and the internet; there are 24-hour news channels; the community is engaged at many levels; there is a plethora of non-government organisations and think tanks; and lawful protest is common and even facilitated. Social media have brought an unprecedented immediacy and accessibility to public debate.

In New South Wales we know the date of free and fair elections that are held every four years. Very few citizens are prohibited from standing for Parliament. It is not onerous to form a political party and run candidates. Hundreds of people have put themselves forward for office. Policies are offered by the major parties and governments are accountable. It is not a flawless system but it is the envy of many. Each year, approximately 200,000 people vote with their feet by moving to Australia to enjoy the fruits of our democratic system. But for The Greens that is not enough. In their own judgement they are smarter and better than the rest of us. They are the Parliament, the judiciary and the police. The laws do not apply to them.

This is the ultimate fatal and gross conceit. This House must reject that in the strongest possible terms. Social harmony and broad support for the law are fragile. When a party that is trying to portray itself as a serious political player signals that adherence to the law is optional it undermines the norms that give security and opportunity to us all. Essentially The Greens are saying that they are the arbiters of lawfulness. They decide what should be observed and what we can opt out of. All



sorts of justifications are trotted out. Usually some sort of environmental Armageddon is promised if the illegal activity is not tolerated and successful. The Whitehaven hoaxer explained his actions in this way:

Our primary concern is the impact of this mine on the environment at the end of the day. A lot of people were taken in by it, but when you compare the cost of that to the health of our forests and farmlands, it justifies it.

Resource exploration and development in Australia is now among the extensive, comprehensive and most costly in the developed world because of our environmental regulations. In New South Wales the Liberal-National Government ensured that the consent authority is now independent and, depending on the scale of the development, either the Joint Regional Planning Panel or the Planning Assessment Commission makes the decision. Those bodies are required to call for extensive review of environmental factors or environmental impact statements, ask for submissions and hold public forums. They weigh the evidence and make a decision independent of government. Rejections are explained and approvals usually have multiple conditions. Now the Australian Government can be drawn into the application process through the Federal Environmental Protection and Biodiversity Conservation Act, and the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development may be giving advice to State and Federal governments. In all of those considerations the triple bottom line's economic, social and environmental aspirations have to be weighed.

Ecologically sustainable development and the precautionary principle are uppermost in the minds of the assessors. Notwithstanding the complexity, the process is exhaustive, transparent, fair and accessible. But The Greens have decided they know better. They have more expertise and wiser judgement than the army of departmental experts, scientists and independent panels. Their higher level of grey matter entitles them to ride roughshod over process and endorse unlawful activism against an approved development. Why do we have a process? Why do we spend potentially millions of dollars on studies and an environmental impact statement? Why would we engage the community? Why do we wait for years? According to the logic of The Greens, all a proponent needs to do is pick up the phone to The Greens and say, "Hi Jeremy, have you got a minute? How do you feel about my latest mine proposal? Is The Greens party room"—all six of them—"likely to give it the go-ahead? How is the karma today? Is Cate focused on her Senate campaign this week, or has she had a chance to give the project a once-over? How many 'Likes' or 'in-favour-ofs' has the idea got on Twitter and Facebook?" Of course, it is complete nonsense. But it is dangerous nonsense. It is undermining our institutions that have taken hundreds of years to develop—at great cost. It is elitism at its worst.

I have highlighted political inclusiveness. It is important to also discuss briefly economic inclusiveness. Clearly the actions of the hoaxer and site blockaders infringe on property rights. Share trading is reliant on honesty and transparency. Without confidence, investors will strike. Our society will be poorer without risk-taking and funds. Vexatious interference in markets will lead to disinvestment and a weaker community. Developers have to feel they are being treated fairly.

In Australia there are considerable costs to proceeding with a resource application. Arbitrary and non-accountable review of application decisions, which is essentially what a blockade is, ultimately will erode confidence. Who would bother with all the costs and risks associated with development if a property right can be expropriated by activists and extremists without warning? Sounds communist? Let us call it what it is: this behaviour is rooted in socialism. We must not forget that every one of the coal seam gas blockades, which the Hon. Jeremy Buckingham is so enthusiastic about, is hindering access that has been given by landholders who have given permission for companies to enter their land. They have a contract, which is a property right that The Greens are encouraging third parties to ignore.

Successful societies are politically and economically inclusive. Those that are exclusive are characterised by inequality, powerlessness, poorer health outcomes, greater inequality, degraded environments, uneven opportunities, lower standards of living, absence of innovation, and misery. The elitism and arrogance of The Greens are pushing our State and country down that path. Fortunately, there are some within their ranks that are wiser. New Tasmanian Greens Senator Peter Whish-Wilson had the maturity to admit he would not have taken the same action as the Whitehaven hoaxer or the New South Wales Greens supporter. The Greens in this Parliament need to consider the views of the wiser heads within their movement.

The Greens in this Parliament stand condemned for their support for unlawful and illegal activity. Unless they reject those strategies the community needs to deregister them in their minds as a credible political party. The Greens are behaving as a protest movement and their political support is reflecting that. Their vote is declining throughout the country. In the recent Western Australian State election The Greens recorded a 4 per cent drop in the primary vote and a subsequent loss of seats. That trend will continue as long as they behave as an irresponsible fringe movement. I urge the House to support the motion.

**The Hon. DAVID CLARKE** (Parliamentary Secretary) [11.47 a.m.]: I support the motion moved by Mr Scot MacDonald and congratulate him on bringing it before the House. The facts surrounding this whole shameful scandal are very clear and straightforward. A person, who is described by his pals as an environmental activist, sent through the media a fake media release that was purported to have been authorised and issued by the ANZ Australia bank. The fake media release stated that a request by Whitehaven Coal Limited for \$1.2 billion as finance for a coalmining project had been refused by the bank. That false media release stated:

The decision to withdraw our loan facility has been made after a careful analysis of reputational risks and analysis of the returns on this mine in the current climate of high volatility in the coal export market.

As a result of the hoax and that criminally fraudulent document the shares of Whitehaven Coal Limited initially fell by 8.8 per cent, or some \$314 million, before finally making a recovery after the hoax had been exposed, but still resulting in the value of the company being reduced by several hundred thousand dollars at least. How this affects many small shareholders in Whitehaven Coal has not yet been finally determined. What is clear is that the media release was a fake and a lie, was issued by a liar and set out to inflict damage against shareholders in Whitehaven—and it constitutes a criminal act.

What did some of The Greens parliamentary representatives throughout Australia do? They congratulated the perpetrator. They justified his actions. They rejoiced and gloated in the cleverness of his actions, in the slick way that his fraudulent actions played out in the media. They gushed forward with their wholehearted support for this fraudulent and criminal action. They gave their moral backing to this immoral action. This fine motion by Mr Scot MacDonald states that the public expects its representatives to reject illegal activities. Who could do anything other than support such a view, and I support that view as well.

This motion condemns those elected Greens representatives who have publicly stated their support for illegal blockades and for the hoax ANZ bank media release. I join in condemning those Greens representatives who support such actions as well. I remember a while back a former Greens member of Parliament justified the illegal actions of activists who scaled the heights of the Sydney Opera House and splashed ugly, political graffiti across that world-famous, iconic and graceful building, thereby putting at risk the lives of workers whose unenviable job it was to scale the Opera House and remove the graffiti.

**The Hon. Jeremy Buckingham:** Unlike you, who splashed the blood of Iraqis all over Baghdad in an illegal war, a disgraceful war that killed hundreds of thousands of people, and you condemn us for some paint. What about the blood of the people of Iraq?

**DEPUTY-PRESIDENT (The Hon. Sarah Mitchell):** Order! I call the Hon. Jeremy Buckingham to order for the first time. I remind him that he will have an opportunity to participate in the debate. He will leave his comments until then.

**The Hon. DAVID CLARKE:** Something is getting under his skin. This shows that the justification by some Greens representatives is not just happening now; it has been around for years. They are serial performers. They cannot help themselves. It is for reasons such as this that The Greens are on the nose with a growing number of their own supporters. That is why The Greens are now in terminal decline. That is why in elections throughout Australia—election after election—The Greens vote has been collapsing. That is why in the coming Federal elections The Greens will pay a devastating electoral price, and I can hardly wait for that day.

**The Hon. JEREMY BUCKINGHAM** [11.52 a.m.]: I oppose this ridiculous motion. It is interesting that the member for Santos, the hired gun of the coal seam gas industry, has introduced this motion.

**Mr Scot MacDonald:** Is that the best you can do?

**The Hon. JEREMY BUCKINGHAM:** No. I thank Mr Scot MacDonald for bringing it forward because it gives me an opportunity to educate him and some of the less informed members of the Government about the history of social movements in this country and around the world. It gives me an opportunity to show how this community has come to enjoy the freedoms they have today, to put the ongoing protests against this Government's agenda into context and explain some history that Scot MacDonald

clearly misses with his motion. Put simply, Scot MacDonald has no understanding of history or social movements. He fails to recognise the role protests and civil disobedience have played throughout history to uphold, promote and gain legal recognition of fundamental human rights and to promote social change. Quite simply, he cannot see the woods for the trees and fails to see where we stand at a critical time in human history, where we can no longer continue with business as usual.

Everyday people taking action throughout the State recognise the critical nature of our times. They have not buried their heads in the sand and pretended we can continue with business as usual. These people recognise that the current attempt by fossil fuel companies to suck up the world's last fossil fuel reserves on Australia's last viable farmland is an attempt to profit from an industry responsible for causing catastrophic climate change. These corporations are motivated by speculative profiteering, whereas the people who rally against it are motivated by the protection of their life-support systems—the land, the water and atmosphere that are so essential to our survival and our economy. To put speculative investment ahead of the very life-support systems that we rely upon for our health, quality of life and survival shows a Government completely out of touch with the overwhelming scientific data that says we must protect our farmland, our water and our communities.

On the right to protest, firstly, by bringing this motion to the House Scot MacDonald shows his ignorance of the law that protects people's right to protest. Australia is still a democracy. We have a right to publicly assemble and protest based on the implied right of political participation found in the common law and the Australian Constitution. This is not about to be overturned on the whim of Scot MacDonald. The courts have recognised for more than a century there is a freedom to protest. Any limits on those freedoms have to be made really clear in any legislation. Despite the posturing of certain politicians or coal seam gas lobbyists—or both—people are allowed to protest against the mining takeover of their land and water and are protected by law in doing so. That is why we have a democracy and not a dictatorship. These are not the days when you are taken away in the dead of night for speaking out against the Government or a corporation; nor should we allow such things. We would be a worse society for it.

Scot MacDonald shows that he has no understanding of how we come to enjoy the freedoms we have today. He would have us living in the dark ages. If Scot MacDonald were in charge we would have no recognition of the first people of Australia—Indigenous Australians who were custodians of this land long before Europeans arrived. The struggle for Indigenous recognition, as with all great social movements that came before and after it, can be summed up by the judgement of Justice Lionel Murphy in the case of *Neal v The Queen* when he proclaimed:

Mr Neal is entitled to be an agitator.

Mr Percy Neal, Chairman of the Yarrabah Council, was convicted by a magistrate in Cairns of assault and unlawful entry and was sentenced to two months imprisonment with hard labour. He appealed to the High Court of Australia, and Mr Justice Murphy stated:

That Mr Neal was an "agitator" or a stirrer in the magistrate's view obviously contributed to the severe penalty. If he is an agitator, he is in good company. Many of the great religious and political figures of

history have been agitators, and human progress owes much to the efforts of these and the many who are unknown.

Mr Neal was one of countless Aboriginal leaders who, of necessity, became agitators in an attempt to achieve equality, recognition and social justice for his people, the likes of which should be commended and not, as Scot MacDonald would have it, condemned. If we look at other social movements, if Scot MacDonald had his way—

**The Hon. Marie Ficarra:** The Hon. Scot MacDonald.

**The Hon. JEREMY BUCKINGHAM:** If the Hon. Scot MacDonald, the member for Santos, had his way, India would still be a colony of England and Gandhi's mass galvanisation of his people to kick out India's colonial rulers would not have been given the recognition it rightly deserves. In relation to suffragettes, if Scot MacDonald had his way—

**Reverend the Hon. Fred Nile:** Gandhi supported non-violent protest.

**The Hon. JEREMY BUCKINGHAM:** We condemn violent protests. There is no doubt we support non-violent protests but this was clearly a non-violent protest and Scot MacDonald's motion condemns all protests. He calls them unlawful. If Scot MacDonald had his way—

(...)

**The Hon. JEREMY BUCKINGHAM:** If Mr Scot MacDonald had his way women would still be second-class citizens and not have the vote. He would be condemning the suffragettes as lawbreakers for chaining themselves to railings and burning mail to protest their exclusion from public society. While those just like Scot MacDonald railed against the idea of giving women equal recognition at the time, the fight for the right to vote and stand in elections was often a long, desperate and violent one. For example, in the United Kingdom many suffragettes were imprisoned and went on self-enforced hunger strikes which resulted in force feeding and sometimes ended in death. Others set fire to buildings and heckled politicians, a bit like the greeting the Hon. Brad Hazzard got when he went to Lismore to sell the Government's coal seam gas dream. If Scot MacDonald had his way, Rosa Parks would still be treated as a second-class citizen and would have to give up her seat on the bus to a white passenger.

(...)

**The Hon. JEREMY BUCKINGHAM:** Rosa Parks' acts of defiance in the Montgomery bus boycott became important symbols of the modern civil rights movement. She became an international icon of resistance to racial segregation. She organised and collaborated with civil rights leaders, including Martin Luther King Jr. To Scot MacDonald, these people are merely law-breakers. To those who understand history and the interface between civil disobedience and effecting progressive social change, we would still be living in the dark ages but for people such as Rosa Parks. By moving this motion Scot MacDonald ignores the context of our current place and time in human history. He ignores the fact that humanity has reached the limits of our

biosphere. He ignores the fact that further development of fossil fuels across our landscape will enable this dead-end industry to wreck the last of our farmland, pollute the last of the world's 1 per cent drinkable water and drive catastrophic climate change. Bill McKibbin stated:

So far, we've raised the average temperature of the planet just under 0.8 degrees Celsius, and that has caused far more damage than most scientists expected. The scary thing though, is the understanding that we have *five times* as much oil and coal and gas on the books as climate scientists think is safe to burn.

This explains why big fossil fuel companies have fought so hard to spread misinformation, manufacture doubt and create denial about climate change. However, Jonathan Moylan and others were galvanised into action after realising that governments have failed to take action on climate change. These climate activists realise that to avert a catastrophe they must take non-violent action against the fossil fuel companies that seek to put profit before the planet. While the actions of members of groups such as Rising Tide, Greenpeace or Lock the Gate may potentially infringe laws, they are motivated to protect the life-support systems on which we all depend. These so-called law-breakers in 50 years' time will be viewed as visionaries and leaders, whereas fossil fuel executives and the governments that support them will be treated as pariahs and criminals. Fundamentally, the Hon. Scot MacDonald ignores the context of the times in which we live. He thinks business can carry on as usual and pretend that by shooting the messenger we can rid ourselves of the problem.

(...)

**The Hon. JEREMY BUCKINGHAM:** I will bat on. The retort to Scot MacDonald's assumption could not be put better than by Bob Brown, who wrote on this very issue some months ago, under the apt title "It's coalminers, not Moylan, who are costing us the Earth". He opens with the testimony of James Hansen, head of NASA's Goddard Institute of Space Studies in New York:

(...)

**The Hon. JEREMY BUCKINGHAM:** (...) James Hansen said:

CEOs of fossil energy companies know what they are doing and are aware of long-term consequences of continued business as usual. In my opinion, these CEOs should be tried for high crimes against humanity and nature.

The import of Hansen's comments cannot be brushed aside. The real criminals are not those opposing fossil fuel expansion but the companies and governments who back their forced entry onto people's land. Today on the Alan Jones radio program Tony Abbott said he supported the rights of farmers to say no to gas and miners.

**The Hon. Marie Ficarra:** Hear, hear! That's right.

**The Hon. JEREMY BUCKINGHAM:** I note the interjection of the Hon. Marie Ficarra supporting that call. The Hon. Tony Abbott now takes the position of The Greens and Lock the Gate of civil disobedience. The only reason those opposite have been dragged kicking and screaming to this position is because of civil disobedience

and people standing up in their community and organising around their kitchen tables to fight fossil fuel industries. We are not responsible for that. The people make that determination. They are talking amongst themselves and we stand with them and support them. They are an organic grassroots movement standing up to you and to the influence of fossil fuel companies. They will continue to do so, just as they fought racism, for suffragettes to have the right to vote and for the right to determine what happens in their community. They will not take tintoosies like you, mate, coming into their community forcing a poisonous industry on them, their children and their water supplies.

(...)

**The Hon. ROBERT BORSAK:** (...) The Shooters and Fishers Party wholeheartedly supports the thrust of this motion and congratulates the Hon. Scot MacDonald on moving it. It is important that we expose the lies being told by so-called activists, who take it upon themselves to try to pull down all that is decent and honest in our working lives and institutions. These same people live off the fat of the land or the efforts of family while at the same time loathing the very society that provides support and succour. They do little, if anything, to actually produce anything of worth other than adolescent point-scoring and seeking to destroy jobs, families, communities, traditions and cultures. The Greens, the great supporters and boosters of the rent-seeking classes, are the first to vilify and slander without the slightest shred of evidence or conscience. They then are outraged when called for what they are: hypocrites and bigots. Let us examine the definition of "bigot".

(...)

**The Hon. ROBERT BORSAK:** Let us examine the definition of "bigot". One text defines it as "a person who is intolerant of any ideas other than his or her own, especially on religion, politics or race." It is fitting to note that the word "bigot" has one possible source from a fifteenth century French word meaning "an excessively devoted or hypocritical person". Perhaps from the twentieth century onwards it should be modified to include "a green, who is excessively devoted to his or her world view to the exclusion of all others". It is a fact also that most environmental activist groups and many pop-up community action groups who advocate civil disobedience are simply nothing more than stalking horses for The Greens. The New South Wales National Parks Association and Mr Pepe Clarke come quickly to mind. In rewriting history about what he did to the ANZ Bank and Whitehaven Coal, Mr Jonathan Moylan says that he exposed ANZ's investment in the coal industry. If that bludger Mr Moylan is such a great and good man, why did he not also expose the great and good work the ANZ does in ethical investments and in its support of businesses and jobs in Australia?

Why is he interested in destroying the ANZ's investment portfolio and the share value of millions of Australian workers' superannuation? Their investments are not just in coal businesses but in an institution that helps form part of the financial backbone of the Australian economy, the ANZ Bank. If that is his intention, the man is deluded and childish and has an adolescent grasp on what it takes to create and maintain a standard of living that he takes for granted in Australia.

**The Hon. Matthew Mason-Cox:** Are you talking about Jeremy?

**The Hon. ROBERT BORSAK:** Yes. Mr Moylan's half-baked attempt at protest and subversion supports the destruction of jobs and, indeed, our economy. But that is okay because it is in the name of protest—just ask Senator Milne. Since when has it become a crime to invest in the coal industry? Coal is not an illegal product but Mr Moylan decided to take action, apparently in the interests of everyone who does not like the mining industry. I can inform Mr Moylan that the majority of Australians like the mining industry and they like the taxes that are paid because they fund our hospitals, the police force and schools and pay for our teachers which the State Government employs to educate our children.

I wonder when Mr Moylan last paid taxes, employed staff, made mortgage payments or, indeed, did anything that created wealth and was of net benefit to his fellow citizens and community. I refer to the bleating of that great and good leader of The Greens in Canberra. Senator Milne strongly supported Mr Moylan and praised his undermining actions. It is not hard to understand why Senator Milne, a Tasmanian Green and now Leader of The Greens, would praise Mr Moylan's actions as she looks proudly on the handiwork of The Greens and the damage wreaked upon the once great State of Tasmania. The Greens have destroyed the Tasmanian timber industry, which was once the largest employer in the State, and wrecked farming and tourism. The Tasmanian economy is that of a failed State. It relies for its existence on Federal dole payments, Federal grants and Federal handouts.

Senator Milne is a key conspirator in the long-running plan to undermine the Australian economy and destroy our capitalist system of wealth creation, capital accumulation and job creation. As a nation we are well on track for economic penury because of The Greens sabotage of the Australian economy through its various activities and carbon dioxide tax. So Ms Milne's support for Mr Moylan as an economic saboteur is clearly understood. Mr Moylan is also upset that in his lifetime he has seen the world's largest coal export port, located in his hometown of Newcastle, expand rapidly. Indeed, it has doubled its output in 15 years. What is the crime in that? Many economic benefits have flowed from the coal industry. It is called progress but the likes of Mr Moylan do not seem to understand that. He is not interested in a prosperous Hunter Valley or the hundreds of thousands of jobs of decent, honest and hardworking people. He revelled in the publicity and notoriety he received for his stunt and spoke about the risk of his going to jail. I hope that if the crimes are proved that the law is fully applied to him and he does end up in jail.

Unfortunately, The Greens and their fellow travellers do not confine themselves to the coal industry when involving themselves in what could be and has been regarded as illegal activities. For example, they champion the so-called conservationist group Sea Shepherd and defend its members as supposed ecowarriors. These people are pirates and terrorists of the high seas. Last month a United States court decided exactly that—that they are pirates. A United States judge stated that their aggressive and high-profile attacks on Japan's whaling fleet endangered lives and he ordered them to stop attacking the fleet. Last year a court issued an injunction banning Sea Shepherd from going within 500 metres of Japan's ships. What did they do? They ignored the order.



The most recent ruling clears the way for Japan to launch extensive legal action against Sea Shepherd, and so they should. In his ruling, Judge Kozinski stated:

When you ram ships, hurl glass containers of acid, drag metal reinforced ropes in the water to damage propellers and rudders, launch smoke bombs and flares with hooks, and point high powered lasers at other ships, you are, without a doubt, a pirate.

We live under a system of law and order. The Greens have benefited from such a system, yet they persist in breaking the law when it suits their cause. I again point to Tasmania as an example. Some time ago in this place I spoke about the Labor Party's attempts to deal with The Greens in order to keep peace in the forests. The deal resulted in thousands of timber workers being thrown onto the scrap heap. Under the deal, forestry activities were curtailed and in return The Greens were to stop illegal activities such as tree spiking and preventing timber workers going about their lawful work. The same unlawful activities are carried out in New South Wales in our northern and southern forests. The aim of all these illegal activities is not to save trees but to destroy regional and rural industries, jobs and—their long-held hope—the economy of New South Wales. They want to rebuild New South Wales in the image of Tasmania.

The Greens want to completely strike down the Murray-Darling Basin Plan and withdraw water from irrigators and farmers as if they are somehow to blame for the problems of the Murray and Darling rivers. The Greens go out to the bush and pretend to befriend the farmers. Far from being their friends, they are responsible for the native vegetation Act and for closing the river red gum forests to the local timber industry and now they want to dictate to farmers what they can and cannot do on their own land. The Greens are the epitome of the false prophet. They agree to law and order when it suits them but have no hesitation in breaking the law or encouraging their fellow travellers to do so when they think they will get free publicity from the taxpayer-funded media. The media uncritically repeats the bigoted catcalls and adolescent screeching of The Greens that the sky will fall in if we do not heed their prediction of doom for us all. I commend the motion to the House and urge all Government and Opposition members to speak out against The Greens' support for and encouragement of illegitimate civil disobedience and well-structured unlawful activities by people of the ilk of Mr Moylan.

**The Hon. Dr PETER PHELPS** [12.16 p.m.]: We have to remember one thing when dealing with The Greens: they hate humanity. I can understand the broad leftism of the Labor Party and their willingness to work within a Fabian tradition but the radicalism that is espoused by The Greens surely draws on the Spartacist theory which so many of them brought with them into the greens movement in New South Wales. They obey the court decisions that are made in their favour and they protest the court decisions that are made against them. They approve of the laws of Parliament that support their agenda and oppose the laws of Parliament, through direct action, that do not support their agenda. They hate humanity and they hate human laws unless they serve their particular agenda.

Some of my conclusions, I expect, will be offensive to people who consider themselves part of the greens movement, amusing to those who loathe the greens

movement and, hopefully, enlightening to those who are not sure where they stand. I will try hard not to exaggerate for effect but the suicidal, mankind-hating, technology-loathing, apocalyptic vision of the world I am about to present is not something I have invented so as to present the greens movement in the worst possible light. Rather, the greens movement chooses to represent itself through such books as *Time's Up!*, written in 2009 by Keith Farnish, in which the author describes with unhealthy relish the coming apocalypse brought on by humanity's selfishness and greed, nay, by humanity's very existence. Luckily, Keith has a solution to the problem. This is his solution: The only way to prevent global ecological collapse and thus ensure the survival of humanity is to rid the world of industrial civilisation. Of course, he does not say this directly. He uses the normal greens method of devolving into opaque euphemism and talks about "unloading." Mr Farnish states:

Unloading essentially means the removal of an existing burden: for instance, removing grazing domesticated animals, razing cities to the ground, blowing up dams and switching off the greenhouse gas emissions machine. The process of ecological unloading is an accumulation of many of the things I have already explained in this chapter, along with an (almost certainly necessary) element of sabotage.

I repeat: an almost certainly necessary element of sabotage. I find this disconcerting. The idea of blowing up dams has me a little worried. You can call me old-fashioned but I remain strangely attached to industrial civilisation given that it has provided me with work, transport, entertainment, clean water, healthy children, a nice home, pleasant holidays and many other things besides.

I would be loath to chuck in the towel simply because some hippies say that the only way our planet is to survive will be to abolish human civilisation as we know it. Unfortunately, many in the greens movement would agree and say, "Yes, exactly. That's what we need to do." Many greens share Farnish's views on industrial civilisation and agree with the activist measures that Farnish recommends to destroy it. They are consistent with green behaviour elsewhere, such as, extravagant claims that coal-fired power stations are "death factories" that should be closed and the Greenpeace activists who were found guilty of criminally damaging power stations such as Kingsnorth power station in south-east England.

The reason that most people do not understand how diabolical The Greens are is that it would never occur to them that, like religious zealots, The Greens believe they have a monopoly on revealed truth. I appreciate that this statement is guaranteed to raise the hackles of more fair-minded people. They ask, "How can you possibly make the sweeping accusation of The Greens as religious zealots?" I can imagine their saying, "They are people who care about nature, and what is wrong with that?" Of course, there is a big difference between nature, which we all love and appreciate, and Nature which they deify.

For the serious greens, the enjoyment we derive from nature is not just trivial but essentially wrong-headed because it is grounded in selfishness—I enjoy nature—and anthropocentrism, which basically sees us as subservient to Mother Gaia. This is best exemplified by people such as BBC's green reporter Chris Packham, who when

asked by Radio Times which animal he would not mind seeing extinct replied, "Human beings. No question. That's the only one." I detect a similar puritanical intensity amongst most Greens.

(...)

**The Hon. Dr PETER PHELPS:** This attitude is surprisingly common amongst hardcore greenies. It is what I call the "we must save the city to destroy it" mentality, or Nature trumps nature. If one wants to invoke Lenin, which I am sure some members of The Greens have done more than once in their lives, one may well say that you cannot make an omelette without breaking eggs. If I make it sound scary, that is probably because it is scary. The more closely we examine the core tenets of their faith, the more we realise there is nothing cuddly, fluffy or bunny hugging about the greens religion. In fact, it could be not unreasonably be described as a pagan death cult, rooted in hatred of the human species, hell-bent on destroying almost everything man has achieved, and slavishly, weirdly, insanely devoted to a heartless goddess who offers nothing in return, save cold indifference.

(...)

**The Hon. Dr PETER PHELPS:** This may sound a little extreme but we often hear people before an election say, "I am going to vote for one of the major parties in the lower House but I will give my vote to The Greens in the upper House." They think it is not like voting for the Citizens Electoral Council or the Monster Raving Loony Party, however much we may know it is exactly in that same paradigm. It seems to them like a caring, innocuous middle ground. Let us have a closer look at the watermelons—green on the outside and red on the inside—deep red in New South Wales—and what they really believe. A good place to start is Rachel Carson's 1962 bestseller *Silent Spring*.

Carson's book shook an entire generation's faith in the very notion of scientific progress. Carson had scientific proof. Technology, she said, was going to kill us all. Paul Ehrlich is another one who is similarly feted by the greens movement. After all, he did as much fine work towards the cause of environmental catastrophism as did Carson, and all of his predictions of doom were spectacularly wrong. Ehrlich is best known for *The Population Bomb*, the 1968 bestseller that terrified hippies, parents and children, and the dealers too, with claims such as this:

The battle to feed all of humanity is over. In the 1970s and 1980s hundreds of millions of people will starve ... in spite of any crash programs embarked upon now. At this late date nothing can prevent a substantial increase in the world death date.

In the world envisaged by Ehrlich in 1980 the average age of death in the United States was 42, thanks to toxic pesticides. There would be disastrous climate change, although, cannily, Ehrlich hedged his bets as to which direction it would take. "With a few degrees of cooling a new ice age might be upon us," he argued in *The Population Bomb*, but "with a few degrees of heating, the polar ice caps would melt, perhaps raising ocean levels 250 feet." Which is it? Will it be colder or warmer, fish or no fish, birdsong or no birdsong? It did not matter just so long as the gates were wide open for the continuing flood of envirohysteria—trademark pending. The guiding philosophy

behind this can be ascertained from others such as James Lovelock, who spells it out in his book *The Revenge of Gaia*. In an interview about his book he crows:

It would be hubris to think humans as they are now are God's chosen race.

Because we are not, we are doomed, he tells us. We are all doomed, and it is no more than we deserve for being such a filthy blight on Mother Gaia's otherwise perfectly balanced ecosystem. *The Ecologist* was with him all the way. Founded in 1970 by Lovelock's good friend, deep ecologist Teddy Goldsmith, the magazine made it clear from its first editorial exactly how it viewed man's role in the great scheme of things. Goldsmith argued we are just a "parasite" or a "disease which is still spreading exponentially". We have "long since ceased to play any useful ecological role". We are, in fact, "waste".

I should like to bludgeon members over the head with just a few more examples of how bizarre, destructive, misanthropic and unashamedly extremist the green mindset really is, and what better place to do so than by visiting the paradigm of green virtue in excelsis, Nazi Germany. The Nazis pushed the cause of environmentalism with a commitment that makes even the modern eurocrats or Californian econuts look like rank amateurs.

(...)

**The Hon. Dr PETER PHELPS:** In the post World War II years the environmental movement was a bit more circumspect about its desires and its intentions, but its instincts remained little changed. Harrison Brown's book *The Challenge of Man's Future* in 1954 had a clear Eugenicist agenda: he talked about sterilising and discouraging the mating of feeble-minded people and a whole range of other Eugenicist objectives as part of a grand environmental scheme. With luck, by this stage I have helped the House form a pretty clear view of what the watermelons stand for. By this I do not mean the nice, fluffy associations Greens have developed over the years—nurturing, caring, cherishing, preserving, cleansing and so on. I mean, rather, the core beliefs on which the green religion is based, as expressed in the writings of its most influential philosophers. These core beliefs, although often dressed up as concern for nature and the future of mankind, are deeply rooted in the most bitter misanthropy and direst pessimism. Are these really the kind of people we want to control our children's future?

(...)

**The Hon. STEVE WHAN:** (...) The Labor Party believes in the right to protest. I am sure that there would not be a member of the Labor Party in this place who has not protested in the course of their lives or in the course of their political involvement. We believe that protests should be legal. However, we recognise that over the course of history there have been occasions where protests that were not legal have been justified—for example, the protests in the streets against the Bjelke-Petersen laws in Queensland, the civil rights movement in the United States of America and the protests that saw India gain its independence. There have been many occasions when protests have occurred that have been technically illegal but have been justified by draconian laws at the time or by the oppression of particular points of view or

particular people.

In New South Wales there people have the right to protest legally and the opportunity to raise their points of view to participate in the process of the consideration of projects and ensure that they are heard. As a former forests Minister and as a former resources Minister, at all times in those positions I said, particularly about protests in relation to forests—often to the industry—that people had a right to protest if they did not agree with operations in their areas but that they should do it legally and not in a way that caused harm to themselves or to others. On that basis, I join in the condemnation of the action that was taken by Jonathan Moylan in issuing a fake press release suggesting that the ANZ Bank had withdrawn finance for Whitehaven Coal, because regardless of whether one agrees with Whitehaven's project in Maules Creek—and there are legitimate arguments on both sides—his actions affected ordinary people, people who were investing in that company, and the stock market.

One can take what I regard is an appalling view that all people who invest in coal are guilty of some offence if one happens not to agree with coalmining—and I do not share that view. In Australia these days, particularly as a result of the reforms introduced by Paul Keating, millions of ordinary Australians are investors in projects around Australia through their superannuation, and those projects include mines and coalmines and they are legal investments. Legally operating mines contribute to Australia's wellbeing and to our exports. Whether one philosophically agrees that coalmining is right or wrong, one has to acknowledge that people's wellbeing could have been affected by that fraudulent press release.

I join in condemning Jonathan Moylan's action against Whitehaven Coal. I consider it appalling that members of Parliament backed that action—that supposed leaders in our society from The Greens movement came out and suggested that that action was okay, that it was reasonable to do that. Protesters against coalmines, coal seam gas or any development have every right to protest legally, but I have concerns about people's justification when they say that because they happen to agree with one cause that it is okay to illegally protest against it but not to illegally protest against some other cause. Would The Greens feel the same about endorsing a protest by a farmer who was upset about land clearing?

One protest about land clearing laws involved a farmer in the Monaro area who sat up a pole for a very long period time, many months I believe. That was a legal protest because it did not harm anybody else. I think it was an ill-directed protest, but it was a protest that he was legitimately able to make. My only reservation is that he took the protest to the point where his own health was being affected. Would The Greens or the people who endorsed the fraudulent action against Whitehaven Coal endorse the actions of a farmer who said, "I disagree with land clearing laws, therefore as a protest I am going to clear this area of bushland"? No, they would not—neither would the Labor Party and, I hope, neither would the Government. Do people who disagree with speed limits have the right to speed?

(...)

**The Hon. STEVE WHAN:** Do people have the right to ignore traffic lights if they

think that they are a blow against freedom in society? No, they do not. I think the point is made, and it is a very serious point. We cannot just judge a protest on the basis of our own view of whether the protest is right or wrong; we have to judge it by other criteria. As I said before, I think most people in the Labor Party would agree that there are some circumstances, such as the sheer draconian nature of a law or where something tramples on the civil liberties of people, which can justify an illegal protest, but I do not think this is one of those cases.

We should not engage in activities that cause harm to others—whether that is financial harm such as we saw in the case of the fraudulent press release about the ANZ Bank or harm to people who happen to be operating machinery that might be going into a particular area. Unfortunately, it is sometimes forgotten that just because someone works for a company it does not make them guilty of an offence. We endorse the right to protest. We recognise that in the debate about coalmines and, indeed, all fossil fuels in New South Wales there are two sides to the argument.

I happen to believe, as do most people who support our transition to a lower carbon environment, that we will need to continue to have fossil fuels in our society for quite some time to come, and that means we will continue to need to mine coal and we will continue to need gas until our dependence declines in those areas and we move to a lower carbon environment. But that will happen over decades, not tomorrow, because that would cause massive problems for people in New South Wales—affordability issues, uncertainty and, indeed, job losses for huge areas of manufacturing across New South Wales. I happen to believe—incidentally, as do Ross Garnaut and Professor Tim Flannery—that we should phase down our dependence on fossil fuels over time. That means we will need to continue to mine coal and have a robust process for assessing legitimate issues that arise from coalmining. Those issues include direct environmental impacts, threatened species conservation, cumulative community impacts, coaldust impacts and so on. They are important and legitimate issues.

However, I also acknowledge that the people who believe we should no longer use fossil fuels have a right to express their view. They have a right to raise those issues in society and to argue their case. I recognise that the people who are protesting against the Maules Creek development also want their issues concerning threatened species and environmental destruction adequately dealt with. My colleague the Hon. Luke Foley, the shadow Minister for the Environment, has met with a number of those people and has heard their concerns. They are right to continue to raise their concerns, but they should do so legally and in the ways that our democracy allows.

Energy in New South Wales is a complex issue, but we must recognise that the community we serve needs long-term provision of affordable energy. Numerous international studies have shown that access to electricity is one of the key things to bring people out of poverty. Massive numbers of people have been lifted out of poverty in China over the past decade primarily because of their access to electricity. That energy has largely come from coal-fired sources but China is now a world leader in developing alternative energy. China has trialled a carbon tax in a couple of provinces and also has the most wind farms of any country. Some of those farms stretch for hundreds of kilometres. China has recognised the problems caused by coal pollution, but it also must be recognised that electricity has lifted many people out of

poverty. For example, connecting rural New South Wales to the electrical grid provided a huge boost to agriculture and rural communities.

We have a responsibility to balance the need to move to a lower carbon environment with the need to provide the electricity that helps people to sustain their standard of living and is essential to numerous industries in various sectors, such as the more than 8,000 manufacturing businesses in western Sydney. That means we must continue to carefully consider projects such as coalmines. I will not go further in this contribution except to say that the Labor Party recognises there are some extreme circumstances in which protests may not be legal but are justified. We do not believe that is the case in this instance.

**Mr DAVID SHOEBRIDGE** [12.42 p.m.]: I oppose this motion and will speak up for the right to protest and the proud history of activism that is, in the end, what forces change. It is not this Parliament, this Chamber or, as a general rule, parliamentarians that bring about change. It is activism, grassroots movements and people pushing and challenging the law that ultimately delivers change in society. I note the comments of Aidan Ricketts. He is a lecturer at the School of Law and Justice at Southern Cross University in Lismore and has been one key thinkers behind much of the Lock the Gate protests. At the introduction of *The Activists' Handbook*, published last year, he had this to say:

Activism, social change advocacy and the practice of democracy are inextricably linked. It is the work of activists and social movements which pushes society along, prompts it to deal with its own failings and inequalities and helps to manifest a vision of a better world.

When we think about the proud history of changing grossly unfair laws we realise that on each occasion it was ordinary people that gathered together to challenge those laws. That makes us realise why it is so vital to oppose this motion and to stand up for the courage of someone such as Jonathan Moylan, who recognised that a greater good could be achieved by his kind of activism. Let us cast our minds briefly to history. What would have happened if people had not been willing to challenge the United Kingdom laws that allowed slavery and that encouraged and led to gross profiteering by slave traders using English ships? If those laws had not been challenged in the nineteenth century by brave activists who put their bodies on the line to oppose the slave trade we would not have stopped slavery.

Let us move to the beginning of the twentieth century when women ran campaign after campaign to win the right to vote. Suffragettes broke the law and held protests which at the time were condemned by conservative politicians, just as Jonathan Moylan is being condemned by conservative politicians here today. Those women bravely challenged the laws that prohibited them from voting. They were willing to flout the law and stand up for a higher ideal, and the Peter Phelps, the Scot MacDonaldis, and the Fred Niles of the time condemned those women when they stood up. Whether it was in South Australia, England or New South Wales, women were condemned in the same way as conservative politicians are now condemning Jonathan Moylan.

(...)

**Mr DAVID SHOEBRIDGE:** When Rosa Parks took her courageous action and sat in a part of the bus that under a local ordinance was prohibited to her because of her colour, she was breaking the law. She was breaking an unfair and unjust law. She was breaking a law that should not have been on the statute books. By doing so, she was taking action that the likes of Mr Scot MacDonald would condemn—breaking a law. The argument underpinning this motion is that the only way to challenge an unjust law is by making an approach to the vested interests who support the unjust law. That is an ideology that I and most people who are interested in positive social change comprehensively reject.

In the late 1960s to early 1970s a number of Aboriginal elders and activists occupied Wave Hill Station in the Northern Territory. According to the laws that existed at that time, that was trespass. In the eyes of Mr Scot MacDonald, it was an illegal occupation. The Aborigines said that the laws that denied Aboriginal land rights and treated this continent as terra nullius—to allow the land to be divided regardless of the rights of Aborigines—were unjust. The Aborigines said they would sit there and occupy the land and, if necessary, trespass and face criminal sanction until they got their land rights, and thank goodness they did. If they had not taken that step to defy the law, demand their land rights and demand justice, we would not have land rights laws. Effectively, the motion seeks to attack the merit and actions of Jonathon Moylan. It is appropriate to read onto the record what he said, which may explain why he took those steps and why this Parliament and most parliaments will be ineffectual in addressing the effects of climate change and the power of the coal industry. He stated:

We are living in a dream world if we think that politicians and the business world are going to sort out the problem of coal expansion on their own. History shows us that when power relations are unevenly matched, change always comes from below. Every right we have has come from ordinary people doing extraordinary things and the time to act is rapidly running out.

I commend the words of Jonathan Moylan and all brave activists who are willing to put themselves on the line to challenge unfair laws when their actions are taken on behalf of a necessary greater good. We all have the right not only to protest but also to break a law when we believe that the law is unjust. I am grateful for the thinking of Aidan Ricketts, who states:

Even within an overall respect for the rule of law, a participatory view of democracy insists that protesters have the *right to (conscientiously) break the law* to make a political statement. This does not necessarily mean that they do not expect any legal consequences to follow; it may simply mean that they assert a right to conscientiously break a law but are prepared to suffer the prescribed consequences. The environmental movement worldwide and particularly in Australia has been a leading proponent of this approach. Greenpeace is an international organization that has prominently practised this approach at a global level.

That is a right. No matter how many laws are prescribed to prevent environmental activism, to privilege the coal industry and degrade the environment, to privilege coal and the coal seam gas industry and ignore the long-term sustainable industries such as



the wine, thoroughbred and agricultural industries upon which our future depends, the right to break an unjust law is the key right. It is a right that many activists prize greatly.

On 11 April this year I held an activist training day in this Parliament at which Aidan Ricketts spoke about how Lock the Gate works. We also heard from other brave activists from the animal rights movement, such Lynda Stoner and Emma Hurst. They spoke about how, on occasions, it may be necessary to trespass into one of those appalling sheds where caged chickens effectively are tortured day in, day out to obtain the footage that bears witness to a great abuse of those animals' basic rights; and, if necessary, to flout the law on trespass to bear witness to that, and so that people can see the truth of what happens in industrial farming.

We also heard from Laurie Levy and his work for the Coalition Against Duck Shooting. Following what happened in Victoria, in the middle of last year the Shooters and Fishers Party caused this Parliament to pass laws that effectively make it a crime to protest against duck shooting. It is a crime to harass or interfere in any way with people who are shooting waterfowl in Victoria. He told us that animal rights activists in the Coalition Against Duck Shooting flouted the law. He added that they would not be constrained by a grossly unfair law that prevents them from saving the lives of native waterfowl that had been shot for fun. They will save as many birds as possible. They will not respect an example of gross ideological law-making that makes it a crime for them to place themselves between the birds and duck shooters.

I condemn the motion but in doing so I acknowledge the bravery of Jonathan Moylan in taking courageous action. I also commend my colleagues in the Federal Parliament and in this Parliament who have supported that action.

**The Hon. AMANDA FAZIO** [12.57 p.m.]: In participating in debate on the motion moved by Mr Scot MacDonald, I express serious concerns with the implications of paragraph 1 (a) because it constitutes an infringement on the rights of parliamentarians to support people who peacefully make illegal protests. New South Wales has a long history of supporting illegal but peaceful protests. We have had campaigns during which women would chain themselves inside the public bar of a hotel when it was not legal for them to drink in a public bar. I support equality for women and I therefore supported their campaigns. I supported the right of people to march in moratorium protests against the Vietnam War, even though a lot of the marches did not have the requisite legal permits. We only need to hark back to the long campaign against apartheid in South Africa of the Hon. Meredith Burgmann, some of which involved illegal protests, such as invading sporting grounds, marches, and other forms of protest.

As parliamentarians we should not be locked into the blanket terms of paragraph 1 (a). I am not prepared to reject illegal activities that involve peaceful protest. However, when it comes to supporting forgery, politicians of any persuasion should not support that. That is basically what happened with Whitehaven Coal Limited and the ANZ Australia bank. While Mr Scot MacDonald describes it as a hoax, I would say it is a clear-cut case of forgery. We should condemn that. It was not a hoax, but a criminal act. Parliamentarians should speak strongly against it.

*[The President left the chair at 1.00 p.m. The House resumed at 2.30 p.m.]*

**Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.**

**Item of business set down as an order of the day for a future day.**

### **MINING INDUSTRY BENEFITS**

**The Hon. ROBERT BORSAK:** My question without notice is to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware of a recent report commissioned by the Nature Conservation Council which claimed that mining companies routinely exaggerate the economic and social benefits of projects while downplaying the impact on health and the environment? What has been the industry reaction to these claims and is it a fact that if the Green groups get their way and shut down mining it will directly and indirectly impact over 120 jobs in New South Wales?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question. I am not aware of that particular inquiry. I am shocked to hear that the Nature Conservation Council would make such allegations against mining companies. Who could believe that the Nature Conservation Council would think that anyone would exaggerate anything? There are some in the mining industry who would believe that the Nature Conservation Council may have indulged in a little bit of exaggeration over the years. In fact, there are former employees of that organisation in our illustrious House who are missing during question time. Had they been present in the Chamber they would have been able to defend themselves. They may well be preparing for a little bit of exaggeration. I am not aware of the report but I will refer it to my colleague the great Minister for Resources and Energy, the Hon. Chris Hartcher, for a response.

### **COAL SEAM GAS INDUSTRY**

**The Hon. JEREMY BUCKINGHAM:** My question is directed to the Hon. Duncan Gay, representing the Minister for Resources and Energy. In light of the Government's recent approval of Santos' construction of plastic-lined lakes to store huge volumes of coal seam gas-produced wastewater in the Pilliga, will the Minister explain how this approval sits with the Government's July 2011 ban on all evaporation ponds?

**The Hon. DUNCAN GAY:** I have to be very careful with the questions that the Hon. Jeremy Buckingham asks because when I carefully analyse the details of his questions I generally find that they are inaccurate. I will take his question on face value and refer it to my colleague for a detailed answer.