



NEW SOUTH WALES



Legislative Assembly

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DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
THIRD SESSION**

OFFICIAL HANSARD

Wednesday, 20 May 1998

LEGISLATIVE ASSEMBLY

Wednesday, 20 May 1998

Mr Speaker (The Hon. John Henry Murray) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

STATE REVENUE LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr KNIGHT (Campbelltown—Minister for the Olympics) [10.03 a.m.]: I move:

That this bill be now read a second time.

This bill deals with amendments to the Duties Act 1997, Stamp Duties Act 1920, Taxation Administration Act 1996, Petroleum Products Subsidy Act 1997, Revenue Laws (Reciprocal Powers) Act 1987 and Land Tax Management Act 1956. This Government has an ongoing commitment to improving, simplifying and achieving an equitable taxation system in New South Wales. The bill will assist this objective, and a number of proposals are a direct result of consultation with relevant industry bodies, peak interest groups and professional bodies. The primary purposes of the proposed amendments are to implement a number of previously announced concessions and exemptions from State taxes and to modify and clarify the provisions of various revenue Acts.

I will now deal with the amendments to each Act. The Duties Act, which replaces the Stamp Duties Act 1920, was passed by this Parliament on 26 November 1997 with overwhelming support from industry and the professions. The Act received assent on 15 December 1997 and is to commence on 1 July 1998. The period between passage through Parliament and commencement was intended to provide opportunities for business, industry and the professions to acquaint themselves with the new Act, to undertake any necessary finetuning and to allow some other jurisdictions that were preparing similar legislation sufficient time to develop their provisions. Although other jurisdictions have not been able to meet the 1 July start date, the opportunity was taken to maximise the consistency

between the New South Wales Act and other States' proposed Acts.

This bill amends the Duties Act 1997 with minor drafting changes to ensure that liability outcomes are the same as currently exist under the Stamp Duties Act 1920. The bill gives effect to the Treasurer's announcement of a concession for stock exchange transactions relating to companies incorporated in New Zealand or Papua New Guinea. The rate of duty will be reduced from 0.15 per cent to 0.0025 per cent. The move will further establish New South Wales reputation as a key regional financial centre, with increased activity in the financial sector, and more high-quality jobs in Sydney from some of New Zealand's biggest companies. The bill extends the exemption which applies to certain divorce settlements. The exemption will no longer be dependent on the existence of court orders or court approval. This will provide a considerable saving to the parties to a divorce where they have come to an amicable property settlement. Other amendments to the Duties Act arose from ongoing consultation with industry and professional bodies. It was decided after consultation with the Australian Stock Exchange that the bill will make instalment warrants liable to marketable securities duty from 1 January 1999 and, at the request of the superannuation industry, insert a definition of annuity.

Further amendments contained in this bill provide exemptions for the transfer of property in exchange for units in index trusts and on redemption of those units; and motor vehicle registration duty on motor vehicles purchased by disabled veterans. While the bill makes a number of amendments to the Duties Act which commences on 1 July 1998, it is also necessary to make a number of similar amendments to the Stamp Duties Act 1920, which applies until 30 June 1998. In addition to the amendments I have already mentioned, the bill amends the Stamp Duties Act 1920 by providing stamp duty concessions and exemptions for the transfer of assets from exempt public sector superannuation funds which will provide the same concession as is currently provided to private sector funds; certain types of insurance policies that were subject to an unintended increase in the rate of duty; motor vehicle certificates of registration when sales

tax is not paid; certain agreements liable to nominal duties, such as the Medicare agreement in Taxpack; certain international organisations; and novated motor vehicle leases.

The bill imposes a liability to duty on marketable securities duty on instalment notes, as they are similar to other dutiable marketable securities, and clarifies the hedging concession for options traders. The bill also amends the Taxation Administration Act 1996, which will apply to the Duties Act from 1 July 1998. The amendments allow the two Acts to dovetail and will accommodate transitional arrangements. Specifically, the amendments will extend the five-year limit on reassessments in specified instances, such as leases that may require reassessments for up to 99 years; will empower the chief commissioner to refuse to exercise functions under a taxation law in certain circumstances; will authorise the chief commissioner to refund overpaid amounts without a requirement for a notice of assessment, particularly when a taxpayer has knowingly made an overpayment because a cheque cannot be changed; and will allow the provisions of the Taxation Administration Act to apply from 1 July 1998 to uncompleted assessments, liabilities, refunds, objections and appeals under the Stamp Duties Act 1920.

I turn now to the amendments to the Petroleum Products Subsidy Act 1997. As a result of a High Court decision on 5 August 1997 affecting State business franchise fees, the New South Wales Government ceased collecting licence fees on the sale of petroleum products with effect from that date. At the same time, the Commonwealth Government agreed to impose an excise of 8.1¢ per litre on the sale of fuel throughout Australia, on behalf of the States, on the basis that overcollections received in each State would be refunded so that consumers were not subjected to increases in prices. As Queensland did not impose licence fees on petroleum, that State has been paying a rebate equivalent to the full 8.1¢ per litre excise surcharge since then. New South Wales pays rebates in five zones, on a reducing scale, extending south from the Queensland border at intervals of approximately 50 kilometres. The purpose is to protect New South Wales fuel distributors from unfair competition from Queensland businesses.

In addition, New South Wales, along with other States and Territories, refunds the excise surcharge to all consumers of off-road diesel. The New South Wales Petroleum Products Subsidy Act was passed late last year to regulate the subsidy scheme. The Act provides for subsidies to be paid to

wholesalers and passed on by them to eligible service stations and consumers. The Act will be proclaimed to commence as soon as administrative arrangements for the registration and certification of eligible consumers have been completed. In the meantime, subsidy payments have been regulated under administrative arrangements put in place with the agreement of wholesalers.

Minor amendments to the legislation are now proposed in order to introduce transitional administrative arrangements which will allow the Act to be proclaimed in advance of completing the registration of all eligible consumers. These transitional arrangements will allow the Chief Commissioner of State Revenue to pay subsidies to wholesalers who sell product to consumers who are not yet registered but are entitled to the subsidy. The wholesalers will have to meet certain criteria, which will ensure that only eligible consumers will get the benefit of the subsidy. The amendments also will allow a purchaser of marine diesel to obtain the benefit of the subsidy without an off-road diesel permit, which reinstates an arrangement that applied under the former business franchise licences scheme. The amendments also allow an appeal to the District Court against certain decisions of the Chief Commissioner of State Revenue, pending the commencement of the Administrative Decisions Tribunal legislation.

The Commonwealth Government currently pays a rebate of excise and customs duties to consumers in certain industry classifications, including primary production and mining. This rebate generally excludes the State surcharge of 8.1¢ per litre, but in the case of diesel used to manufacture explosives the relevant Commonwealth legislation requires that the State surcharge also be included in the Commonwealth rebate. To prevent double-dipping, the amendments provide that a State subsidy is not payable if the consumer is also entitled to a Commonwealth rebate equivalent to the State surcharge. The bill also contains related amendments to the Revenue Laws (Reciprocal Powers) Act. This Act is part of an Australia-wide co-operative scheme which allows for the exchange of information between Federal, State and Territory tax authorities and for the conduct of tax investigations in New South Wales by other jurisdictions.

The New South Wales Petroleum Products Subsidy Act already provides for exchange of information with other jurisdictions in relation to the petroleum subsidy schemes. The amendments to the Revenue Laws (Reciprocal Powers) Act will allow investigations to be conducted in New South Wales

by other jurisdictions in relation to their own subsidy schemes, and is essential given the national operations of the large petroleum wholesalers. The bill includes a minor amendment to section 10T of the Land Tax Management Act 1956. This section currently provides an exemption for land acquired for the purpose of building the purchaser's principal place of residence, so long as the purchaser is not entitled to an exemption for an existing residence in New South Wales. The amendment ensures that a person who owns land and resides in another State or overseas is not entitled to the New South Wales exemption for vacant land. This will ensure that non-residents do not receive favourable treatment compared to New South Wales residents. I table a summary of the bill for assistance of honourable members, and draw their attention to the explanatory notes in the bill. I commend this bill to the House.

Debate adjourned on motion by Mr Kerr.

**DARLING HARBOUR AUTHORITY
AMENDMENT AND REPEAL BILL**

Bill introduced and read a first time.

Second Reading

Mr KNIGHT (Campbelltown—Minister for the Olympics) [10.15 a.m.]: I move:

That this bill be now read a second time.

This bill marks another significant milestone in the ongoing evolution of one of Sydney's premier entertainment, leisure, recreation, business and lifestyle precincts. It was only 10 years ago that Darling Harbour was officially opened and since that time it has grown to be Sydney's third-most popular tourist destination. And as everybody in this House is well aware, the Darling Harbour story became possible through the great vision of Neville Wran and the delivery skills of Laurie Brereton. It is a great tribute to the work of the Darling Harbour Authority that it has been able to achieve these magnificent results—transforming a derelict and rotting part of Sydney into the jewel of the harbour city that it is today. However, the development of the Darling Harbour precinct is now substantially complete and thus there is little justification for the continuation of the strong development consent powers.

In this respect, the objects of this bill are twofold. Firstly, it provides for the provisions of the Environmental Planning and Assessment Act to apply to the Darling Harbour Authority development area with the Minister for Urban Affairs and

Planning becoming the development consent authority. In transforming Darling Harbour from its state as an abandoned railway goods yard into the world-class waterfront development it is today it was necessary for the Darling Harbour Authority to have extensive planning and development consent powers over its own site. However, as I have already pointed out, it is now no longer necessary for these powers to reside with the Darling Harbour Authority. Indeed, all development at Darling Harbour including that being undertaken at present will be complete within the next 18 months.

This bill gives effect to these practical considerations and brings Darling Harbour into line with planning arrangements for other development projects such as Homebush Bay—the Olympic site—and the city west precinct. It is anticipated that the provisions of this bill relating to the planning powers of the Darling Harbour Authority will be proclaimed to take effect on the same day as the provisions of the Environmental Planning and Assessment Amendment Act 1997, namely, 1 July this year. The second outcome of this bill is to make provision for the repeal of the Darling Harbour Authority Act 1984 so as to dissolve the Darling Harbour Authority. This is in line with the Government's decision to consolidate all planning authorities and planning powers around Sydney's valuable harbour foreshore. Through the introduction of this bill, and the Sydney Cove Amendment Bill which is being introduced by the Minister for Urban Affairs and Planning, the Government will put in place a clear planning approval system and will provide a coherent and consolidated process for the overview of the city's foreshore from Garden Island in the east to Blackwattle Bay in the west.

Whilst the bill puts in place a process to dissolve the Darling Harbour Authority, this will be done via a sunset clause which will not take effect before 1 January 2001. The reason for this provision is that the authority will be needed in the interim to help manage the second-largest Olympic precinct. The bill also contains a number of amendments to other Acts consequential on these changes to the Darling Harbour Authority Act 1984. Darling Harbour today stands as a powerful testament to the vision and commitment of delivering large-scale projects by Labor governments. Throughout this century the people of New South Wales have come to know that if anything grand needs to be built in this State; if any major project needs to be undertaken; if vision is required, it will be done only by a Labor government. The Sydney Harbour Bridge, the Snowy Mountains scheme—built by Labor. The Opera House and the harbour tunnel—built by Labor. The new Sydney

showground, which was built in record time, and our magnificent Olympic construction program—once again built by Labor. And, of course, Darling Harbour—all done by Labor.

When Neville Wran announced the decision to redevelop Darling Harbour the area was little more than an unused tram depot, woolstore, derelict wharves and a railway goods yard. And when Darling Harbour officially opened in 1988 it was the first time in 150 years that this strip of prime waterfront property had been accessible to the people of New South Wales. In the past 10 years, of course, the people of New South Wales have embraced Neville Wran's vision heart and soul. More than 150 million people have visited Darling Harbour since it was opened on 16 January 1988, and last year Darling Harbour had 15.2 million visitors. Since its opening Darling Harbour has always been a place of the people and hosts more than 700 separate events each year. However, under the previous Liberal-National Government Darling Harbour was left to atrophy. But that is not really any surprise, because the coalition opposed the creation of Darling Harbour in the first place.

Under the reign of the coalition there were no new developments or attractions undertaken at Darling Harbour. This Government, fortunately, has not been so shortsighted. It has approved many new developments at Darling Harbour, which will ensure that it remains a focal point of Sydney's social life well into the next century. As a backbencher in the Wran Government, I was a strong supporter of the development of Darling Harbour. Therefore, it has been a source of great personal pride to me to be able to complete the legacy of Neville Wran and Laurie Brereton at Darling Harbour. New developments at Darling Harbour that have been undertaken since the change of government in 1995 include: the world's largest cinema screen in the IMAX theatre; the Darling Walk entertainment complex, which contains Sega World; a \$60 million refurbishment of the harbourside shopping complex; a \$57 million expansion of the convention and exhibition centre to provide a new 1,000-seat auditorium and a new 1,000-person banquet room; an expansion of the Sydney Aquarium; and the building of the new Cockle Bay wharf development as part of the Darling Park development on the eastern side of Darling Harbour, which will contain restaurants and cafes owned by some of Australia's best restaurateurs.

Darling Harbour is not just a place for people, however. It also brings real economic benefits to this State. Darling Harbour employs almost 4,000 people, and the Sydney Convention and Exhibition

Centre alone contributes more than \$200 million to the economy of New South Wales each year. And Darling Harbour will play a key role during the Sydney 2000 Olympic Games, when it will be the second-biggest Olympic precinct, the biggest outside of Homebush Bay. Five Olympic sports will be held at Darling Harbour. They are: volleyball in the entertainment centre; wrestling, judo and boxing in the exhibition centre; and weightlifting in the convention centre. The redevelopment of Darling Harbour broke new ground in urban development and urban renewal. It was a model of public and private sector co-operation that has been copied right around the world. The transformation of the formerly derelict site demanded a powerful single task force approach which would not have been possible under existing planning mechanisms.

However, whilst the success of Darling Harbour and the Darling Harbour Authority has been nothing short of phenomenal, this bill recognises the need now for a more integrated planning approach to the whole of the Sydney Harbour foreshore for the next century. Finally, I thank all those who have served so ably on the Darling Harbour Authority Board in my time as Minister: Gerry Gleeson, as chairman; Michael Eyers; David Richmond; Sam Fisman; Helen Lynch; Nene King; Peter Anderson; Rhoda Roberts and Helen Wright. I also congratulate warmly Alan Marsh, the chief executive officer of Darling Harbour, on his own work and on the work of his staff for the past three years. There is still much to do before 2001, both for Sydney and for the Olympic Games. I am sure that the board and staff of Darling Harbour will continue to do that work with the skill they have displayed to date. I commend this bill to the House. I look forward to an outstanding result from Darling Harbour in its remaining years and a great future for it in the new developmental authority incorporating other instrumentalities which will occur post the Olympic Games.

Debate adjourned on motion by Mr Kerr.

SYDNEY COVE REDEVELOPMENT AUTHORITY AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.26 a.m.]: I move:

That this bill be now read a second time.

In 1997 I sponsored the Sydney City Waterfront Forum to begin the long-overdue task of reforming the administration, planning and regulation of land-use activity and development in and around Sydney Harbour. The forum was attended by approximately 190 people representing all levels of government, the commercial and business sectors, harbour contractors, harbour users, the tourism industry and a number of interest groups and individuals, ranging from peak environment groups through to the development industry. Despite Sydney Harbour's grand history, that forum was the first time that all stakeholders with a role to play in managing our harbour had been brought together to work together to identify future strategies to better manage our harbour environment. The forum recognised the value of our harbour to our city and to our nation, its dual role as an economic driver and playground of a great international city, its unrivalled aesthetic beauty, and the delightful mix of uses and activities that makes this harbour unique in the world.

To understand the many roles the waterfront plays in the life of our city, it is useful to quickly recount some important facts. There are at least 15 government authorities that have a management role in the harbour, ranging across all three tiers of government. There are more than 20 separate Acts or Regulations that determine what can and cannot be done on the waterfront. Each day more than 112,000 visitors come to Sydney, drawn by our majestic harbour, its golden beaches and our friendly culture. This in turn drives the tourism sector, which contributes \$15 billion a year to the State's economy and provides jobs for 186,000 people. There are more than 5,600 hotel and serviced apartment rooms on or near the waterfront. In addition, 2,570 rooms are either under construction or on the drawing board. Sydney is Australia's premier international convention city. Since 1993 more than 100 major events have been attracted to Sydney. These conventions and events have contributed more than \$500 million to the State's economy.

Sydney's waterfront and harbour are the home of large commercial shipping industries, a commercial leisure cruise industry, a world-class ferry service and, of course, the New South Wales Water Police. But, most important, the harbour is seen as the symbol of an Olympic city—the most enduring and attractive image of the Sydney 2000 Games. Of the many recommendations that came out of that forum the one that received the most overwhelming support was the need to begin to rationalise the number of authorities with a role in determining development for the foreshore of Sydney Harbour, particularly from Garden Island in the east to Blackwattle Bay in the west.

This bill plays a part in that process. When it is combined with the Darling Harbour Authority Amendment and Repeal Bill, which was introduced earlier today by my colleague the Minister for the Olympics, our State environmental planning policy which will nominate sites of State significance around the harbour, the 117 directions which will issue to local government authorities having a jurisdiction over harbour foreshore land, and our amendments to the Environmental Planning and Assessment Act adopted by this Parliament last year which will come into force on 1 July this year, this bill will ensure that we have a consistent planning framework for our harbour for the first time since Lachlan Macquarie.

The Sydney Cove Redevelopment Authority Act currently empowers the Sydney Cove Redevelopment Authority to own and develop the land within its development area. The authority grants consents under that Act for such development. The Act specifically excludes the operation of parts 3 and 4 of the Environmental Planning and Assessment Act from the development area. That means that no planning controls imposed under the Environmental Planning and Assessment Act apply to development within the authority's development area. The amendments in this bill will enable the Minister to make environmental planning instruments under the Environmental Planning and Assessment Act to control development within the Sydney Cove development area. The bill also deems the authority's current planning scheme to have the same effect as if it were an environmental planning instrument.

The bill provides that all development in the authority's development area requires development consent under the Environmental Planning and Assessment Act, unless an environmental planning instrument to the contrary applies. The consent authority will be the Minister for Urban Affairs and Planning as the Minister administering the Sydney Cove Redevelopment Authority Act. Any application that has been lodged with the authority but has not been fully determined when this bill comes into force will be determined by the Minister, not the authority, under the provisions of the Sydney Cove Redevelopment Authority Act as if it had not been amended.

In conclusion, I thank all the individuals who have participated with the Government in progressing this important reform. It is worth noting that since the announcement of the proposed amalgamation of the Sydney Cove Authority, the City West Development Corporation and, at a later date, the Darling Harbour Authority there has been

nothing but universal praise for this proposal, which was long overdue. Whilst this bill is but a small component of the required changes, it is nonetheless a significant step in our move towards a more rational regime to protect Sydney Harbour. I commend the bill to the House.

Debate adjourned on motion by Mr Debnam.

COASTAL PROTECTION AMENDMENT BILL (No 2)

Bill introduced and read a first time.

Second Reading

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.32 a.m.]: I move:

That this bill be now read a second time.

I introduced the Coastal Protection Amendment Bill 1997 on 19 November 1997. Since then further consultations have taken place with community groups and a number of enhancements have been added to the bill as a result of those consultations. One of the enhancements is the inclusion of the definition of the "coastal zone" from the coastal policy. A number of groups raised the issue of the deficiency in the original bill, which referred only to the maps of the coastal zone. The inclusion of the coastal policy's coastal zone will ensure that everyone is aware of the exact boundaries. Maps will also be provided in the principal office of the Department of Urban Affairs and Planning. I have also included a definition of "ecologically sustainable development"—ESD—which is consistent with recent bills that have passed through this Parliament.

The term is defined as "the principles of ecologically sustainable development that are described in section 6(2) of the Protection of the Environment Administration Act 1991". Parliamentary Counsel advised that the inclusion of that new definition of "ESD" was technically outside the leave of the original bill, hence the need for this bill. The bill contains an amendment to schedule 2, which will allow the Nature Conservation Council to nominate a person from a panel of three to the Coastal Council. The Nature Conservation Council is the peak environment group in New South Wales and this amendment is also consistent with other legislation recently passed through Parliament. The other matters to be amended in this bill were set out

in my original second reading speech on 19 November 1997. I commend the bill to the House.

Debate adjourned on motion by Mr Debnam.

ABORIGINAL HOUSING BILL

Bill introduced and read a first time.

Second Reading

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.34 a.m.]: I move:

That this bill be now read a second time.

Honourable members will remember that the House participated in a significant and moving event on 18 June 1997 when it unanimously endorsed a resolution apologising unreservedly for the separation of Aboriginal children and their families. The Premier said in his speech on that occasion:

The apology of this Parliament extended today is an act of recognition and acceptance, the recognition of deep wrongs, mistaken policies and misguided attitudes, and the acceptance of the responsibility where it belongs. It brings an end to the denial of truth and history that has always been the great barrier to reconciliation.

The Leader of the Opposition, the Hon. Peter Collins, said in his speech:

Today the Opposition joins in this apology, this recognition of past injustice to all who suffered at the hands of this policy based on ignorance and paternalism.

Today I provide to this Parliament another opportunity to reaffirm its commitment to address the previous 210 years legacy of dispossession, discrimination and economic disadvantage suffered by Aboriginal people by taking a fundamental step towards advancing their rights to safe, healthy, decent and secure housing. My proposal will enable essential reforms to deal with the reality of the living conditions of Aboriginal people. The facts show that while Aboriginal families represent only 1.4 per cent of all families in Australia, they account for 22 per cent of families assessed as homeless and 38 per cent of families living in impoverished dwellings; that Aboriginal families are four times more likely to be living in overcrowded housing than the rest of the community; and that nearly three times as many Aboriginal people reside in rental accommodation than do other Australians. In other words, only one-third of Aboriginal households have had the benefit of purchasing a dwelling compared with more than two-thirds of the total population.

The facts also show that a third of all Aboriginal households rely on public housing as their only tenure option; that Aboriginal people in remote, isolated or dispersed communities have unique needs that are not being addressed because physical and social infrastructure is inadequate or nonexistent and there are no mainstream housing programs or market-based housing; and that even in urban areas Aboriginal people experience serious difficulty in accessing appropriate housing due to factors such as discrimination, a limited supply of larger houses for extended families and high rental costs. The housing needs of Aboriginal people are exacerbated because a significant proportion of existing housing is substandard and requires major backlog maintenance.

Poor housing design and construction, the harsh physical environments of communities located in remote areas, the lack of resources and supporting infrastructure for providers and the poor quality of maintenance work have contributed to the rapid deterioration of housing and to relatively high levels of uninhabitable housing. These problems are intensified when Aboriginal communities and their organisations have to deal with program management systems which are duplicated at Commonwealth and State levels, resulting in a bizarre array of conflicting and confusing planning, policy, funding and service delivery arrangements. Today we have the opportunity to set in place a lasting response to the many recommendations and strategies of past reports and to start the long haul of turning around, once and for all, the barriers to better housing services for Aboriginal people in New South Wales.

The Government's response is aligned with the Royal Commission into Aboriginal Deaths in Custody of 1987, which included as fundamental the provision of adequate and culturally appropriate housing and infrastructure. The response is also aligned with the 1993 Industry Commission report on public housing, which extended its brief to highlight the real and pressing need for improving the viability of Aboriginal housing providers. It is also aligned with the national commitment to improved outcomes in the delivery of programs and services for Aboriginal people and Torres Strait Islanders. The signing of that document in 1992 committed all Australian governments to streamlining and co-ordinating the delivery of all Aboriginal services and emphasised the critical role of self-determination by Aboriginal people in the planning and delivery of services. In relation to housing programs and services the commitment was reaffirmed by me, by all my State and Territory colleagues and by the Commonwealth Minister for

Social Security, Senator Newman, and the Commonwealth Minister for Aboriginal Affairs, Senator Herron, in Darwin in September 1996.

While these national processes have led the way, the particulars of any new arrangements have to be locally made and owned. Acknowledging this, my predecessor, Robert Webster, appointed the now widely known and respected Aboriginal Housing Development Committee—AHDC—to consult with the Aboriginal community and to establish the vision and direction for meeting the housing needs and aspirations of Aboriginal people in this State. That committee consulted in communities throughout New South Wales in 1995 and tabled its report entitled "Future Directions for Aboriginal Housing in NSW" at the end of 1996. The report provided practical and clear directions for addressing the problems associated with the provision of Aboriginal housing in New South Wales.

Mr Markham: It has got community support too.

Mr KNOWLES: Absolutely. The committee argued that the establishment of a single agency to administer Aboriginal housing programs and to provide leadership to Aboriginal housing organisations would be the most effective means of addressing the current problem, arising from lack of co-ordination between agencies and the duplication of program management, including the inefficient use of resources and inconsistencies in policies and procedures. The report went on to say that a single agency will maximise available funds and increase certainty about policies and programs, and that the establishment of an Aboriginal Housing Office would provide the opportunity for an enhanced role for Aboriginal people in decision making about the planning and delivery of housing assistance programs.

On 26 November 1997 the Premier launched the Government statement of commitment to Aboriginal people confirming that the Government would move to establish a statutory authority with Aboriginal governance to administer Aboriginal housing programs in New South Wales and would enter into an agreement with the Commonwealth Government and ATSIC to enable the pooling of all housing funds to be administered through the new agency. Following from that vision, from the determination and the sheer hard work of the members of the Aboriginal Housing Development Committee and from the significant contributions of Aboriginal housing organisations, including land councils and Aboriginal housing corporations, members of the Aboriginal and Torres Strait Islander

Commission and individual members of Aboriginal communities throughout NSW, the Parliament is now in a position to advance the final stage of this reform: that is, to pass the Aboriginal Housing Bill 1998 to establish the Aboriginal Housing Office.

The establishment of this office, combined with executing the proposed agreement with the Commonwealth and with ATSIC to enable the pooling of funds for Aboriginal housing programs, will provide the strongest model yet adopted across Australia for reforming administration of Aboriginal housing. These reforms would not have been possible without the Aboriginal leadership exhibited in New South Wales. I specifically mention the contributions of Gerry Moore, the inaugural chair of the AHDC; Tom Slockee, the current chair; Pat Dixon; Neita Scott; Val Dalhstrom; Ann Weldon; Sonny Bell; Commissioner Steve Gordon, representing ATSIC; Councillor Ken Foster, representing the New South Wales Aboriginal Land Council; and government officials Geoff Scott, Ivan Simon and Vivienne Milligan.

I would also like to commend my colleague the honourable member for Keira, Col Markham, for his effort and support during the process. On a personal basis I would like to particularly thank Gerry Moore and Tom Slockee for their patience and commitment to educating me in matters of indigenous policy. I have come to value their good humour, their tolerance, and their support. In return, I hope that I have given them the opportunity to fulfil a task which, at times, must have seemed almost certain to fail. I can say that I have no doubt that their families, children and grandchildren have something about which to be very proud. All of the aforementioned people, and many more in communities throughout this State, have put together a vision for Aboriginal housing and worked patiently, co-operatively and persistently with the Commonwealth Government, the State Government and ATSIC during nearly four years to make it achievable.

The bill and associated reforms, when fully implemented, will enable the duplication in the delivery of Aboriginal housing to be overcome by pooling Commonwealth, ATSIC and State funds for housing; enhance self-determination through the establishment of a statutory authority governed by an Aboriginal board supported by regional Aboriginal housing committees; enable more training and support for the Aboriginal housing sector and improve the standards and accountability of community-based housing services; and increase the capacity of the Aboriginal community to meet outstanding needs using models and policies which

they themselves recommend through ongoing consultation processes. The bill aims to balance self-determination and an effective partnership with Aboriginal people in delivering improved housing services with improved performance monitoring and accountability systems.

I will now outline its key features. The bill will set up a statutory authority to be known as the Aboriginal Housing Office, which is to be subject to the control and direction of the Minister for Housing. The functions conferred on the office relate to the provision of housing assistance for Aboriginal people and Torres Strait Islanders resident in New South Wales. Housing assistance will continue to be provided principally in the form of rental housing. However, policies to support home ownership will also be developed. The office will be governed by a board of Aboriginal people appointed by the Minister for Housing. This proposed board will take over from the AHDC and set the strategic directions and policies for future housing programs.

The provisions in the bill for membership of the board are flexible enough to enable the appointment of leaders from Aboriginal communities with a range of experience, understanding, interest and expertise relevant to the functions of the office. I have also undertaken to include representative members from ATSIC regions and a member from the New South Wales Aboriginal Land Council on the inaugural board of the office. The chairperson of the board will be independent and appointed by the Minister. There is provision for the chief executive officer of the Aboriginal Housing Office to be responsible for the day-to-day management of the office's affairs in accordance with the specific policies and general directions of the board. The operating costs of the office will be met from existing outlays.

The objects of the bill support the provision of culturally appropriate housing and related infrastructure to Aboriginal and Torres Strait Islander people and their families in need and, where possible, to promote employment opportunities through their housing programs to increase economic independence. The office will have three principal functions: to plan and develop housing programs and services for Aboriginal people and Torres Strait Islanders, to deliver these programs, and to monitor and evaluate them to ensure they continue to effectively meet the housing needs of their clients. These principal functions are supported by broad powers relating to property. For example, the Aboriginal Housing Office will have power to acquire and sell property and to arrange for

the construction and provision of housing and housing-related infrastructure in Aboriginal communities. Providing powers for the construction and provision of housing and housing related infrastructure will ensure that Aboriginal people have much greater input into the design, location and construction of their housing.

A critical function of the office will be to support innovative approaches to designing and management of dwellings to ensure that the environmental health needs of Aboriginal communities are being met. A major area of reform will be the provision of effective support for Aboriginal housing organisations and the inclusion of specific measures to improve their accountability. These provisions are directed at overcoming the fragmented and inefficient approach to service delivery which has grown up under past programs. The main thrust of past practice has been to put new houses in the community and expect that rents will be collected and services such as maintenance will go on being provided.

There has been little, if any, attention paid to the viability of services, the training of providers and the sustainability of housing. The outcome of this approach is all too clearly evident in the profile of the sector and the condition of existing housing. It is estimated that there are currently 200 Aboriginal housing organisations which own and manage approximately 2,800 dwellings in New South Wales. The number of dwellings managed by each organisation ranges from one to 50 and around half of the organisations manage an average of less than 10 dwellings, resulting in very low levels of revenue. While the exact conditions of their properties are still to be assessed, many of them are evidently in poor condition.

Because of a range of physical, economic and cultural reasons, as well as the legacy of past policies, many of these organisations are simply at present not able to operate effectively and houses often have a short useful life. In future, Aboriginal housing organisations will register with the office. This will enable them not only to be eligible for funding but to receive assistance such as training and support in undertaking their property and tenancy management functions. The provisions of the bill and other reforms will also provide the means for the office to work with organisations to introduce strategies which will enhance their financial viability: for example, by establishing better rent collection systems; by promoting a more streamlined approach amongst local providers; and by facilitating partnerships with other service organisations and businesses. In short, in future the

Aboriginal housing organisations will be provided with significant benefits and support which has simply not been there in the past.

The bill provides that in return they will enter into binding agreements with the office to meet negotiated targets for service delivery and quality of service. Individual agreements will be formulated and negotiated with each registered organisation to ensure they reflect the true diversity of operating conditions throughout the State and to reflect local self-determination aspirations. It is proposed that agreements will have certain core provisions relating to matters such as financial accountability and quality of service, eligibility of Aboriginal people and Torres Strait Islanders for housing, allocations on a needs basis and minimum rent levels to ensure consistency and fairness throughout the system. An objective of the office will be to ensure that it can intervene where an organisation is unwilling or unable to maintain its service so that Aboriginal tenants, the end users of the service, continue to get all the housing services they need and deserve. It will be the responsibility of the Aboriginal Board to establish the statewide framework for policy and service delivery, in consultation with Aboriginal stakeholders, particularly through the Aboriginal regional housing committees established under the bill.

Another major provision is for the Government to transfer, as soon as practical after the office is established, the overall responsibility for an estimated 3,800 housing for Aborigines, HFA, homes acquired over the last 20 years to the office from the Land and Housing Corporation. This move was a key recommendation of the AHDC to allow for culturally appropriate management of these assets and for enhanced self-determination. It will give the office control of and responsibility for the preservation and care of these assets in future and enhance its viability and capacity to provide a more appropriate range of housing assistance options. When this transfer takes place, it is intended that all the day-to-day services to sitting tenants in each individual house will continue to be provided by the Department of Housing through a service agreement established with the office and reviewed annually.

Over the medium term, following the establishment of the necessary infrastructure and accountability arrangements and subject to the choice of any existing tenants, it will be an option for the board to recommend to the responsible Minister the transfer of the management and ownership of these dwellings to community-based providers. All housing funded through the office and provided to community organisations will be

required to be used for the purpose set out in the housing agreements between the office and organisation. The requirements of housing agreements will be supplemented by provisions in the bill requiring consent of the office to any transfers or dealings with property proposed by registered organisations.

A key issue in delivering services to Aboriginal people is the need for integrated approaches which bring together the actions of relevant service providers and communities in a timely and co-ordinated way. The Aboriginal Housing Office is required to pursue an integrated approach with other agencies to achieve its objectives and those of broader government policy. The bill provides for strategic plans for housing assistance to be developed by the office for approval by the Minister. The purpose of a strategic plan will be to establish resource allocations and program components, priorities and targets across regions in accordance with need. A key issue for determination in each plan will be the balance of investment in the maintenance and improvement of existing housing and investment in new homes for the Aboriginal housing sector. I believe we are in an environment of a more positive attitude to reconciliation in New South Wales. This bill and associated reforms that the AHDC and the Government have been pursuing in Aboriginal housing provide key milestones in that process in New South Wales.

The new Aboriginal Housing Office offers a powerful model for the Government and the Aboriginal community to work together in a robust and balanced partnership. That partnership will be fostered at the State level through the leadership of the Aboriginal Board and the historic agreement with ATSIC and the Commonwealth. At the regional level the partnership will be forged through regional housing committees and ATSIC structures, and at the local level it will be established through participating local housing organisations and community structures. It will be a partnership that is clearly aimed at promoting sustainable and viable Aboriginal-controlled housing services and at providing funding to support a wider range of appropriate housing choices, and one which embraces the necessary practical strategies and targeted resources to gradually and steadily overcome the serious housing problems endemic in the system today. I commend the bill to the House.

Debate adjourned on motion by Mr Debnam.

FIRE SERVICES JOINT STANDING COMMITTEE BILL

FIRE SERVICES LEGISLATION AMENDMENT BILL

Bills read a third time.

ROADS AND TRAFFIC LEGISLATION AMENDMENT (LOAD RESTRAINT) BILL

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [10.57 a.m.]: I move:

That this bill be now read a second time.

The purpose of the bill before the House is to confer new powers on enforcement officers to reduce incidents of unsafe loading of vehicles and to introduce additional offences with stringent penalties for unsafe loading practices. Obligations to safely restrain loads on motor vehicles have been in place in the motor traffic regulations for many years. However, these obligations were not comprehensive and were difficult to enforce unless a load had already fallen from a vehicle. To remedy these defects it was agreed nationally to prepare a set of comprehensive guidelines, including performance standards, to facilitate safe load restraint systems and practices. Even though the national guidelines developed to deal with the safe restraint of loads were introduced by the Government into New South Wales, the expected level of compliance has not been achieved.

Deaths of innocent road users, property damage and general public inconvenience have been caused by loads falling off vehicles, particularly trucks. Since February 1997 there have been four fatal accidents in New South Wales caused by loads falling from vehicles or shifting forward into the driver's cabin. As a result the Government has decided that further measures have to be taken to deal with this serious safety issue. The bill enables officers of the Roads and Traffic Authority and councils, as well as police officers, to stop vehicles and give directions to persons in charge of vehicles with unstable or unsafe loads not to drive until the loads are safely secured. A serious issue raised by drivers was that they were being asked to move potentially unstable loads but were not being

supplied with adequate load restraining equipment. The risk that a vehicle with an improperly restrained load will be grounded will build in an incentive for vehicle owners to supply their drivers with proper restraint equipment. The proposed new offences relate to the use of vehicles that are loaded unsafely, resulting in death or personal injury or damage to property.

Penalties of up to \$5,500 and 12 months imprisonment can be imposed on individuals who engage in unsafe loading practices which cause death, injury or property damage. Corporations are liable to penalties of up to \$11,000. Directors and managers of corporations owning vehicles loaded unsafely which cause death, injury or property damage can also be liable to financial penalties and imprisonment. Although the primary objective of the proposal is community safety, there are obvious savings to the community and government by introducing proper load-restraint practices. Safe loading practices will mean fewer accidents. This will mean less traffic disruption and less need for emergency response resources. The increased likelihood of goods arriving undamaged and on time will be a benefit to the road transport industry.

An important element of this package of measures is the provision of better education and training to vehicle owners and drivers as to the correct equipment to use and measures to take to safely secure loads. The Roads and Traffic Authority is preparing instructional leaflets for vehicle owners on how to comply with load-restraint guidelines. The RTA will also work with industry to provide better training for drivers on load-restraint practices. The bill will provide the incentive for transport operators and vehicle drivers to do the right thing and secure their loads properly, and will make our roads safer for all drivers. I commend the bill to the House.

Debate adjourned on motion by Mr Rozzoli.

TRAFFIC AMENDMENT (VARIABLE SPEED LIMITS) BILL

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [11.01 a.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to improve the traffic safety and traffic flow on the State's major roadways. It allows for the use of the latest speed management technology on New South Wales roads. The bill will allow for variable speed limit signs, that is, electronic display speed signs that can be varied as conditions change. It is intended that the initial introduction of variable speed signs will be on the M4. Variable speed limit technology will improve the safety and efficiency of major motorways and freeways in a number of ways.

Firstly, in the event of a major incident such as a traffic accident, or if weather conditions deteriorate, variable speed signs will enable speed limits to be adjusted to reflect those conditions and ensure a safe speed limit is maintained. In morning and afternoon peak congestion periods speed limits will be adjusted to achieve the most efficient traffic flow. In times of less congestion the speed limit will be set at a maximum speed limit suitable for that zone. The Roads and Traffic Authority will ensure that the zones in which variable speed limits operate will be clearly signposted. Underneath the electronic signs a smaller fixed speed limit sign will be attached and will operate in the case of failure of the electronic speed signs.

Initially the variable speed limits will be manually set. In the near future the variable speed limits will be set by computer at the Sydney Traffic Control Centre based on information sent by detectors and cameras along the motorways. The speed limit set by the variable message sign is binding upon motorists. Initially speed limits will be enforced by police in the usual manner. It is intended that the limits will then be primarily enforced by speed cameras as this technology is progressively introduced. The cameras will imprint speed limit evidence on the photograph taken at the time of the offence.

The bill also contains an amendment in respect of the inspection of speed cameras. Currently the Traffic Act requires an inspection of speed cameras on the day on which a photograph is taken. The bill changes the required inspection and certification period to that for a red-light camera, which requires an inspection every 84 hours. The Police Service has advised that extending the inspection period for speed cameras to an 84-hour period, in line with the period for red-light cameras, will achieve more effective use of police resources. I am advised that the operational reliability of red-light cameras is very high. I commend the bill to the House.

Debate adjourned on motion by Mr Rozzoli.

LOCAL GOVERNMENT AMENDMENT (MEETINGS) BILL

Bill introduced and read a first time.

Second Reading

Mr E. T. PAGE (Coogee—Minister for Local Government) [11.05 a.m.]: I move:

That this bill be now read a second time.

It gives me great pleasure to introduce the Local Government Amendment (Meetings) Bill, which will reduce the complexity of the procedure for closing council meetings and simplify the process for providing information from closed meetings to the public. Honourable members will recall that the Local Government Act was amended in late 1997 to increase public access to council meetings and expand and simplify access by the public and councillors to council-held information. These reforms were welcomed and well received by the public and local government generally.

However, subsequent to the commencement of the legislation it became apparent that some of the provisions needed to be refined because, while they were intended to promote greater openness, they were found to be placing additional tasks on councils without achieving the intended result. The bill will rectify these matters without detracting from the effectiveness of the open meeting reforms. The Local Government Act currently requires that before any part of a meeting is closed to the public, members of the public must be allowed to make representations to or at the meeting as to whether that part of the meeting should be closed.

While the Government maintains the view that councils should generally have regard to the views of the community as to whether a meeting should be closed to the public, it recognises that there are some circumstances in which the very nature of the subject will be such that there is no doubt that the meeting should be closed to consider the item. Matters coming within this category would include a personal matter concerning an individual, the personal hardship of a resident, or a trade secret. There may also be other matters which by their very nature would not justify discussion on whether the meeting should be closed. It would be a waste of time for councils and the public to listen to arguments about why part of the meeting should not be closed to the public when it is patently obvious to all except a contentious individual that the matter should be dealt with at a closed meeting.

Secondly, the bill will amend the Act to give councils the discretion to allow members of the public to make representations to or at a meeting as to whether part of that meeting should be closed to the public. When the Local Government Amendment (Open Meetings) Bill was debated in the Legislative Council in 1997 the Opposition spokesperson on local government, the Hon. Duncan Gay, introduced an amendment requiring each council to furnish the Minister with a report specifying the amount of time council meetings were closed to the public expressed as a percentage of the total time of the council's meetings.

This provision was poorly conceived by the Opposition, because it is not the time spent in closed session that is the issue but the appropriateness of excluding the public from the meeting in the first place. Council reports would provide no meaningful performance measurements with which to judge the appropriateness of meeting closures. The reports would merely require councils to use scarce resources to compile the statistics and report to the Government for no practical purpose. The bill will remove this unnecessary requirement and allow councils to get on with doing the business for which they are elected.

The third principal amendment relates to the requirement under section 10E of the Act for the minutes and business papers of the closed parts of meetings to be made available to the public immediately after the need to keep the information confidential has passed. Councils are currently required to determine release dates from which public access can be given to the documents and to keep a register of those documents and their release dates. These requirements do not apply to records involving issues of personal hardship, personnel matters and trade secrets.

Concern has been expressed that some councils may determine unnecessarily long periods, possibly as long as five or 10 years, for the release of documents from closed meetings to ensure that confidential information is not prematurely released. Concern has also been expressed that the entering of documents into a register is resource hungry. The aim of the current provision is to enable public access to minutes and business papers of closed parts of meetings. This can be achieved by using the Freedom of Information Act. The Local Government Act already allows the Freedom of Information Act to be used to obtain access to documents from closed meetings. Under the Freedom of Information Act access must be given to a council document unless it is an exempt document or it is otherwise

unavailable for inspection. However, matters from closed meetings do not have to be disclosed if they are still confidential.

The bill will remove the conflict between the procedure under section 10E of the Local Government Act and the Freedom of Information Act. It will also mean that councils will no longer have to spend time deciding on release dates and using resources in keeping the register. I anticipate that the Local Government Amendment (Meetings) Bill will assist councils to conduct their meetings and provide information to the public more efficiently and economically while maintaining the current high standards for public access to council meetings and information. I commend the bill to the House.

Debate adjourned on motion by Mr Rixon.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ELECTIONS) BILL

Bill introduced and read a first time.

Second Reading

Mr E. T. PAGE (Coogee—Minister for Local Government) [11.11 a.m.]: I move:

That this bill be now read a second time.

In introducing the Local Government Legislation Amendment (Elections) Bill, I should explain to the House that it is in two parts: schedule 1 contains amendments to the election provisions of the Local Government Act 1993, and schedule 2 contains amendments to the election provisions of the City of Sydney Act 1988. I will deal first with the Local Government Act amendments. Honourable members will be aware that the first general elections of councils under the new Local Government Act were successfully conducted by the State Electoral Commissioner in September 1995. Following the elections, many valuable comments and suggestions were received from councils, local government groups, candidates and electors.

Broadly based suggestions were incorporated in a local government elections discussion paper, and copies were sent to councils and other interested parties with an invitation to comment. In response, 82 submissions were received from the Electoral Commissioner, the Ombudsman, key local government bodies, the Property Council of Australia, 67 councils and 10 ratepayer associations and individuals. Strong support was shown for a majority of the discussion paper suggestions. Many

councils also submitted further suggestions to assist the electoral procedure; the best suggestions are incorporated in this bill. I now turn to the details of the Local Government Act amendments. Councils are able to alter ward boundaries after consulting the State Electoral Commissioner and the Australian Statistician. Details of proposed ward alterations must be submitted for their consideration before the end of the third year of a council's term of office.

A misconception has arisen that the Electoral Commissioner has an approval role in ward alterations. To dispel this misconception, the bill will clarify that a council submits details of proposed ward changes for the commissioner's information. The Electoral Commissioner conducts all council elections. Dates of by-elections to fill casual vacancies in civic office are notionally fixed by the returning officer with the approval of the commissioner. In practice, the date is fixed by the commissioner in consultation with the council's general manager. Following representations from the commissioner, it is proposed to recognise current practice so that by-election dates will be fixed by the commissioner.

Council employees are disqualified from standing for civic office. At the 1995 council elections some confusion arose as to whether council employees and other disqualified persons could nominate as candidates for election. The Electoral Commissioner suggested that the situation be clarified. This will be achieved by making it clear that a candidate must be qualified to hold civic office in order to be nominated. This is in addition to the current requirement that the candidate must be enrolled. An interesting change relates to candidate résumés. As the title suggests, candidate résumés give details of the qualifications and experience of candidates for civic office. A résumé is completed by each candidate as part of the nomination procedure. Copies of résumés are displayed at polling places so that voters can find out more about their candidates.

At the 1995 council elections some candidates included policy and other statements in their résumés. There was some doubt as to whether this was allowed and the Crown Solicitor was asked for advice. In response, the Crown Solicitor advised that candidate résumés at council elections could contain past and current factual information about qualifications, experience, ability, aptitude and fitness for election to office but could not contain future political intentions, policies or statements of beliefs. The bill proposes to remove the restrictions on the types of matters which may be shown in résumés. This will be done by broadening the nature

of candidate résumés to make them candidate information sheets.

In addition, the regulations will be able to prescribe that policy and other statements may be included in candidate information sheets. Candidates will be able to include such statements without breaching election procedures and possibly enabling an election outcome to be overturned. Honourable members would be aware that this Government reintroduced the grouping of candidates in time for the 1995 council elections. At the same time group voting tickets were introduced but only for councils with areas undivided into wards. The 1995 council elections showed that this form of above-the-line voting resulted in fewer informal votes. Where group voting tickets were used, informal voting averaged 6.5 per cent and where they were not used informal voting averaged 10.7 per cent. This shows that the Government's 1995 reform was a success. Therefore, the bill proposes that the use of group voting tickets be allowed in all council elections.

I now turn to the question of non-voters at council elections. It is compulsory for residents to vote at an election of their council. The Local Government Act currently requires the returning officer to mark non-voter names on a copy of the roll. However, in practice, marks are placed beside the names of voters but not beside the names of non-voters. This enables the rolls to be computer scanned and processed electronically with the non-voter names being printed out. As this procedure does not accord with the legislation, the Crown Solicitor advised that follow-up of non-voters at the 1995 council elections should not be undertaken.

To overcome any similar future difficulties, the bill proposes to adopt the Crown Solicitor's suggestion that the Act allow the use of computer-scanned rolls. This will be done by using a procedure similar to that referred to in the Commonwealth Electoral Act. The Electoral Commissioner will prepare a list of non-voting residents after each election. The commissioner will decide how the list is prepared. A penalty notice will be issued to each apparent non-voter, as is done now. Electors will continue to have the choice of stating that they did vote, that they had a valid reason for not voting or that they did not have a valid reason. Persons without a valid reason can pay the penalty in the penalty notice or choose to test the alleged breach by taking the matter to court.

As part of this procedure a penalty reminder notice will be served on those persons not responding to the penalty notice within the required time. In addition, the bill proposes to clarify that a

copy or extract from the list of non-voters is prima facie evidence in non-voter prosecutions. This is in line with a suggestion from the Crown Solicitor. Candidates and parties at local government elections are currently obliged to disclose their electoral contributions and expenditure. Declarations must be lodged with the Election Funding Authority within three months of an election. The bill proposes to require groups also to make declarations of electoral contributions and expenditure. This will be consequential to the introduction of grouping at council elections in 1995.

All declarations, whether from individual candidates, parties or groups, will be able to be lodged up to four months after an election. The wider coverage and longer period will reflect the disclosure procedure applying to candidates for election to this House and the Legislative Council. I turn now to the proposed amendments to the City of Sydney Act outlined in schedule 2 to the bill. Non-residents who are owners, occupiers or ratepaying lessees of land in the city of Sydney can be electors of the city. Occupiers in the city must be residents of New South Wales. In order to introduce consistency it is proposed to require ratepaying lessees in the city to also be residents of New South Wales. Sydney City Council recently pointed out some uncertainty as to what minimum voting age applies to city council elections. An eminent barrister has given an opinion that the voting age of 18 years does not apply to non-residents of the city.

Mr O'Farrell: Says who?

Mr E. T. PAGE: It is a pity some honourable members do not understand. In view of the uncertainty resulting from the opinion of an eminent barrister, the bill clarifies that the basic enrolment entitlements, including voting age, which apply to all other local government areas apply to the city of Sydney as well. These enrolments are expressed as a person being entitled to vote at a State or Commonwealth election. In addition, the specific enrolment entitlements of non-resident electors of the city will be retained in the legislation. This clarification will remove the voting age uncertainty. Currently numerous partners in a firm are able to vote at Sydney City Council elections while a corporation, large or small, has only one vote. The Government considers that this is unfair. Why should a corporation such as BHP, which owns many properties in the city and perhaps pays many millions of dollars in rates, be entitled to nominate only one person to vote while other firms that happen to be partnerships receive multiple votes—perhaps one vote for each partner?

The bill proposes to overcome this inequitable situation by treating partnerships in the same way as corporations with respect to qualification for enrolment as non-residential electors, namely, to require them to nominate a single elector instead of each partner being qualified to vote. This will not affect the entitlements of business voters except those who are partners in a firm. Shopkeepers and other owners or lessees of businesses would be largely unaffected. The provision will have no effect on the voting rights of barristers, who will continue to be eligible to enrol in accordance with provisions elsewhere in the bill. Partners in a firm would disclose their partnership in their enrolment claim forms and would nominate one partner to vote for the partnership. This should result in more equitable voting entitlements in the city of Sydney.

Sydney City Council has pointed out some practical difficulties in assuring the accuracy of the non-residential list and roll. The general manager is required to keep a list of persons who are entitled to be enrolled as non-resident electors of the city. Unlike the situation in other council areas, non-residents have been able to be added to the electoral list without having to claim enrolment. The general manager has obtained information about non-residents from surveys of shop and office occupancies. However, there is no guarantee that the information is accurate and that the persons are entitled to be enrolled. In cases where a company has not nominated a person as an elector, the secretary has been automatically nominated, possibly against the company's wishes.

Because the list becomes the non-residential roll for an election, it is important that it be accurate. This was achieved for the 1995 council election by the general manager of Sydney City Council, four weeks before the roll closing date, sending a claim form to all non-residents already included on the list. Only those persons returning claim forms by the closing date had their names retained in the non-residential list of electors. The bill proposes to adopt the successful 1995 procedure for all future Sydney City Council elections. The proposed procedure will have the added flexibility of claim forms being mailed out earlier than four weeks before the roll closing dates.

This will enable the non-residential list and roll to be as accurate as possible. Accuracy of the non-residential list and roll will be further enhanced by allowing non-residents to be enrolled only after they lodge claims declaring their enrolment entitlement. This principle is followed for enrolment in all council areas. Moving on to more minor matters, the bill proposes consequential amendments

to certify the non-residential list as the roll and voting where the secretary of a corporation is enrolled. In addition, clarifications will be made to the provisions on compulsory voting, polls and constitutional referendums. These clarifications involve no policy or substantive changes. I commend the bill to the House.

Debate adjourned on motion by Mr Rixon.

Mr ACTING-SPEAKER (Mr Mills): I welcome to the gallery the students and parents from the Gladesville electorate. The students are from St Charles, Our Lady Queen of Peace, Boronia Park, Truscott Street, Kent Road and Gladesville schools.

TRAFFIC AMENDMENT (PAY PARKING SCHEMES) BILL

Second Reading

Debate resumed from 29 April.

Ms MOORE (Bligh) [11.23 a.m.]: I ask the Minister for Transport, and Minister for Roads what the real agenda is for the Traffic Amendment (Pay Parking Schemes) Bill. The Minister is aware of my suspicions about the purpose of the bill. In his second reading speech the Minister said:

I present this bill to the House at this time because of the urgent need of the Olympic Co-ordination Authority to control and regulate parking within the Olympic 2000 complex at Homebush Bay, including the land presently under the auspices of the Bicentennial Park Trust and the State Sports Centre Trust.

If that is the case, why does the bill not contain time limitations? If the changes are proposed for a specific event, when will they be withdrawn? The inclusion of a sunset clause would ensure that after the Olympic Games the community would not be left with unnecessary and inappropriate pay parking schemes into the next century. If the bill is primarily related to Olympic venues at Homebush Bay, why are its provisions not limited to that specific geographic area?

This bill presents real concerns for my electorate. Two Olympic venues are located within the electorate, at Rushcutters Bay and at Centennial Park and Moore Park. During the Olympics the Bligh electorate will host yachting, fencing, cycling, the marathon and soccer. I am concerned about the potentially devastating impact of the Olympic Games, in particular on the inner-city area. The Olympic events to be held in Bligh will attract large numbers of people into the area. If people are encouraged to drive to the venues, the volume of

cars attempting to navigate through the area will increase dramatically, and that will result in worsening traffic congestion and increased pollution. Dr Jacques Rogge, Chairman of the International Olympic Committee Co-ordination Commission, was reported in the *Sydney Morning Herald* on 25 April as stating that transport could still be a problem for the 2000 Games. He specifically referred to Moore Park and Darling Harbour as problem areas.

The Minister knows that inner Sydney already faces traffic gridlock each day. Most of the roads were not designed for the volumes of traffic they carry. A dramatic increase in traffic would force drivers into residential back streets. Traffic already causes serious pollution problems and the inner city already has a major parking problem. Large areas of Moore Park are damaged regularly because parklands are used to provide parking for sporting and entertainment events in the Centennial Park, Moore Park and showground areas.

This problem cannot be resolved by supporting increased car parking levels to systematically destroy our parklands. I oppose the visual pollution created by the installation of parking meters and other such devices on roads throughout our parklands. The sensible solution would be to substantially improve public transport access as the Government is doing at Homebush so that visitors can safely and conveniently travel to Olympic venues in the inner city. Private organisations should be discouraged from allowing parking on their road-related areas, and should not be provided with legislative encouragement to do so.

Can these broadly defined public authorities be trusted to have the best interests of the community at heart? Will schemes initially intended to limit parking and promote public transport degenerate into fundraising ventures, with ever-increasing parking levels as these organisations find it more difficult to raise revenue? This legislation will place certain organisations on an equal footing with councils in the provision of pay parking schemes. Councils are constrained by significant levels of community input. Will the same level of consultation and scrutiny apply to bodies that are not democratically elected, like councils, to place them on an equal footing in the establishment and operation of pay parking schemes?

I disagree with the main purpose of this bill. The introduction of pay parking schemes that operate under the provisions of the bill raises significant issues that should not be dealt with solely by the Roads and Traffic Authority. Each scheme must be considered on its merits and must be open

to scrutiny by the community, local council or Parliament. I foreshadow that in Committee I shall move a number of amendments to the bill. If the Minister's intention is to provide support for the Olympic Co-ordination Authority, the bill must be amended to limit its effects to Olympic sites at Homebush Bay and to provide a sunset clause limiting the provisions until immediately after the Olympics.

The RTA must develop guidelines that prevent unlimited or inappropriate pay parking schemes, and communities particularly affected must have input. The bill must be amended to provide direction for the RTA in that task. In particular, the guidelines must ensure that any pay parking scheme does not result in appalling social, environmental or traffic consequences. It is not appropriate to place declared public authorities on essentially equal footing with democratically elected local government. New pay parking schemes must be implemented in consultation with and require the consent of local councils. Provision must be made for community consultation and input. I call on the Minister for Transport, and Minister for Roads to ensure that guidelines developed by the RTA are prepared following consultation with interested community members. I shall examine the details of any guidelines to determine their impact on the city.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [11.29 a.m.]: I lead for the Opposition on the Traffic Amendment (Pay Parking Schemes) Bill. The object of the bill is to amend the Traffic Act 1909 to allow declared public authorities to establish and operate pay parking schemes on public streets under their control. Currently only local councils have authority to operate such parking schemes. The bill also replaces the existing expression "pay parking space" with the expression "pay parking area". The bill is designed to allow declared public authorities, the definition of which includes any person or body declared by the regulation to be a public authority for the purposes of the bill, to operate any parking schemes such as meter, ticket and coupon parking on a similar footing to local councils.

The bill has been introduced with the particular purpose of enabling the Olympic Co-ordination Authority to control and regulate parking within the Olympic 2000 complex at Homebush, including land presently under the control of the Bicentennial Park Trust and the State Sports Centre Trust. The Opposition believes that the bill does not seek to strip councils of their right to negotiate with the Police Service to win contracts to patrol streets and collect the subsequent parking infringement

revenue. The bill will make it easier for a State government agency to collect for its own purposes revenue that was once in the domain of councils. With those few words I commend the bill.

Mr O'FARRELL (Northcott) [11.30 a.m.]: I take this opportunity to raise the issue of commuter parking at railway stations in my electorate and, indeed, generally across the north shore. CityRail meets the declared authority criteria and, therefore, under the terms of this legislation would be able to operate pay parking schemes. In his second reading speech the Minister indicated that any scheme must be consistent with the Government's overall transport policy objectives. There could be no more important objective on the north shore than to persuade more people to use trains and thus reduce congestion on roads such as the Pacific Highway, The Comenarra Parkway and the eastern arterial road.

Although railways on the north shore are well supported, additional capacity is available. Rail is an important part of the north shore's history and occupies an important place in the lives of many of its residents to this day. It deserves our continuing support, regardless of the political complexion of the government of the day. More people will be persuaded to use trains only through the introduction of better feeder bus services and additional commuter car parking. It is a matter of shame to me that in the year in which the State Government doubled the central business district parking levy, which funds the construction of commuter car parks, not one single new car park has been initiated. I welcome this legislation because it will provide CityRail with a greater range of options to meet commuter parking demands. In many areas free commuter car parks have become crime hot spots, areas of rich pickings for people stealing motor vehicles or stealing from vehicles.

For instance, in Ku-ring-gai municipality car theft has increased by 29 per cent, in Hornsby it has increased by 23 per cent and in both areas theft from cars is into double figures. The introduction of car parks providing pay parking schemes would achieve two objectives: additional car parks at suitable locations and greater supervision of car parks, if only by revenue collection staff. It would also generate specific income to CityRail to establish commuter parking. I firmly believe that commuters would be prepared to pay a reasonable fee for secure and convenient parking, especially if such parking was combined with park-and-ride tickets. This legislation will enable CityRail to more imaginatively co-operate, where appropriate, with

private sector redevelopments to provide additional paid parking. The bill is important and I hope it will be used wisely.

Mr KINROSS (Gordon) [11.33 a.m.]: In November 1994, in company with the former Minister for Transport, Bruce Baird, I opened the Gordon commuter car park. It has served commuters well, including those from Labor electorates on the central coast. I have established from talking to constituents on the railway stations that a great many of them find the car park of immense benefit. Many people use Gordon railway station as a staging post, a place close to the city to which they can drive, park their cars and commute to work. Notwithstanding that, there has not been any increase in car parking facilities in proximity to train stations—certainly on the north shore and to my knowledge in metropolitan Sydney—despite revenue being available for that purpose. The Labor Government has sought to expropriate that money and use it as consolidated revenue to fill its many black holes.

I am concerned about traffic and transport issues generally on the north shore. I am also concerned about the extent to which pay parking schemes can be used for ulterior motives. I gave the example of Gordon railway station, but there are many other areas of parking demand on the north shore. This bill will go some way towards alleviating traffic congestion generally on the Pacific Highway. The Minister for Transport, and Minister for Roads will recall that I have repeatedly expressed concern about the extent to which the Pacific Highway and the Pymble bridge impact on the free flow of traffic and business generally. Every week day the Pacific Highway becomes congested at about 2.30 or 3.00 p.m. and remains congested until 8.00 p.m.

Until sufficient commuter car parking facilities are located near train stations the traffic situation will continue to deteriorate and will eventually result in gridlock, if that point has not been reached already. That will impede the free flow of traffic and the commerce in this State. I seek clarification from the Minister about the new heading for part 3B, "Part 3B Pay parking schemes", and about the extent to which the new definition of "pay parking space" referred to in section 10Q is likely to become applicable. That term is also picked up in new section 10T. I will not go into any more detail as it would be repetitive to do so. The bill sufficiently sets out its objects. However, I ask the Minister to address the concerns I have raised.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [11.37 a.m.], in reply: I thank the Opposition for its support, particularly the shadow minister for roads, the honourable member for Northcott, and the honourable member for Gordon. I also acknowledge the contribution of the honourable member for Bligh. However, I do not support her foreshadowed amendments. The legislation is not designed merely to be used by the Olympic Co-ordination Authority, although it is obviously an important public authority and this bill will facilitate its capacity to introduce pay parking schemes in public streets. I am surprised that the honourable member for Bligh believes that the legislation will suddenly create new parking spaces and horrific traffic congestion in her precinct. The legislation will not create one extra parking space.

The creation of extra parking spaces will not be caused by this legislation. The bill merely enables certain public authorities to charge for current parking spaces. If they wish to create additional parking spaces, that is a matter for them. Councils may or may not agree. The ability of public authorities to exact a fee for people using such parking spaces is the matter at issue. I am of the view that charging a fee for a parking space will encourage people to use public transport. That is quite the opposite of what the honourable member for Bligh said. The legislation will enable public authorities other than the OCA to pursue pay parking schemes. I refer to authorities such as the Centennial Park and Moore Park Trust, the University of Sydney and the Darling Harbour Authority.

The guidelines will be prepared by the Roads and Traffic Authority in consultation with all relevant councils and stakeholders. Commuter car parks have generally operated without charge, but the honourable member for Northcott has put forward an interesting notion, and I will give it some consideration. A number of people in his constituency obviously believe that a better way to promote the use of public transport in that part of Sydney may be the imposition of a charge where there is socioeconomic justification for doing so. The general principle in most parts of Sydney is that commuter car parking is provided free of charge to encourage people to use public transport.

The honourable member for Gordon may rest assured that I am well aware of the need to provide commuter car parking as a means of encouraging the use of public transport. The bill is not about public transport. I am committed to doing everything I can in relation to a range of measures that will

encourage the use of public transport. Those measures include the provision of reliable, safe and accessible trains, intermodal facilities, bus interchanges, and car parking facilities. I thank honourable members for their support for the bill. I do not agree with the amendments proposed by the honourable member for Bligh.

Motion agreed to.

Bill read a second time.

In Committee

Clause 2 and new clause 5

Ms MOORE (Bligh) [11.41 a.m.], by leave: I move amendments Nos 1 to 3 standing in my name in globo:

- No. 1 Page 2, clause 2, line 7. Omit "subsection (2)". Insert instead "subsections (2) and (3)".
- No. 2 Page 2, clause 2. Insert after line 12:
 - (3) Section 5 and Schedule 2 commence on 1 January 2001, unless commenced sooner by a proclamation under subclause (1).
- No. 3 Page 2. Insert after line 20:

5 Amendment of Traffic Act 1909 No 5 relating to pay parking agencies

The *Traffic Act 1909*, as amended by this Act, is further amended as set out in Schedule 2.

These amendments seek to insert into the bill a sunset clause, as outlined in a new schedule, to provide for the impact of the legislation to be reversed. In his second reading speech the Minister noted the urgent need for the Olympic Co-ordination Authority to control and regulate parking within the Olympic 2000 complex at Homebush Bay, including land at present under the control of the Bicentennial Park Trust and the State Sports Council Trust. The purpose of the amendments is to allow that need to be met while preventing the measure from having an ongoing impact on areas other than the Olympics complex, particularly in the city.

The major thrust of the amendments is to be found in proposed schedule 2, which seeks to omit all clauses introduced into the Traffic Act by this bill as at 1 January 2001, or sooner by proclamation. I fundamentally disagree with the general approach of the bill, which seeks to make changes not only for the Olympics but also for wider New South Wales and for a longer period of time than the Olympics will occupy. The use of the authority provided by the bill has significant implications.

Declared public authorities may include many diverse organisations. The Minister has alluded to that. Such bodies include the Centennial Park and Moore Park Trust, the Royal Botanic Gardens and Domain Trust, the Sydney Sports Ground Trust, public hospitals, universities and others. The introduction of paid parking schemes for each of those authorities should be considered on its merits and not dealt with in a single bill. I acknowledge the benefit of having special provisions to support the work of the OCA in preparing for and hosting the 2000 Olympics. I do not acknowledge the need for the legislation to have general application.

Question—That the amendments be agreed to—put.

Division called for. Standing Order 191 applied.

Ayes, 2

Dr Macdonald
Ms Moore

Question so resolved in the negative.

Amendments negatived.

Clause 2 agreed to.

Schedule 1

Ms MOORE (Bligh) [11.48 a.m.], by leave: I move amendments Nos 4 to 10 standing in my name in globo:

No. 4 Page 3, schedule 1, line 13. Insert "being an area within the Homebush Bay area as defined in the *Olympic Co-ordination Authority Act 1995*" after "operations".

No. 5 Page 4, schedule 1. Insert after line 22:

(1A) A declared public authority must consult with each council in whose local government area the area of operations of the declared public authority lies before it establishes any such scheme.

(1B) The declared public authority may not establish any such scheme except with the approval of any such council or the consent of the Minister administering this Act.

(1C) Upon the establishment of any such scheme, but before its implementation, the pay parking agency must publish notice of the scheme in a newspaper circulating at least weekly in the area of operations of the pay parking agency.

No. 6 Page 5, schedule 1, lines 6-7. Omit all words on those lines.

No. 7 Page 5, schedule 1. Insert after line 20:

(1A) A declared public authority must consult with each council in whose local government area the area of operations of the declared public authority lies before it establishes any such scheme.

(1B) The declared public authority may not establish any such scheme except with the approval of any such council or the consent of the Minister administering this Act.

(1C) Upon the establishment of any such scheme, but before its implementation, the pay parking agency must publish notice of the scheme in a newspaper circulating at least weekly in the area of operations of the pay parking agency.

No. 8 Page 6, schedule 1, lines 7-8. Omit all words on those lines.

No. 9 Page 6, schedule 1, line 24. Omit "may". Insert instead "must".

No. 10 Page 6, schedule 1. Insert after line 25:

(1A) Without limiting subsection (1), the Authority must establish guidelines with respect to the following:

(a) the purpose and intent of a proposed pay parking scheme,

(b) the extent of operation of a proposed pay parking scheme,

(c) the environmental impact of a proposed pay parking scheme,

(d) the social impact of a proposed pay parking scheme.

No. 11 Page 10. Insert after line 21:

Schedule 2 Amendments relating to pay parking agencies

(Section 5)

[1] Section 10Q Definitions

Omit "and" from the definition of *area of operations*.

[2] Section 10Q

Omit paragraph (b) from the definition of *area of operations*.

[3] Section 10Q

Omit the definition of *declared public authority*.

[4] Section 10Q

Omit "or a declared public authority" from the definition of *pay parking agency*.

[5] Section 10R Metered parking schemes

Omit subsection (4).

[6] Section 10T Other pay parking schemes

Omit subsection (4).

[7] Section 10VD Disputes

Omit "and" from paragraph (3) (a).

[8] Section 10VD (3)

Omit paragraphs (b) and (c).

These amendments relate to involving local communities and local councils in decisions in relation to pay parking schemes. If the bill is not amended it will allow public authorities to deal directly with the RTA and exclude the community. The introduction of the measures in the bill will have an impact on local traffic flow and involve the installation of parking fee equipment. That is of particular concern to me. It is not appropriate for declared public authorities to have authority equivalent to that of local councils and to be able to introduce schemes without reference to local councils. Local government is governed by legislation and, most importantly, it has a democratic basis that is lacking in other bodies. I therefore propose in the new section 10R(1A) that a declared public authority must consult with each council in whose local government area the area of operations of the declared public authority lies before it establishes any such parking scheme.

I also propose that local councils should have limited authority to veto schemes that they consider to be inappropriate. Amendment 5 proposes a new section 10R(1B) which provides that the declared public authority may not establish any such scheme except with the approval of any such council or the consent of the Minister administering this Act. It is my intention that the new section will provide for a broader level of community input to any pay parking scheme. I am fearful that decisions may be made at a State level by the Roads and Traffic Authority with little or no reference to the impact on local communities. The requirement of the proposed section would be met if the introduction of pay parking schemes faced a process similar to development approvals. Amendment 5 also proposes a new section 10R(1C) which provides that the community be informed of any changes as a result of the introduction of pay parking schemes. It requires that upon the establishment of any such

scheme, but before its implementation, the pay parking agency must publish notice of the scheme in a newspaper circulating at least weekly in the area of operations of the pay parking agency.

In the light of my concern about the excessive scope of the bill, proposed section 10R(5) stood out as providing unreasonable scope. I do not want to walk into Centennial Park and find parking meters installed along the roads in the park, particularly if those meters may be installed despite provisions of any other Act. The bill contains two parallel sections dealing first with metered parking schemes and second with other pay parking schemes. My concerns apply equally to both sections and the same amendments have been drafted to address each section. Whether it is a metered parking scheme or some other pay parking scheme, it is not appropriate to exclude local councils, overlook local communities and provide sole approval to the Roads and Traffic Authority. My amendments are designed to ensure that this does not happen.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [11.51 a.m.]: The suggestion is that if a public authority cannot get the approval of a council, the consent of the Minister administering the Act must be sought. I have enough work to do, and I do not think the shadow minister, if he becomes Minister, would want box loads of papers to sign every time a new parking scheme was proposed. The amendments are impractical and unnecessary. As I have said before, guidelines will be prepared in consultation with councils, but it is inappropriate for the Minister or councils to create obstacles to what is really a modest proposal that existing parking can be charged by public authorities. I consider that the honourable member for Bligh is making a much bigger deal of this issue than is warranted.

Ms MOORE (Bligh) [11.52 a.m.]: I refer the Minister to Robin Boyd's *The Australian Ugliness*. This bill perpetuates the situation exposed in that publication. As I have said, I do not want to find the beautiful parklands of Centennial Park and Moore Park desecrated by parking meters in years to come. It may well be that the Minister considers I am panicking unnecessarily, but we in the city are a very disillusioned lot. We have lost 80 acres of parkland in the Moore Park area since the Government took office, and the Minister's ministry has been responsible for the loss of at least five of those acres. The area of Moore Park that currently is not being used as a construction site is being used as a major car park. It is acknowledged that the Centennial Park and Moore Park Trust is struggling to maintain those parklands and is using every available opportunity to generate revenue for upkeep of the parklands.

Those parklands are the most frequently used in the New South Wales metropolitan area, each

year providing amenities for five million people from 22 municipalities. I am concerned that the bill provides the opportunity for the trust, without any reference to any of the surrounding municipalities or any members of the community who use the parks regularly, to install parking meters throughout the parklands. I should like to prevent that. All I ask is that the Minister introduce democratic principles into this very important bill, which could have long-term ramifications for many areas of the city—sensitive areas such as the Domain, the Royal Botanic Gardens, Centennial Park and Moore Park. Frankly, I consider it to be extraordinary and appalling that the Minister does not want to involve the community in consultation on such an important matter.

Question—That the amendments be agreed to—put.

Division called for. Standing Order 191 applied.

Ayes, 2

Dr Macdonald
Ms Moore

Question so resolved in the negative.

Amendments negatived.

Schedule agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

LOCAL GOVERNMENT AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of the amendments referred to in message of 28 April

- No. 1 Page 6, schedule 1[10], line 7. Omit "6 weeks". Insert instead "5 weeks".
- No. 2 Page 6, schedule 1[10], line 10. Omit "12 December". Insert instead "5 December".
- No. 3 Page 6. Insert after line 11:

[11] Section 418(3)(b)

Omit "reports.". Insert instead:

reports, and

- (c) a statement to the effect that any person may, in accordance with section 420, make submissions (within the time provided by that section and specified in the statement) to the council with respect to the council's

audited financial reports or with respect to the auditor's reports.

Explanatory note

Councils are required to give public notice of the meeting at which a council is to present its audited financial reports and auditor's reports to the public. The proposed amendment requires that notice to include the information that any person may make submissions to the council with respect to those reports.

Legislative Council's amendments agreed to on motion by Mr E. T. Page.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

COMPANION ANIMALS BILL

Second Reading

Debate resumed from 6 May.

Mr RIXON (Lismore) [12.02 p.m.]: The Opposition opposes the Companion Animals Bill. Some of the points contained within the bill are progressive and widely supported; however, a number of major concerns must be addressed before it is passed. Under the legislation if a dog without a collar is outside its yard and/or chasing a car its owner can be fined up to \$550. The Government's logic is that the offence of Fido chasing a Holden is equivalent to the offence of a person carrying a knife—the two offences carry a fine of \$550. Another fundamental difficulty with the legislation is that no-one has been provided with all the information. As it stands, the legislation is watery. Indeed, it remains to be seen how it will be enacted without the regulations. The regulations will provide detail on everything from how companion animals will undergo permanent identification through to how councils will be expected to foot the bill for implementing the legislation. That detail will make the difference between whether or not the legislation is workable and acceptable. As things stand, the Opposition believes that microchipping will be the form of identification used.

The Opposition understands from the Minister's second reading speech that councils will be allowed to increase their general rating revenue to raise money to cope with the changes brought about by the bill. However, the crucial problem is that we do not know what will happen. The Government has taken a trust-us-and-see attitude with regard to this legislation, which has taken almost three years to draft. The legislation contains no operating instructions. How much will ratepayers

be asked to pay to cover increased council costs? This bill is long overdue. There have been calls for well-structured legislation in relation to companion animals. However, despite the high number of dog attacks in New South Wales during the past three to four years, it took the Minister more than two years to present a white paper—and the results of that two-year wait are not good enough.

Two-thirds of New South Wales households have pets. Therefore, the legislation is important because it will affect a large proportion of the population. Its delay and the concern it has caused many people are reprehensible. The legislation is a comprehensive review of animal welfare legislation in New South Wales. The proposed legislation includes positive aspects, including a compulsory permanent lifetime identification system for dogs and cats. This system has been welcomed by many major animal groups in the State. The Opposition believes that this system will involve microchipping, which appears to have worked well in other countries. Another welcome move is an accessible statewide database system. At the moment individual councils are responsible for the maintenance of such records. The statewide system would ensure efficiency and accuracy; a comprehensive process would be enacted.

The desexing of animals has been encouraged and well received. However, it is a cause for concern in the animal ownership world. A number of groups have called for compulsory desexing. However, others have argued that it is impossible to achieve the objective of compulsory desexing. The exemptions for farm working dogs, racing greyhounds and police dogs have been welcomed by their owners, who have specific needs and valid arguments. The exemptions were negotiated after the white paper was released and before the legislation was introduced. However, a number of dog societies believe that they are also worthy of exemption. Those points aside, the Opposition remains opposed to the bill generally. It will move a number of amendments in another place to try to improve the bill. For example, the bill has clearly been drafted by people not experienced in pet ownership or responsibility, particularly with regard to cats.

The provisions that relate to cats are a duplication of the provisions that relate to dogs—the word "dog" is merely replaced with the word "cat". Consequently, some provisions make little sense. Cats and dogs are not the same species and, therefore, they cannot be treated the same way. In addition, the word "worries" has a wide meaning, ranging from serious to minor. Owners of dogs and cats can be fined if their animal merely worries

someone, which leaves a lot of scope for people with baseless complaints. This cannot be accepted. Local councils must be provided with adequate staff and resources to ensure that they uphold the new laws. Their workload will increase when the legislation is introduced. In addition, councils have few resources to increase the community's awareness of the new laws. The Opposition will move amendments to the bill in another place. The Opposition cannot support the bill as it stands.

Mr MOSS (Canterbury) [12.10 p.m.]: The Companion Animals Bill has been introduced because the Dog Act has run its course. The bill could be renamed the dog and cat bill, because that is what it is about; or it could be renamed the high-tech dog and cat bill, because it provides for identification microchipping—the dogs and cats of New South Wales are certainly moving into the twenty-first century. All jokes aside, the Government has recognised the importance of cats, of which there are an estimated 800,000 in this State. The honourable member for Lismore said that the part on cats is merely a duplication of the part on dogs. However, one must consider that in the past cats were not recognised or regulated by the law. This amendment will rectify that oversight. The bill emphasises community education. I support what other members have said about councils educating the community in relation to curbing animal noise and properly exercising animals.

It is amazing that many people who live in metropolitan Sydney keep guard dogs. When those people leave home their dogs fret in the backyard and the barking keeps the neighbours awake. If a dog were kept inside the house and it barked the walls would act as a buffer, thus allowing the neighbours to have a good night's sleep. A guard dog in an empty house is better protection for the owner: no burglar would knowingly enter a house guarded by a dog. Large dogs that live in metropolitan areas should be exercised. Nothing sickens me more than seeing beautiful hunting dogs, such as red setters and dalmatians, cooped up in small backyards in inner-city suburbs. Often such dogs are only a status-symbol for their owners. If dogs were exercised properly there would not be a problem.

A number of people have expressed concern about whether cats should be curfewed—the bill does not suggest that they should be. There are a number of reasons for not placing a curfew on cats. First, it would be near impossible to keep a leash on a cat because it would choke itself trying to get it off. Second, it is almost impossible to keep a cat fenced in because it can jump. Perhaps the only way

to apply a curfew to a cat is to cage it in a backyard. However, the resources of councils would be spent enforcing that provision because most people would not want to confine their cat to a cage. A cat could be kept indoors permanently to comply with a curfew, but most cat lovers would find such action undesirable. There are many good arguments why we cannot impose a curfew on cats. Community education and nuisance orders that are applied when a cat causes a problem will go a long way towards solving the problem.

It costs people \$45 to register and microchip a desexed cat. As the Minister pointed out in his second reading speech, that compares favourably with the existing \$48 fee to register a desexed dog, which may live for about 12 years. People have an incentive to desex their animal because it will cost \$100 to register a non-desexed animal, compared to \$35 to register a desexed animal—186 per cent more. It has been argued that all cats and dogs should be desexed, but I question whether that is workable. For instance, what effect would compulsory desexing have on breeding stock? Some people may argue that specific breeders should be exempt from this provision so that people can buy an animal of their choice. What would be the cost for families to purchase a pet if desexing were compulsory?

The bill provides community education and provides people with sufficient financial incentives to desex their animals. I am sure that there are sufficient safeguards. The Minister said that councils that prepare local companion animal plans will be able to impose a levy of 5¢ per household per week. Most, if not all, local government authorities will take up that offer of additional revenue for the sake of carrying out the conditions of the new Act. I congratulate the Minister on producing a green paper and a white paper. Obviously, the community has been consulted in the preparation of the bill. In fact, some 10,000 written submissions were lodged, which indicates the amount of interest in this matter. The bill should be commended.

Mr RICHARDSON (The Hills) [12.18 p.m.]: This is possibly the most draconian, unworkable and idiotic legislation introduced in the House in the five years that I have been a member of Parliament. Laws must not only be just but they must be enforceable, and any law that is not both just and enforceable will not be obeyed by the majority of people it is supposed to control. I accept that the Government has undergone two years of consultation and that the Minister for Local Government introduced both a green paper and a white paper, which attracted 10,000 submissions.

The Opposition does not oppose the basic thrust of this bill, which is to provide for the improved care and management of dogs and cats. However, it is opposed to clause 31, for example, which provides that a person may injure or destroy a nuisance cat.

The notion that a cat is a dog and can be confined and treated in the same way as a dog is ludicrous. Therefore, the Opposition will oppose this bill in both Houses, despite the fact that it supports several clauses in it. The way the bill is currently drafted means that the Opposition has no choice but to oppose it; we cannot simply say that a couple of clauses should be maintained. The Government needs to rethink and completely redraft this bill. Many constituents in my electorate of The Hills have visited me to express concern about this bill, and honourable members have received substantial correspondence from animal welfare groups over the past few days. Some of the responses are worth placing on the record.

For example, the World League for Protection of Animals has sent a flyer to members containing responses which vary from "I don't believe it!" and "Is it a joke?" to "This is horrendous!" and "Who did this?". The flyer states that this bill will make law-breakers of ordinary people as few pet owners will be able to comply with its provisions. About 66 per cent of New South Wales households own cats or dogs, so potentially two-thirds of the people of New South Wales could become law-breakers. This bill is a complete ass. As the World League for Protection of Animals said, this legislation will be unacceptable to a large sector of the community and cause distress and grief to the many people who may be unable to continue to keep a well-loved companion animal.

The World League for Protection of Animals notes that the bill does not focus on animal welfare, does not recognise the need for substantial improvement in the management and system of pounds, does not attempt to base initiatives and models of best practice here and overseas, and does not attempt to look at softer options for improving companion animal issues. Initially I was concerned that smaller dogs and cats would be unable to have a microchip safely implanted at 12 weeks as proposed in the bill. I have spoken to a number of veterinarians and breeders about this matter, and I am convinced that at least that provision is workable. A constituent in my electorate of The Hills, Mr Bruce Hill, who breeds miniature short-hair dachshunds, has called for show dogs to be exempted from the provisions, but I am not convinced that that is a necessary change. I listened with interest to the comments of the honourable

member for Canterbury about the provisions relating to cats. To be honest, I thought he was speaking for the Opposition. He said he was glad that the suggested cat curfew had not been provided for as cats could not be put on a leash or fenced in. He said there were many good arguments against imposing a cat curfew.

There are many good arguments against imposing many of the provisions in part 4, such as the prohibition on cats straying within 10 metres of a children's play area and the prohibition on cats entering school grounds. If the owner of a house that backs onto school grounds has a cat that is used to hopping over the fence into the school grounds, that person will face a fine of \$550 if the cat continues to hop over the fence. The honourable member for Canterbury said that cats cannot be confined or fenced in. If the cat continues to offend by hopping over the fence its owner may be banned from owning a cat for five years. That is an absolute outrage.

It is a disgrace, and the Minister who proposed this iniquitous legislation is a disgrace. The provisions are completely unworkable and unenforceable. Indeed, they will make law-breakers of ordinary people. But it gets worse. Clause 30 defines "nuisance cats". The honourable member for Lismore in his excellent contribution to this debate said that in many instances cats tend to be confused with dogs in the provisions. The bill suggests that cats are dogs. It is like *Yes Minister* when Sir Humphrey says that if a dog has four legs and a cat has four legs, dogs must be cats. Dogs are not cats and cats are not dogs; they are different species and they act differently. Their behaviour and their characteristics are different.

Mr Stewart: The honourable member has worked out the distinction between cats and dogs. It has taken him long enough.

Mr RICHARDSON: For the information of the honourable member for Lakemba, the Minister has not made the distinction, and that is the problem with this bill. Under clause 30 a cat is a nuisance if it makes a noise persistently or it continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises. In other words, if a cat caterwauls outside a house and interferes with someone's sleep, it may be declared a nuisance. If a cat repeatedly defecates or urinates on property outside the property on which it is ordinarily kept it can be declared a nuisance. In other words, if it is in the habit of doing its business in the next-door neighbour's garden or sandpit it can be declared a

nuisance. If a cat repeatedly damages anything outside the property on which it is ordinarily kept—presumably, that includes digging up flower beds or vegetable gardens—it may be declared a nuisance. The bill provides that an authorised council officer who is satisfied that a cat is a nuisance can issue an order requiring the cat's owner to prevent the behaviour that is alleged to constitute the nuisance. Such an order will remain in force for six months.

What is the penalty for breaching that provision? The bill provides penalties of a \$550 fine for the first offence and a \$2,200 fine or 20 penalty points for a second or subsequent offence. This is terrific legislation which will affect pensioners, for example. Pensioners will be delighted that the Government has introduced this bill. There is no question that they will flock to the polling booth to re-elect the Labor Party. Extraordinarily, it gets worse. Under clause 31 if a cat strays into the next-door property—and the honourable member for Canterbury says that cats cannot be confined or fenced in—and digs up the flower bed or scratches the flyscreen, a person may lawfully injure or destroy the cat. That provision also applies to dogs. What happened to prevention of cruelty to animals? Surely the humane members of this House do not agree that a person may kick a cat in the guts, break its ribs or break its neck because it strayed into the next-door neighbour's garden.

Under clause 31 any person who injures or destroys a cat in such circumstances will not incur any civil or criminal liability. That is totally outrageous. It is as though we have returned to the days of dog baiting and cockfighting. It is outrageous that in 1998—and we are almost into the new millennium—this Parliament is entertaining such provisions in legislation. As I said earlier, people can be disqualified from owning a dog or cat if they have been convicted of offences under various sections outlined in clause 22, which relates to dogs, and clause 32, which relates to cats. What does the Minister hope to achieve? Perhaps he does not want people to own cats or dogs.

Mr O'Farrell: He owns a dog.

Mr RICHARDSON: Not for much longer. I believe he has a secret desire to get rid of his dog! Perhaps this legislation will enable him to do that. The Australian Companion Animal Council has provided a document called the *Power of Pets*. [Extension of time agreed to.]

Under the subtitle, "A Summary of the wide ranging benefits of companion animal ownership" the document states:

People have always had a strong urge to nurture animals. Modern society continues this commitment to the care of pets. In a climate of constant change and fundamental shifting of values, Australians are placing increasing importance on the role of pets in their lives.

For many lonely or elderly Australians pet ownership enhances their quality of life and achieves significant health benefits, such as reduction in blood pressure and improved social contact. An intellectually disabled man lives next door to me. Recently, his mother acquired a cat for him—and, I might add, that cat often trespasses on our property. The bond between that man and the animal is wonderful. I fear that legislation such as this will force my next door neighbour to have the cat put down, and thereby break the friendship bond between her son and his pet. The same could be said for many other pet owners throughout New South Wales. I should like to quote some literature that has been provided to me over the last few days. The Animal Societies Federation states:

This legislation is being met with astounded disbelief—in person & on talk-back radio. Typical comments . . .

"Attacked by a CAT?"

"You want me to put a collar on my CAT?"

"Someone will enter MY property and TAKE my dog?"

"But I WANT my dog to bark at strangers."

"But you can't keep a cat in the house for life."

"I have two loved dogs—I'm the only house in my street which hasn't been broken into."

"It's outrageous."

"I'm a law-abiding citizen—how dare they treat me this way."

"Who's responsible for these laws?"

We know the answer to the last question: the Minister for Local Government is responsible. A citizen of the United States of America wrote to the Minister for Local Government as follows:

I have received word from a friend in New South Wales that your government has passed a new law stating that anyone may lawfully destroy a cat if the action is reasonable and necessary for the protection of any person or animal (excluding vermin) from injury or death, or for the prevention of damage to property.

What nonsense! How much "damage" can a cat weighing 10-12 pounds do?

Thank god I don't live in NSW. My cats could no longer slip through the fence and go to the neighbor's yard to lie in the sun on their grass. Perhaps one of them might lie in a flower bed. If my neighbor was so inclined s/he could kill the cat for destroying their property. I have animal loving neighbors all around me, but if I didn't and the neighbor was irked by having flowers trampled, I would certainly pay for the damage. I couldn't ever conceive of killing a cat for a reason as trivial and unwarranted as written into your new law. Sounds as if some group(s) of people are very strong cat haters and your government is acquiescing to them.

I've always thought Australia was a country I wanted to visit, but with what I've been seeing on the WWW with respect to the government's treatment of kangaroos, koalas, and now cats, I no longer have a desire to spend my tourist dollars there.

This piece of draconian legislation has attracted worldwide interest, no doubt because it is unjust, completely unworkable, and anti-pet, it does not carry out what it purports to do, and it does not provide for the effective and responsible care and management of animals. For those reasons the Opposition opposes the bill.

Ms HALL (Swansea) [12.35 p.m.]: The honourable member for The Hills raised some interesting ideas. It is obvious that he has never served a term as a councillor and received phone calls from angry ratepayers who have been disturbed by noisy cats. The honourable member misunderstands. This legislation will run in conjunction with the Prevention of Cruelty to Animals Act. The bill does not provide for the reintroduction of cockfighting, nor will it allow people to bash and cruelly treat cats and dogs. Companion animals are highly valued in our society and are dearly loved by many people. Approximately 60 per cent of Australians own companion animals, whilst others consider them a nuisance.

There is obviously a conflict in the community about pet behaviour and the responsibilities of pet owners. Many dog and cat owners care for their animals responsibly by registering them, educating them and controlling them, whilst other owners fail to responsibly care for and control their animals. The Companion Animals Bill will replace the outdated Dog Act 1966. I am sure Opposition members would agree that the 1966 Act is outdated: it fails to meet the needs of animal owners, those responsible for policing the Act or the community. The bill was introduced following extensive community consultation and consideration by the companion animals working party, which was established by the Minister in January 1996 and consisted of a wide range of animal welfare and interest groups.

No-one can say this legislation has been rushed or that there has not been adequate consultation. Nor could it be said that the bill does not consider competing needs—the legislation should work as it aims to promote the welfare of animals and balance that between the expectations of those who own dogs and cats and those who do not. The Companion Animals Bill is unique in that it seeks to ensure the effective and responsible care

and management of dogs and cats by promoting their welfare. Companion animals play a vital role in our community. They help people who are socially isolated. Having an animal to love and care for can often give meaning to the lives of elderly people. Disabled people show real affection for pets and develop a deep bond with them. And, of course, children love them.

Recently I heard of a pet dog that was taken to a hospital, where it jumped on the bed of a critically ill child. That was a turning point in the recovery of the child. It is important to recognise the role of cats and dogs in society; create a system of permanent identification and lifetime registration; strengthen restrictions on dangerous dogs—not even Opposition members could condone acts by dogs that seriously injure or maim people; reduce the number of abandoned and euthanased dogs; reduce unknown and feral animals; and promote local companion animal plans and control strategies.

As a result of this legislation cats will be given legal status for the first time. The honourable member for The Hills made a great deal of this by using a play on words to the effect: for dogs read cats. I assure the honourable member for The Hills that animal welfare organisations are very keen that cats should be given the same status as dogs. It is something they have sought for a long time. To date there has been no specific protection for cats or their owners, and no controls on the impact of cats in the community. I recently chaired a working party that reviewed the use of pound animals for medical research. As part of that review the working party visited a number of pounds and during the process consideration was given to the issue of stray, abandoned and lost dogs and cats.

It became apparent to the working party that responsible pet ownership is a major issue in our society. People buy or are given cats and dogs without understanding the responsibilities that accompany pet ownership. Those animals end up unwanted or mistreated and invariably find themselves in a pound. It is a costly problem that needs to be addressed and I consider that this legislation will address some of those issues. I have the figures for the period July 1995 to June 1996 relating to the number of animals in the shelter run by the Royal Society for the Prevention of Cruelty to Animals. During that period 10,199 dogs were received at the shelter, 1,350 were reclaimed by their owners, 4,507 were sold and 4,518 were euthanased—4,518 just thrown on the scrap heap. That is a sad comment on our society and it must be addressed.

I believe that by going down this path and promoting responsible pet ownership we are making an attempt to address the problem. During the same period 9,839 cats were received at the shelter, 59 were reclaimed by their owners—what does that say—1,961 were sold and 7,819 were euthanased. The number of animals received totalled 21,871 and the number euthanased totalled 12,337. More than half the number of animals received were euthanased. In the Blacktown City Council area 4,796 dogs were impounded and the bulk of them were euthanased. Blacktown pound is a collection point for a number of areas. In the Wyong Council area the annual figure was approximately 2,200 animals, 35 per cent of which were reunited with their owners, 7 per cent were sold and 58 per cent were euthanased.

That situation should not be allowed to continue. Members of this House have a responsibility to address that problem, and I believe this legislation will do that. During the period when I chaired the working party it became apparent that what is needed is a permanent and accessible system of registration. If a dog becomes lost and find its way into a pound or shelter, the only way to guarantee that it will be reclaimed is if a microchip has been implanted in the animal. If an animal registered in one local government area crosses into another local government area, there is absolutely no guarantee that the pound will contact the owner, a resident of the other council area.

Dogs frequently stray out of their areas. If a dog registered in Liverpool strayed into a different area and was picked up, even though it would be taken to one collection area at Camden that animal would not necessarily be reunited with its owner. I welcome the positive decision to introduce a system of lifetime registration. The fee structure for lifetime registration of desexed animals will be \$35, and \$15 for pensioners, and I regard that as reasonable. Animals that are not desexed will incur a \$100 fee. The fee has been set at that level to act as an incentive to owners to have their animals desexed. I have a problem with that aspect because invariably people do not have their animals desexed because they cannot afford to do so or they do not care.

Someone may have a dog that has not been desexed, but not think twice about registering that dog. However, if that person could not afford to have the animal desexed or was not a responsible owner the \$100 fee would act as a barrier, not an incentive, to having the animal desexed. That point has been conveyed to me by a number of animal welfare groups and people in the community that I

represent. I regard the desexing of animals as highly desirable and I wonder if the Minister has considered making it compulsory that all animals be desexed before release from council pounds. It became apparent to me when I was involved with the working party that the process varied enormously from pound to pound. The working party generally considered that the approach should be standardised across all councils and should include reference to ownership and persons surrendering the animals.

Some pounds require persons to produce identification to show that they are the persons they claim to be, that they live at a certain address and that the animal is theirs. At other pounds any person can claim a dog, say they do not want it any longer and the pound will agree to take it off their hands. I believe dog or cat owners should be required to produce proof that they are who they claim to be and that they own the animal they are surrendering. *[Extension of time agreed to.]*

The decision to establish a statewide companion animal fund to finance community education programs is most welcome because I believe education is the key to responsible dog ownership. Quite frequently people see a nice, cuddly ball in the shop or perhaps go to the market and buy an animal out of the boot of a car. They do not realise that when they take the dog or cat home with them they are responsible for feeding and caring for it and making sure it does not create a nuisance within the community. It is only through a widespread education program, perhaps even incorporated in school curriculums, that this objective will be achieved. Some of us may care very much for dogs and cats and others may be indifferent, but we all want a society where animals are cared for and do not impinge on us or others. I have been approached by a number of animal welfare groups who have expressed concern about the legislation and I gave an undertaking that I would bring their concerns to the Minister's attention. I believe the honourable member for The Hills adequately put the case for the Animal Societies Federation, and I will not touch on that aspect.

The animal liberation group provided me with a list of issues that it felt needed to be addressed. It is unhappy with clauses 21(1) and 31(1) of the bill. Clauses 21(4) and 31(4) do not provide a penalty for not taking an injured dog or cat to a vet. However, that may be covered by another Act. This list covers many of the issues that the honourable member for The Hills referred to. I will pass that list on to the

Minister and ask him to address those issues that the group has raised.

Overall, the Companion Animals Bill addresses important community issues. It will not make everyone happy, because people have different ideas about this contentious issue. Any legislation which deals with issues as emotive as companion animal ownership will receive a mixed reception, but this legislation should go a long way towards promoting responsible pet ownership. The Minister has consulted extensively with all community groups, and he should be congratulated for the effort he has put into developing this legislation. The legislation seeks to meet the needs of cat and dog owners on the one hand, and those who do not own companion animals on the other.

Mr O'FARRELL (Northcott) [12.51 p.m.]: Before I address the substance of the Companion Animals Bill, there has been some debate today about cats being dogs and dogs being cats. I confess that my grandmother had a 20-pound moggy, and a number of years later purchased a very young toy poodle. Throughout its life that toy poodle washed itself like a cat. I assure the honourable member for The Hills that although it was a dog and was registered as a dog it had all the mannerisms of a cat.

This legislation is an example of good intentions being thwarted by bureaucracy. One can take the Minister for Local Government away from the Iron Curtain, away from eastern Europe, away from those beliefs that he has so strongly held throughout his political career, but one cannot take him away from centralism and social engineering in this sort of legislation, which interferes with the good intentions of government. To be fair, the legislation seeks to address serious issues such as dog attacks, but they could be dealt with far more speedily and comprehensively on their own. This legislation thwarts the intention of the Minister, who said in his second reading speech:

The object of this bill is to provide for the effective and responsible care . . . of companion animals . . .

In other words, pet cats and pet dogs. This legislation will not achieve that aim—it cannot. The O'Farrell family, in addition to me, my wife and my four-year-old son, Tom, comprises a British short-haired cat called Bumper and a cocker spaniel called Oscar. Both pets, Bumper and Oscar, have been neutered. We, like most Australians, are responsible pet owners and are conscious of our obligations. One can no more legislate for responsible ownership of dogs and cats than one can legislate to ensure that

my four-year-old is always well behaved, clean and tidy. Responsibility cannot be legislated, it must be taught.

As the Minister knows, extensive regulations already exist for the care and control of animals. For example, rules relating to dogs being leashed and dogs defecating in certain areas have been on the books for years. I am a responsible dog owner, and I know from observation that the Minister is a responsible dog owner. Regrettably, others in the community are not. I receive endless complaints from people who tell me that the existing rules are being ignored, that councils and others are not taking action to enforce them. Without enforcement, rules are useless.

An army of enforcers would be needed to adequately police these new rules, given the extensive pet ownership in this country. Sixty-six per cent of all Australian households own a pet—42 per cent have dogs and 31 per cent have cats. There are 3.8 million dogs and 2.9 million cats Australiawide. New South Wales has two million dogs and 865,000 cats. The number of dogs in this country doubles every 10 years. Cats and dogs are an important part of Australian life. They provide companionship, comfort and enjoyment to millions of families. They are especially treasured by both the young and the aged. They are therapeutic, and they provide unconditional love in a world where such a phenomenon is rare.

How can any regime be successfully enforced in the light of the numbers I have quoted? I accept that we are talking about only a small number of irresponsible owners, as the Minister said in his second reading speech. But if the existing laws cannot address those irresponsible owners, how will these extensive laws do so without adequate enforcement. Rather than proceed down this punitive path in an attempt to achieve responsible pet ownership, why not adopt a pro-active educational approach: educate the public on the rights and responsibilities of pet ownership—all members of the public, not only those who own pets; let everybody know what is legal and what is not, what are the rights and obligations. Such an approach would ensure that every Australian worked to promote responsible pet ownership.

One need only recall the dramatic impact of the keep Australia beautiful campaign in the early 1970s upon littering and lifestyles in this country to appreciate the beneficial effects of an educative approach to these problems. Almost overnight a national habit of throwing things out of car

windows, throwing things in the street and littering parks stopped, principally because the public was taught that it was antisocial and shameful.

There is no reason why such an approach would not work in this area. Those who fail to clean up after defecating dogs ought to be criticised by neighbours and the general public. Those who fail to keep animals under control in public areas and allow them to stray and roam deserve to be publicly censured and condemned. The aims sought by this legislation can be achieved through a different approach, a better approach—an approach that is more likely to succeed and that is far more cost effective, to the benefit of Australian taxpayers. I oppose the legislation.

Debate adjourned on motion by Mr Stewart.

[Mr Acting-Speaker (Mr Gaudry) left the chair at 12.57 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing and Sessional Orders

Mr WHELAN (Ashfield—Minister for Police) [2.15 p.m.]: I move:

That standing and sessional orders be suspended to allow Government Business to have precedence of General Business and General Business Orders of the Day (Committee Reports) on Thursday, 21 May 1998.

Before Opposition members get too excited about the motion, I explain that there is a large number of Government bills currently before the House. The parliamentary program is proceeding apace. I give the assurance to the Opposition and other honourable members that, if the House sees fit, tomorrow's private members' day will be rescheduled on another day. It is important that the Government's program proceed. The Government does not intend to gag debate on the Companion Animals Bill, of which my colleague the Minister for Local Government has carriage. More members than expected from both sides of the Chamber have expressed a wish to speak to that bill, and it is likely that the debate will take up the whole of tonight's sitting and conclude tomorrow. There is no reason that honourable members should not agree to this motion. There will be another private members' day at another time. The suspension of standing and sessional orders will not interfere with question time, motions for urgent consideration or private members' statements.

Mr HARTCHER (Gosford) [2.17 p.m.]: Opposition members would like to accept the assurance given by the Leader of the House that the private members' day scheduled for tomorrow will be reinstated, but, unfortunately, we have long memories—

Mr Whelan: Then I withdraw the offer.

Mr HARTCHER: Members are only too well aware of just how many private members' days the Leader of the House has allowed. So far this year the Leader of the House has allowed just three of the five days scheduled for private members' business. Last year the House was entitled to approximately 20 private members' days, yet only 12 were allowed—barely 55 per cent of the eligible number. Honourable members are now being told that the Government proposes to cancel private members' day tomorrow because Government business has built up. Why is it that Government business has built up? It is because yesterday the House was subjected to a travesty of a debate that allowed the Minister for Local Government, the Minister for Police and others to put on record their denunciations of Pauline Hanson and her One Nation Party. Government members wasted the time of this House by carrying on with a load of rubbish. Standing orders were suspended to allow 12 speakers on a motion for urgent consideration. What did the Premier say that was new or relevant? He said nothing. The Leader of the House said nothing. Two hours of debating time was wasted—

Mr Whelan: When?

Mr HARTCHER: Yesterday. That time could have been used to deal with Government business. Instead, the Government chose to waste the time of the House and now proposes to suspend standing and sessional orders to cancel private members' day tomorrow. I concede that the Government has many bills on its program. The number is increasing as we move towards the final weeks of the sitting. By the end of the session, on 2 July, there will be even more bills, and we will be faced with a log jam of legislation. The Government will gag debate on bills, enforce the guillotine and move to suspend private members' day every Thursday.

I do not accept the assurance given by the Leader of the House—nobody does. He did not expect anyone to believe it, and he took the first available opportunity to offer to withdraw it. As soon as I suggested that Opposition members did not believe that the Government would reschedule tomorrow's private member's day, the Leader of the

House said, "Then I withdraw it." The Leader of the House did not give his assurance in good faith. Government members laugh about it, because they know the Leader of the House of old and they know that the assurance was not given in good faith.

The Government signed a charter of reform with Independent members, including the honourable member for Tamworth, that it would respect the charter of reform that existed during the life of the Fiftieth Parliament when Tim Moore was Leader of the House. As soon as the Clarence by-election was over the Government tore up the charter of reform. As one of my colleagues has said, all we hear from the Government is a series of Langtons—a series of untruths. This constitutes an ongoing trampling of the conventions of the Parliament by the Government. It is a denial of members' rights. When the Government demonstrates that it is sincere about wanting to debate legislation then and only then members might accept an assurance such as this. But the Government is insincere and has no intention of allowing parliamentary debate. Suspension of the standing and sessional orders is denied.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Nagle
Mr Carr	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knight	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Neilly

Noes, 45

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Small
Mr Hazzard	Mr Smith
Mr Humpherson	Mr Souris
Mr Jeffery	Mrs Stone
Mr Kinross	Mr Tink
Mr MacCarthy	Mr J. H. Turner
Dr Macdonald	Mr R. W. Turner
Mr Merton	Mr Windsor
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Kerr

Pairs

Mr Clough	Mr Brogden
Mr Crittenden	Dr Kernohan
Mr Thompson	Mr D. L. Page

Question so resolved in the affirmative.

Motion agreed to.

Mr SPEAKER: Order! I take this opportunity to welcome year 11 students from St Paul's College in Kempsey and year 10 commerce students from St Ignatius' College, Riverview.

**MARATHON SWIMMER
SUSIE MARONEY**

Ministerial Statement

Ms HARRISON (Parramatta—Minister for Sport and Recreation) [2.28 p.m.]: Tomorrow one of this country's greatest sportswomen leaves our shores to confront her greatest challenge. On or around 28 May Susie Maroney will attempt the longest non-stop ocean swim in history. Susie will attempt to swim from The Cave of the Sleeping Shark in Mexico to Cuba—a distance of almost 240 kilometres. The swim is expected to take somewhere between 45 and 50 hours, depending on winds and currents.

Susie hopes to be greeted by the Cuban President, Fidel Castro, at the end of her swim, which will see her break her own record for the longest non-stop ocean swim: from Cuba to the United States. Honourable members will remember that epic swim, which resulted in Susie being recognised as the world's premier ultradistance swimmer. Susie's courage and commitment are put sharply into focus when we consider what lies ahead of her after leaving Mexico. She will possibly need to combat hostile marine life such as sharks, jellyfish, Portuguese men-of-war, the ever-present and fickle elements, oil slicks and mental fatigue to achieve her goal.

We mere mortals would have difficulty comprehending the enormity of this swim, which will once again be anxiously followed by millions of people in Australia and around the world. Since the start of her relatively short career Susie has proven herself to be a wonderful ambassador for her sport, for young women and for this country. Des Renford, who has swum the English Channel 19 times and is certainly a household name in long-distance swimming, was right when he said that Susie did more for Australia's international reputation in the 24 hours following her swim from Cuba than a whole collection of politicians or ambassadors could do in years.

The Government recognises the outstanding and noteworthy achievements of this 23-year-old girl from the Sutherland Shire. As a tangible demonstration of that recognition I am happy to advise that I have provided \$5,000 from my Ministerial Discretionary Fund to assist her in this attempt. I ask all honourable members to join with me in wishing Susie and her support group—which includes her mother and brothers—every success in this ambitious adventure. I hope they return to us healthy and satisfied with their success.

Mr HAZZARD (Wakehurst) [2.32 p.m.]: The Opposition supports the sentiments expressed by the Minister for Sport and Recreation. Susie Maroney is a great ambassador for Australia. It is disappointing that the Minister did not have the courtesy to let the Opposition know that this matter would be raised today—but that is typical of the silly games played by this Government. Susie Maroney is very much a Sutherland girl. Her achievements go far beyond those relating to swimming; she has contributed in a substantial way to the local community and young people of Sutherland. Recently she announced support for the Sutherland hospital, and she gave her name to an award proposed by the Highfields Community Youth Committee to young people in the area.

Susie's mother has contributed significantly also to the Sutherland region; she has worked at Sutherland hospital for many years. The Opposition acknowledges Susie's contributions not only to the Sutherland electorate but to the whole of Australia. She was one of only two women finalists competing for the MMI *Daily Telegraph* sports award. It was pleasing to see her at the presentation of that award.

Mr Scully: Were you there?

Mr HAZZARD: Yes, I was there but you were not, which is disappointing. You would be surprised to learn that members of the Opposition attend many functions that Government members do not bother to attend. Recently you were expected at the sports federation announcements at Coffs Harbour, but you failed to turn up. That happens regularly.

Mr SPEAKER: Order! The member for Wakehurst will address his remarks through the Chair. The Minister will cease interjecting.

Mr HAZZARD: Susie Maroney has contributed in many ways to the community. I remind members on the Government side of the House that she opened the M2 motorway. She is admired by all Australians. At the presentation of the MMI *Daily Telegraph* sports awards she talked about the challenges ahead of her, and the degree of dedication and commitment required of a champion ultra-marathon swimmer. The thoughts of all members of the Opposition will be with her every stroke she takes during her swim; we will support her all the way.

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, and that the role, duties and future of the office be determined by a referendum, received from **Mr Blackmore, Mr Brogden, Mrs Chikarovski, Mr Collins, Mr Debnam, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Mr Humpherson, Dr Kernohan, Mr Kerr, Mr Kinross, Mr MacCarthy, Mr Merton, Mr O'Doherty, Mr O'Farrell, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schipp, Mr Schultz, Ms Seaton, Mrs Skinner, Mr Smith and Mr Tink.**

Land Tax

Petitions praying that land tax on the family home be repealed and that the land tax threshold on

investment properties be doubled from \$160,000 to \$320,000, received from **Dr Macdonald and Mrs Skinner.**

Ryde Hospital

Petition praying that Ryde Hospital and its services be retained, received from **Mr Tink.**

Surry Hills Area Policing

Petition praying that police foot patrol numbers in the Surry Hills area be increased and that a permanent police van be located in the Taylor Square area, received from **Ms Moore.**

Lismore Police Rescue Squad

Petition praying that the threatened closure of the Lismore Police Rescue Squad not proceed, received from **Mr Rixon.**

Kevin Presland

Petition praying that the person Kevin Presland be returned to the status of forensic prisoner and remain at that status at the Governor's pleasure, received from **Mr Price.**

Coffs Harbour Jetty

Petition praying that a platform be constructed on Coffs Harbour jetty for the purposes of jetty jumping, received from **Mr Fraser.**

Northside Storage Tunnel

Petition praying that plans to construct a storage tunnel from Lane Cove to North Head be abandoned, and that the allocated funds be used to find a long-term sustainable solution to sewage disposal, received from **Dr Macdonald.**

Public Housing

Petition praying that the Government protect the interests of New South Wales public housing tenants and defend their rights to housing by retaining and expanding existing levels of public and community housing; reject the reallocation of Federal Government funds away from the provision of public housing; reject the replacement of rental rebates with direct subsidies; and undertake not to sell off public housing stock, received from **Ms Moore.**

Manly Wharf Bus Services

Petition praying that plans to move bus services from Manly wharf to Gilbert Park be abandoned, received from **Dr Macdonald.**

Moore Park Light Rail System

Petition praying that a light rail public transport system be established to serve sporting venues and the Fox entertainment centre at Moore Park, received from **Ms Moore**.

Moree to Mungindi Road Sealing

Petition praying that the unsealed section of the Moree to Mungindi Road be sealed, received from **Mr Slack-Smith**.

Lakes Way Link Road

Petition praying that the Government reinstate its commitment to the construction of the link road from the new Bulahdelah Mountain bypass to the Lakes way, received from **Mr J. H. Turner**.

Moore Park Passive Recreation

Petition praying that Moore Park be used for passive recreation after construction of the Eastern Distributor and that car parking not be permitted in Moore Park, received from **Ms Moore**.

QUESTIONS WITHOUT NOTICE

BACK-TO-SCHOOL ALLOWANCE

Mr COLLINS: My question is addressed to the Minister for Education and Training. Did the Minister's department advise a mother of three who received a back-to-school allowance cheque for seven children to cash the cheque and hand the money to two other families, only to issue duplicate cheques to the same families a fortnight later? In view of this latest bungle, does the Minister now agree with the Labor Party's country conference motion that the money should be given directly to schools to be spent on education?

Mr AQUILINA: I shall be happy to check the specific matter raised by the Leader of the Opposition once he gives me the detail. This is a further opportunity to point out the great success of the back-to-school allowance. As honourable members know, the back-to-school allowance is paid to parents and guardians to assist in meeting the costs of getting their kids back to school. The allowance will assist parents in the purchase of clothes, shoes, books and other basic school items. Of course, if the Howard Government has its way the allowance will also assist in repaying some of the gigantic student tax it wants to impose on them

as well. The \$50 allowance is tax free—that is the sort of Government we are—and increases the income available to parents for these educational purchases. The allowance is available for all the 1.1 million children in New South Wales.

Mr SPEAKER: Order! I call the honourable member for Gosford to order.

Mr AQUILINA: The Leader of the Opposition may want to quibble about one cheque, but by mid-May of this year 800,928 back-to-school allowance cheques had been sent to parents at a total cost of \$53.6 million. That represents a \$50 payment for 1,072,895 students in kindergarten and years 1 to 12 attending more than 3,000 schools in New South Wales.

Mr SPEAKER: Order! I call the Leader of the Opposition to order. I call the honourable member for Wakehurst to order.

Mr AQUILINA: By the middle of this month 755,247 cheques valued at \$51,050,000 had been presented at banks. At the close of business on 12 May more than 73,000 callers had rung the department to say that they were happy with the back-to-school allowance and the service it provided.

Mr SPEAKER: Order! Members will have the opportunity to ask questions when the Minister has completed his answer. In the meantime they will remain silent.

Mr AQUILINA: From time to time the Opposition has raised issues relating to one or two cheques here and there. Whenever those issues have been checked there has always been a ready explanation. Often errors such as the one I presume the Leader of the Opposition is referring to relate to the type of information being provided by the schools. For example, earlier this year the honourable member for Ku-ring-gai went to the media not once or twice but several times in relation to one issue, each time making out that it was a different case. It was the case of the recycled cheque by the honourable member for Ku-ring-gai—so-called recycled errors time and time again.

Mr SPEAKER: Order! I call the honourable member for Burrinjuck to order.

Mr AQUILINA: After the department has sent out more than one million cheques, the outstanding news is that the whole exercise was undertaken with so few errors. That is the real issue.

Mr SPEAKER: Order! I call the honourable member for Ku-ring-gai to order.

Mr O'Doherty: Where is the Minister's proof?

Mr SPEAKER: Order! I call the honourable member for Ku-ring-gai to order for the second time.

Mr AQUILINA: The honourable member for Ku-ring-gai calls for proof. I shall give him proof of the great thanks the department has received from the public. Jane from Hornsby Heights in his electorate of Ku-ring-gai—

Mrs Skinner: On a point of order. The question referred not to the people to whom the Minister is referring but to the members of the ALP country conference. I ask you to bring him back to the subject of the question.

Mr SPEAKER: Order! The question encapsulated matters other than those referred to by the member for North Shore. The Minister may explain to the House the virtues of the scheme as well as its deficiencies.

Mr AQUILINA: I simply want to enlighten members opposite about the depth of good news the Government has received about the back-to-school allowance. We have received stacks of good news and thank-yous, even from the Ku-ring-gai electorate.

Mr Photios: Give us the name and branch.

Mr AQUILINA: I have referred to Jane from Hornsby Heights. I note that the honourable member for Ballina is not in the House today. I almost blush when I refer to Linda from Ballina or Harry from Tyagarah. The honourable member for Auburn is only too pleased to hear about Gary and Joanne from Auburn.

Mr Merton: That's three!

Mr AQUILINA: All right. I refer also to Brendan from Moruya and Patricia from Batemans Bay.

Mr SPEAKER: Order! The Minister will not respond to interjections.

Mr AQUILINA: I could give many other examples of letters received by my department. The department has received 72,000 thank-you phone calls. At a meeting of the Unanderra branch of the ALP on 11 February the motion was carried asking the branch to write a letter to the Premier and the Minister for Education and Training to thank them

for providing the back-to-school allowance. In the letter to the department the Cessnock State Electorate Council of the Labor Party stated:

Dear John,

It was resolved at the last meeting of the Cessnock State Electorate Council meeting that I write to you to congratulate you and all the Carr Government on the initiative of the back-to-school payment and its smooth implementation.

Mr Photios: On a point of order. This is not the Labor Party caucus; it is the State Parliament.

Mr SPEAKER: Order! What is the point of order?

Mr Photios: The question does not relate to self-congratulation of the Australian Labor Party.

Mr SPEAKER: Order! No point of order is involved.

Mr AQUILINA: The SEC at Cessnock stated:

In these times of financial hardship and the large amount of pressure which is being placed on the State tier of Government through the Commonwealth cut backs we feel proud to say that the Labor Government is still trying to implement policies to help the people of NSW.

The implementation of this scheme went smoothly considering the horrendous task involved and the Government should be congratulated by all persons within the State—

including members opposite, particularly those who have grateful constituents—

for the fortitude shown to help out all families at such a crucial time.

In answer to the honourable member for Ku-ring-gai and the Leader of the Opposition, the conference is to be held on 30 May and, yes, I have the numbers!

POLICE DRUG AND ALCOHOL TESTING

Mr McMANUS: Can the Minister for Police provide additional information on recent developments on the police drug and alcohol testing program?

Mr WHELAN: I thank the honourable member for Bulli for his question.

Mr Hartcher: On a point of order. Under the standing orders questions may not anticipate debate. The question anticipates debate because it anticipates Order of the Day No.12 on the business paper, the resumption of the second reading debate on the

Drug Misuse and Trafficking Amendment (Ongoing Dealing) Bill. The Minister for Police has the carriage of that bill. I draw attention particularly to the wording of the standing order relating to questions.

Mr WHELAN: Look at Speaker Rozzoli's ruling while you're at it.

Mr Rozzoli: Don't misquote me again, Paul.

Mr Hartcher: Standing Order 137(5) states:

Questions cannot anticipate discussion upon an Order of the Day or other matter.

I draw attention to Order of the Day No.12 on the business paper.

Mr Photios: Will you concede?

Mr WHELAN: I would concede, but the member for Gosford has the wrong bill. That would be a great concession! I apologise to the former Speaker, the honourable member for Hawkesbury. Speaker Ellis said:

An assumption that debate on one matter would anticipate that upon another is not valid. The doctrine of anticipation applies only to matters set down on the Business Paper for discussion.

The question is general. It asks what the Government is doing about drug and alcohol testing within the Police Service. It is as simple as that. It might put the honourable member's nose out of joint, but I can provide an explanation later.

Mr SPEAKER: Order! It is a longstanding tradition of this House that members may seek additional information relating to legislation that is before the House. I will allow the question.

Mr WHELAN: As I was about to say before I was rudely interrupted, at the end of 1996 the Government passed laws to allow drug and alcohol testing of New South Wales police. During 1997 the drug and alcohol policy was released and alcohol testing began. Late in 1997 the second stage of the program was introduced when the drug testing research program commenced. The research phase is due to be completed next month. The drug and alcohol policy aims to improve the health, safety and welfare at work of all Police Service employees and to enhance the safety of the community.

The Government plans to expand the program to introduce mandatory drug and alcohol testing of police directly involved in shootings, high-speed pursuits where a member of the public is injured or

killed and other incidents where a member of the public dies in police custody as a direct result of police action. The Government believes that mandatory testing will improve the investigation of fatal or life-threatening incidents. The Government believes that mandatory testing will better protect police and the community. The Government believes further that its comprehensive policy of mandatory, targeted, and random drug and alcohol testing will lead to a sober, drug-free Police Service.

Mandatory testing will remove one cause of doubt, namely, that a police officer was impaired by drugs or alcohol when performing his or her duties. The Government believes that improving the safety of police directly improves the safety and security of the community. The expansion of the policy is further evidence of this Government's commitment to ongoing police reform in this State. Last week I announced that 219 of the 222 royal commission recommendations have been or are being implemented. That is a very proud record. It is a tragedy for everyone when a member of the public dies in police custody. The coroner is required to investigate all deaths in custody. Where appropriate, the coroner makes recommendations for reform to police procedures and/or the law.

After the recent inquest into the shooting of Roni Levi, the State Coroner, Derrick Hand, recommended that police directly involved in shootings be tested immediately for the presence of alcohol or prohibited drugs. That policy is intended to remove one cause of doubt about the exercise of a police officer's judgment, if such incidents arise in future. The Government believes that this is a positive recommendation that supports police officers, members of the public and their families. However, the Government believes also that mandatory testing should go further to include fatal pursuits and other incidents resulting in death.

For example, in the event of a police pursuit leading to death or serious injury, it is desirable that mandatory testing extend to the police officers involved. That would include the driver and other team member in the police car. Other officers may need to be tested also, depending on an assessment of the situation by the appropriate supervisor. The investigation of deaths in custody requires strict accountability, which mandatory testing will provide. To provide this accountability and consistent approach, mandatory tests will be incorporated into standard operating procedures for all shooting incidents, high-speed pursuits and deaths in custody.

To be effective, mandatory testing must be carried out as quickly as possible after the incident.

Alcohol testing through breath analysis will be able to be carried out straight away by authorised personnel at local level. Drug testing will be administered by non-sworn personnel and will be co-ordinated by the drug and alcohol testing unit of the human resources command. In addition, medical practitioners will be permitted to take a blood sample from an incapacitated officer at the direction of an authorised person. That means that officers who are hospitalised or taken from the scene can be tested within a reasonable time.

To date, the results of the alcohol testing program show that testing is a significant deterrent against alcohol abuse on the job. Approximately 6,500 random tests and six targeted tests have been conducted. Ten positive readings above 0.02 were detected, and 67 officers had readings between zero and 0.02. An evaluation committee has been established to review the first 12 months operation of the drug and alcohol policy. The addition of mandatory testing is a commitment to protecting public safety as well as the safety and wellbeing of police officers. I am pleased to say that the latest extension to the Police Service policy was developed jointly between the Government, the service and the Police Association. It demonstrates the Government's commitment to the safety of the people of New South Wales and its police officers, who must deal with dangerous situations.

BERRIMA GAOL WORK RELEASE SUPERVISION

Ms SEATON: My question without notice is directed to the Minister for Corrective Services. Is there adequate supervision of prisoners at Berrima gaol to protect the security of surrounding residents? If so, why was a local resident left to apprehend two work release prisoners who today allegedly tried to break into a house in Sutton Road, Berrima?

Mr DEBUS: At 11 a.m. today a Berrima resident contacted Berrima gaol to inform the gaol authorities that he had apprehended two inmates on his property and was waiting for police to arrive. Two minimum security inmates, both nearing the end of their sentences, were working on community projects near the gaol. It appears they had crossed on to a resident's property adjoining the area where they were carrying out general maintenance work and the owner of the property saw them. He called out to the two men to stay where they were while he called the police. I am advised that the two did not resist but waited for the police to return them to the gaol—desperate days, absolutely desperate days!

Mr SPEAKER: Order! I call the Minister for Education and Training to order. I call the honourable member for Fairfield to order. I call the Minister for Transport to order.

Mr DEBUS: I am advised that there is no suggestion that the pair attempted to enter either this gentleman's home or any other home. Local police are investigating the incident. The projects undertaken at Berrima are of great benefit to the local community. Minimum security inmates carry out a range of work around the town, such as maintaining local parks, clearing highway and road verges, and working on a rehabilitation project along the river for the National Trust. In fact, a respected local businessman of long standing wrote to the Governor of Berrima gaol last year urging the gaol authorities to allow inmates to continue to perform this valuable community work. He also expressed appreciation for the valuable contribution the prisoners make to the beautiful state of the village. That gentleman almost certainly votes for the honourable member who asked the question.

Mr SPEAKER: Order! I call the honourable member for Fairfield to order for the second time.

Mr DEBUS: Berrima gaol has an active community consultative committee and the prison governor has given an assurance that he will attend its next meeting to discuss this incident and any other concerns the community may want to raise. Because the department treats any breach of the strict conditions governing community work projects very seriously—and I can inform the House that escapes and abscondings are at their lowest level in history—the two inmates are now on their way to Goulburn Correctional Centre. If they are found to have breached the trust placed in them in any serious way and breached the conditions of the program, they will find themselves behind bars serving the remainder of their time in much more difficult circumstances and contemplating the consequences of their actions.

CABRAMATTA CRIME STATISTICS

Ms MEAGHER: My question without notice is directed to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What progress has been made in reducing crime in Cabramatta?

Mr SPEAKER: Order! I call the honourable member for Northcott to order. I call the honourable member for Eastwood to order.

Mr CARR: That is certainly a better question than the last one! Honourable members will recall that 12 months ago I said in this House that the Government wanted to improve Cabramatta and make it a more acceptable and safer place for the people who live and work there. For local residents the drug trade had made life intolerable. People were afraid to go into the central business district and business was suffering. Cabramatta was regarded as a no-go area. A year later I am pleased to report to the House that considerable improvements have been made. Cabramatta has experienced real improvements and it has been a co-ordinated and determined effort.

Mr SPEAKER: Order! I call the honourable member for Gosford to order for the second time. I call the honourable member for Davidson to order.

Mr CARR: The State Government is working in partnership with local government, businesses and community leaders. I would not pretend for a moment that the Government has got to the bottom of the problem of drug addiction; the Government certainly has not solved all of Cabramatta's problems. However, there has been a measurable improvement for local people. Figures from the New South Wales Police Service show a significant decrease in crime in the Cabramatta central business district. Let me compare 1997-98 with 1996-97. The statistics are as follows: break and enter offences have decreased by 42 per cent, robberies by 10 per cent and stealing offences by 45 per cent. The number of stolen vehicles has decreased by 25 per cent and malicious damage has been reduced by 54 per cent.

Mr SPEAKER: Order! I call the honourable member for Gordon to order. I call the honourable member for Lismore to order.

Mr CARR: Superintendent Chris Evans of the New South Wales Police Service said:

A year ago you couldn't walk through Cabramatta without being abused by an addict; or seeing drugs being bought and sold; or having a person affected by drugs bump into you in the street.

Mr SPEAKER: Order! I call the honourable member for Burrinjuck to order for the second time.

Mr CARR: If the Federal Government would take some decent action to police Australia's ports to stop the inflow of heroin, better results could be produced. None of the heroin in Cabramatta is made in Australia; it is all imported. The Howard

Government has reduced expenditure on customs and on the Australian Federal Police. The result has been a reduction in the number of workers in those agencies involved in trying to stop the importation of heroin through Australian ports, through containers and through air arrivals in Sydney.

Mr SPEAKER: Order! I call the honourable member for Gosford to order for the third time. I call the honourable member for Davidson to order for the second time.

Mr CARR: A highly visible police presence and attention to the underlying causes of the problem have led to the improvement that I am proud to report on today. Thomas Diep, President of the Cabramatta Business Association, said:

The situation is so much better compared with the last few years. We haven't recovered yet, but we're well on the way.

When I announced details of the Cabramatta project in this House 12 months ago I referred to several initiatives, including the appointment of a senior manager from the Premier's Department to co-ordinate the project. That has been done. I also announced the development of a multipurpose drug and alcohol centre in Cabramatta. That is due to open this month. I announced the establishment a purpose-built, 20-bed detoxification unit at Fairfield Hospital. That is under way and due for completion early next year. A new mobile anti-drug command post has been established. We promised that and it has happened. A new operational strategy by the New South Wales Police Service is in place, and a tailor-made drug education program has already been distributed to local students and teachers.

[Interruption]

It is a job well done! The member for Ermington said that, and I applaud it. In addition, a telephone hotline to enable residents to seek action on discarded syringes has been set up. They are merely the initial steps and the Government will continue the work. Action teams have been formed to deal with four matters: drugs and law and order; vocational training and employment for young people; tourism development; and urban planning. With the support of the member for Cabramatta—and she is a very fine member, I might say—and the support of these agencies, we will continue to take a whole-of-government approach to ensure that the streets of Cabramatta are returned to shoppers, families, visitors and businesses.

Mr SPEAKER: Order! I call the honourable member for Ermington to order.

LACHLAN RIVER INTERIM FLOW RULES

Mr ARMSTRONG: My question is for the Minister for Agriculture, and Minister for Land and Water Conservation. Did the Minister receive a letter last month from an environmental representative on the Lachlan River Management Committee expressing deep concern about proposals for interim flow arrangements for the Lachlan River? Was it on the basis of that letter that the Minister proceeded with the water reform policy without consideration of the Lachlan River system?

Mr AMERY: Yesterday I announced the end of the drought so far as questions from the Opposition were concerned. Today I am declaring that flood relief is now available. I will attempt to assist the Leader of the National Party in relation to his inquiries. At this moment I cannot recall having received the letter to which he referred, but I will check my file.

[Interruption]

The intellectuals are getting stuck into me now. I cannot recall the specific letter to which the Leader of the National Party referred. However, I shall track it down and try to confirm it one way or another. However, the second part of his question is: did that letter result in a number of changes in the water policy? If I do not recall getting the letter and I cannot recall the substance of it, clearly it is not the reason the Government announced a number of river flows. I pay great credit to the members of the Lachlan River committee. A number of counterclaims were put up by environmental groups and, obviously, one letter would not trigger a whole policy. I would not make a river flow decision based on a letter from any one organisation.

In fairness to the whole process, the announcement of the river committee has been well received because it is a balanced decision. There have been a lot of counterclaims about the Lachlan. Yesterday the Leader of the National Party asked me a question about the science and so on, and there has been criticism about different aspects of the Lachlan and other work of the river committees. I have been endeavouring, wherever possible, to introduce a strategy for each of those catchments. One of the goals is to achieve healthy rivers within the State and to ensure that there is an allocation for river quality within all the catchments around New South Wales while, at the same time, protecting our great agriculture industries, whether they be irrigation or others.

The Government has asked the Lachlan river committee to do a bit more work on the decision. Today I have been told the committee has had a number of meetings and things are progressing well. I will try to confirm the details of the letter to which the Leader of the National Party referred, but no one letter from the irrigation or agricultural side of the debate or from the environmental side of the debate has influenced my decision on the flow rules that were announced a few weeks ago. With the one proviso that I will confirm some details of that letter at a later date, the very short answer to the question is no.

COMMISSIONER OF POLICE Mr PETER RYAN

Mr WATKINS: My question without notice is directed to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What is the Government's response to public statements by the Leader of the Opposition about the New South Wales Commissioner of Police?

Mr CARR: Members might have noticed an article in the *Sun-Herald* that bespoke one of the clumsiest Opposition ploys ever seen in New South Wales politics.

Mr SPEAKER: Order! I call the honourable member for Northcott to order for the second time.

Mr CARR: The article quoted the Leader of the Opposition saying in effect that the long honeymoon of the Commissioner of Police was nearing its end; that Mr Ryan was no longer regarded as being off limits to the Opposition; that he was walking a very thin line; and that, as far as the Opposition was concerned, with the police commissioner the gloves were off. It even quoted an Opposition figure saying:

Senior coalition MPs were even raising doubts as to whether they would keep Mr Ryan on as police commissioner if they won the next State election.

By any test—and this appeared in a reputable newspaper—they were very serious comments. I got the Stasi onto researching the background of this. It turns out, for example, that all this represents a vivid contrast with what the Leader of the Opposition said when Mr Ryan was appointed.

Mr SPEAKER: Order! I call the honourable member for Ermington to order for the second time.

Mr CARR: At that stage, November 1996, the Leader of the Opposition said:

Opposition members wish the new Commissioner of Police well in the difficult, daunting task ahead of him.

He went on:

He deserves the wholehearted support of all members of this Parliament.

Do honourable members call this wholehearted support?

Mr SPEAKER: Order! I call the honourable member for Bulli to order.

Mr CARR: What appears in the *Sun-Herald* is hardly wholehearted support.

Mr SPEAKER: Order! The Leader of the Opposition will remain silent.

Mr CARR: The question now is how would you explain this change?

Mr SPEAKER: Order! I call the Leader of the Opposition to order for the second time.

Mr CARR: How would you explain the switch from wholehearted support in November 1996 to the May statement in the *Sun-Herald* that "the gloves are off and he hasn't got our support"?

Mr SPEAKER: Order! I call the Deputy Leader of the National Party to order.

Mr CARR: The Stasi really did their research and they drew my attention to this little announcement in the *Daily Telegraph* of 9 May. It is a report that brought a cheery smile to every member of the Labor Party and some glumness to members of the National Party. The report in the *Daily Telegraph* of 9 May said that the Leader of the Opposition had engaged as his new adviser none other than the great friend of this House, Gary Sturgess. They are very glum, aren't they? Some honourable members may have forgotten Mr Sturgess: he was the architect of the Greiner years.

Mr SPEAKER: Order! I call the honourable member for Georges River to order.

Mr CARR: He was the author of the Greiner years. The history of Greinerism cannot—

Mr SPEAKER: Order! I call the honourable member for Ermington to order for the third time.

Mr Hartcher: On a point of order. I draw attention to a ruling from Speaker Murray in relation to quotations from newspaper articles. Speaker

Murray ruled in 1996 that Ministers may quote from newspaper articles, as the Premier is doing, but must assure the House that the quotations are accurate. Pursuant to that ruling, it is incumbent upon the Premier to guarantee to the House that what he is quoting is an accurate statement made by the Leader of the Opposition.

Mr SPEAKER: Order! Is the Premier quoting from a newspaper article?

Mr CARR: No, I am not quoting from an article.

Mr SPEAKER: Order! No point of order is involved.

Mr CARR: Sturgess is returning in an advisory role. The author of Greinerism is back.

Mr SPEAKER: Order! I call the Deputy Leader of the National Party to order for the second time.

Mr CARR: We are pleased that the man who ran the coalition's campaign in 1991 is advising it again. We are quite happy with that. What about Mr Sturgess and the commissioner, Mr Ryan?

Mr O'Doherty: On a point of order. Mr Speaker, I refer you to Standing Order 138, which concerns relevance. The question related specifically to Commissioner Ryan and not to anyone else. I ask you to bring the Premier back to the question.

Mr SPEAKER: Order! No point of order is involved.

Mr CARR: The honourable member for Ku-ring-gai should calm down—the Red Cross ladies will be around shortly with mugs of hot tea, blankets and so on, and perhaps the Minister for Community Services will distribute her trauma teddies. Fasten your seat belts! Mr Sturgess is back advising the Opposition. There has been a change in the Opposition's position on the Commissioner of Police. It turns out that Mr Sturgess was the only member of the Police Board not to record his vote in favour of the Ryan appointment. On 6 January this year Mr Sturgess wrote an article for the *Daily Telegraph* attacking Police Commissioner Ryan. When asked about that by the *Sydney Morning Herald*, he said, "Yes, of course it was personal, it was meant to be a personal attack."

Mr Cochran: On a point of order. Remarks made by the Premier revealing the voting patterns of members of the Police Board are an infringement of

the privileges of the House. I request you to ask the Premier to desist from disclosing information which should be confidential to the board and members of the board.

Mr SPEAKER: Order! The Chair does not have the power to do that.

Mr CARR: The honourable member for Monaro is not referring to the standing orders; he is referring to Australian Security Intelligence Organisation rules. Now the Opposition is attacking Commissioner Ryan because Sturgess, as his first advice to the Leader of the Opposition, has said that the Opposition has got to get something on the Commissioner of Police, it has got to get stuck into him. The silly Leader of the Opposition takes his advice. The fact is that the Commissioner of Police has an impressive record. He established the Child Protection Enforcement Agency, which has been described by the FBI as the best in the world; and he has implemented or is implementing 219 of the 222 royal commission recommendations—that is, he is reforming the Police Service.

The commissioner has recruited record numbers of police—there are more than 400 extra police already employed and 100 more due in the next financial year; he is using the commissioner's confidence power, the power this Parliament gave him, to sack rotten police; he is implementing a strategic plan to improve police response times—the coalition never measured police response times; he is applying zero-tolerance style operations in crime hot spots such as George Street, Woolloomooloo and, as I have demonstrated, Cabramatta. How sad that Gary Sturgess has tricked this gullible Leader of the Opposition into turning his guns on Commissioner Peter Ryan. Well may the Opposition oppose Commissioner Ryan. The Government supports him.

Mr SPEAKER: Order! I call the honourable member for Georges River to order for the second time.

EAST CIRCULAR QUAY DEVELOPMENT

Dr MACDONALD: I address my question to the Minister for Urban Affairs and Planning. In view of the major public meeting to be held tonight protesting at the east Circular Quay development and in the light of the reported sales flop of the units, will the Minister now reopen negotiations with the owner of the building to bring about its demolition?

Mr KNOWLES: Of course, one can never commence any discussion anywhere, any time about the east Circular Quay development without reminding listeners that the building down there may never have happened if it had not been for a \$1 million—

Mr Carr: Give the money back.

Mr Collins: You give the money back!

Mr Carr: You gave them \$1 million.

Mr SPEAKER: Order! The Premier and the Leader of the Opposition will allow the Minister to continue his answer.

Mr KNOWLES: There was a \$1 million stamp duty concession.

Mr SPEAKER: Order! I call the honourable member for Vaucluse to order.

Mr KNOWLES: The Leader of the Opposition says, "It's a lie." Let me read the letter onto the *Hansard* record.

Mr Collins: Who signed the approval?

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

Mr KNOWLES: The approval, of course, in planning terms is an local environmental plan. Here it is: Robert Webster—

[*Interruption*]

I refer to a concession of stamp duty.

[*Interruption*]

John Fahey, then the Premier and now the Federal Minister for Finance and Administration, on 4 May 1994 in a letter to Robert Webster as regards to the reimbursement of stamp duty costs in relation to the redevelopment of east Circular Quay stated, "... I am pleased to advise that the Treasurer has approved an ex gratia payment of \$907 014—

[*Interruption*]

Mr SPEAKER: Order! The member for Vaucluse will resume his seat. If he cannot take a point of order in the proper way, the Chair will not acknowledge him.

[*Interruption*]

Mr SPEAKER: Order! The member for Vacluse will resume his seat. If he wants to take a point of order, he will do so in the proper way and—

[*Interruption*]

Mr SPEAKER: Order! Any member who interrupts the Chair will be directed to leave the Chamber. I will not hear the point of order because the member for Vacluse did not seek to take it in the proper way.

Mr KNOWLES: As I was saying—

Mr Debnam: On a point of order. The Minister for Urban Affairs and Planning is attempting to rewrite history—

Mr SPEAKER: Order! No point of order is involved. I place the honourable member for Vacluse on three calls to order.

Mr KNOWLES: I can understand the interest of the honourable member for Vacluse in financial matters. He has the chancellor's title—

Mr SPEAKER: Order! If the Minister addressed his remarks through the Chair his answer would be more meaningful.

Mr KNOWLES: History records that—

Mr SPEAKER: Order! The Minister will address his remarks through the Chair and not address Government members.

Mr KNOWLES: History records that the Leader of the Opposition—then the Treasurer—gave away \$1 million in a free stamp duty concession to a multinational company to build what is now down at east Circular Quay. That was approved by Robert Webster, with a \$1 million free ticket to ride by the Leader of the Opposition. The point made by the honourable member for Manly—

Mr Phillips: On a point of order.

Mr SPEAKER: Order! No point of order is involved. The Minister may continue. The Chair will take responsibility for his posture.

Mr Phillips: We can't hear him when he has his back to us.

Mr KNOWLES: You just do not want to hear that the bloke you are sitting next to gave \$1 million of taxpayers' money to a multinational company. A million dollars to a multinational company—John Fahey approved it.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time.

Mr KNOWLES: The Government has always—

Mr SPEAKER: Order! All members who have been called to order are now deemed to be on three calls to order. The Chair will be severe on any member who again interrupts the Minister.

Mr KNOWLES: The Government has always indicated its willingness to enter into discussions with anyone at any time to solve the problem of east Circular Quay, with one qualification: we will not be investing taxpayers' funds of the magnitude required, which could otherwise be spent on schools, hospitals or police services. I should point out that the Leader of the Opposition agrees with the Government, despite what I understand he is telling the press gallery today—that he may want to reconsider it. On 8 May, just a few days ago, on Australian Broadcasting Corporation regional radio, the Leader of the Opposition made it very clear. I quote what he said:

... while there is a strong argument that aesthetically Sydney would always have been better off without that wall of buildings which was there and which is now essentially being reimposed on the people of Sydney it would be very difficult ...

Mr Collins: Address the Chair!

Mr SPEAKER: Order! The Chair will decide whether the Minister is complying with the standing orders.

Mr KNOWLES: The Leader of the Opposition then said:

... it would be very difficult for governments of any persuasion of whatever stage they came into this debate to say let's take four hundred million dollars to put in a public park there and deprive, you know, health, education police, roads, of that money which might be spent ...

I know that the Premier and the Lord Mayor are willing to visit John Howard to see whether Federal funds will be made available. This allegedly national problem deserves a national solution. Federal funds

are required to solve the problem at east Circular Quay. The Government's priorities—allegedly the Opposition's priorities, according to that radio interview—are to give better service to taxpayers of this State in relation to health, hospitals, education, services, schools, and the like. The Opposition might start by giving back the \$1 million it gave away as a free kick to a multinational company.

Dr MACDONALD: I ask a supplementary question. In view of the answer just given, will the Minister provide to the House details of attempted negotiations in which he has been involved so far?

Mr KNOWLES: I have made it clear that the Government has been willing to work with any group, at any place, at any time to find a solution to the east Circular Quay problem. As the honourable member for Manly well knows, the Government has visited all schemes from the more hair-brained—if I can put it in those terms—to the more logical. I have met with all of the players, from Bryce to Burattini—my staff met Burattini—to the owners of the site, the Hong Kong Shanghai Hotel group. We have entered into constructive negotiations, the details of which I will not reveal in the event of trying to find a rational and sensible solution.

The honourable member for Manly knows that because he has been a party to some of those discussions with me and with the Save East Circular Quay Committee. As far as I am concerned a solution should be found that meets the criteria that the Government has laid down, endorsed by the Leader of the Opposition, that no taxpayers' money be diverted from schools, hospitals or police on the beat. That is why the Premier has indicated his willingness to go with anybody to see the Prime Minister to ascertain whether Federal funds can be made available. It is as simple as that. I am sure the Premier will take with him the Opposition's letter, its stamp duty concession, and demonstrate—

Mr Collins: And his approval in 1988—he will be laughed out of the Prime Minister's office.

Mr KNOWLES: The signatory on that letter is John Fahey who, as the Federal Minister for Finance and Administration, will have a full understanding because in 1994 his planning Minister approved it.

PRIVATE HEALTH INSURANCE

Mr MARKHAM: My question without notice is to the Deputy Premier, Minister for Health, and

Minister for Aboriginal Affairs. What effect will the latest fall in private health insurance numbers have on the New South Wales health system?

Dr REFSHAUGE: No doubt this is an unmitigated national disaster and a failure of Federal policy. In New South Wales private health insurance coverage has fallen by 0.4 per cent in the March quarter. Since 1993 the rate of private health insurance has declined by 10.9 per cent, or more than 680,000 people have dropped out of private insurance. The figure now stands at 31.4 per cent—the lowest ever recorded in New South Wales.

Mr SPEAKER: Order! I remind those members who have been called to order that they are now deemed to be on three calls to order.

Dr REFSHAUGE: The situation is even bleaker in other States. Nationally the proportion of privately insured people has slumped by an additional half a per cent in the March quarter to 31.1 per cent. Australiawide in the March quarter another 71,000 people dumped private health insurance. That is a sharp increase on the December quarter when 66,000 people dropped health insurance. The *Sydney Morning Herald* published a letter from Joan Baty from St Ives dated 19 March which states:

I'm too scared now to have private health cover. With the arrival of the mail today, I became a statistic. I've heard about it, read about it, but there's nothing like personal experience.

A bill for \$7,000 came from the hospital five months after the death of my husband. But I'm privately insured, always have been! So what! The gap \$6,000. Some insurance! I'm out!

The Howard Government has simply lost control and cannot control price hikes for premiums, some of which will increase by 33 per cent in July. The Howard Government cannot stop the mass exodus from private health insurance and cannot accept that its \$1.8 billion private health insurance initiative has been a dismal failure. What does it take to get the message through to the Federal Minister for Health? The Federal Government cannot hear its coalition colleagues. Talking about Michael Wooldridge, Jeff Kennett said that he is a second-rate Minister, a failed health Minister.

Mrs Skinner: You should hear what they say about you.

Dr REFSHAUGE: The honourable member for North Shore ought to hear what her colleagues say about her, but I will go into that a bit later on.

Mr SPEAKER: Order! The honourable member for Lane Cove is treading on dangerous ground. I place her on three calls to order.

Dr REFSHAUGE: No Australian can afford any more money to be wasted on this unmitigated disaster. Of the \$1.8 billion earmarked for the Federal initiative \$300 million has already been spent but all we have seen is an acceleration of people dropping out of private health insurance. Today the message to the Howard Government is: put the rest of this money into Medicare now. Stop starving public hospitals across Australia of the funds they need to meet ever-increasing demands. Listen to your coalition colleagues in the other States. Rob Knowles, the Liberal health minister in Victoria, has already described that private health insurance initiative as a failure which has forced more people into public hospitals and has added to waiting lists. In South Australia the Liberal health Minister, Dean Brown, said, "The public health system will deteriorate rapidly unless the Federal Government gets it right." The National Party health Minister in Queensland, Mike Horan, said, "It's the States who are bearing the brunt of declining private health insurance." The Liberals in this State keep yelling, "Cut funds from health, cut Medicare, cut health funding from the Federal Government."

The Opposition has no policy and is totally in the dark. During shadow Cabinet meetings members of the Opposition sit around a ouija board and the Leader of the Opposition and the honourable member for North Shore grab onto wax dolls. They wait for the voice of John Howard to come across the water from Kirribilli and say, "Liberals, we attack the aged, we attack nursing home residents, we attack public dental patients, we attack doctors, we attack nurses and we destroy Medicare." That is what they are waiting for. The Opposition has no policy; is a cheer squad for John Howard. The additional cost burden to New South Wales public hospitals, because of the fall out of private insurance, now stands at more than \$460 million.

The Opposition has supported those cuts and the fall in private health insurance all the way. Every time a 1 per cent fall in private health insurance occurs another 3,000 patients are added to the public hospital waiting lists. In New South Wales alone more than 30,000 patients have joined the waiting list since 1993 as a direct result of falls in private health insurance rates. Despite the current Medicare agreement, the Howard Government refuses to compensate the States. The clear message is that Labor in New South Wales has increased

funding to public hospitals by \$1 billion. Around this nation health Ministers are saying, "Follow Labor's lead—fund our public hospitals."

ABALONE FISHERY LICENSING

Mr SULLIVAN: My question without notice is to the Minister for Mineral Resources, and Minister for Fisheries. What is the impact of last week's Supreme Court decision in relation to abalone licensing?

Mr MARTIN: Last week the Supreme Court made an important decision in relation to this highly lucrative but very fragile fishery industry in New South Wales. The Carr Government has worked from the beginning to achieve that management. Last Friday Justice Dunford dismissed all five summonses. That indicated that the Carr Government had proceeded correctly with its licensing process for the commercial abalone fishery, and confirmed that the Government's management was on track. His Honour stated that the Consolidated Divers Group, which brought the action, "have not established any ground of invalidity or error of law in the process so far".

Moreover Justice Dunford found that the Government's decision to abolish the previous licensing scheme, "did not amount to the destruction of proprietary rights without compensation". This is a ringing endorsement of the Government's management proposal for this lucrative but extremely fragile fishery. It is a slap in the face for all those who not only supported the court challenge but dragged it out for over two years. It is also a stern rebuke for the Opposition meddlers who twice disallowed regulations in the other place which would have provided sound management for the abalone fishery—but the fishery was denied that.

The Consolidated Divers Group, representing 16 divers, and Mr Tony Adams challenged the process of bringing share management into the commercial abalone fishery. The group also challenged the removal of what is known as the two-for-one licensing entry scheme for the fishery. Their actions were misguided; the support they received from the Opposition was misconceived. That led to delays and frustration among the majority of divers who wanted to get sound management up and running. But, quite rightly, the spoilers lost. I could speak at length about the two-for-one program if it were not for time constraints; suffice it to say that that scheme failed. The inefficient system endured until shortly after the

Carr Government took office. Only then did we see the attempts at sound management in the abalone fishery and elsewhere in the commercial fishing industry.

On 9 February 1996 the fishery moved to the limited access phase of fishery management. All endorsement holders received 100 shares; all divers received an equal share of the total allowable catch of 333 tonnes for 1997. The Government introduced the limited access regulation simply to manage the abalone fishery. However, in a misguided belief that it could resurrect the two-for-one provision, the Consolidated Divers Group commenced Supreme Court proceedings in April 1996. The Opposition also took action, disallowing the regulation in the other place on 30 April 1996, again in the misguided belief that disallowing the regulation would resurrect the two-for-one policy—a proven inefficient method of management. However, the Government considered that the issue was clear cut and did not resurrect that policy, which would only result in the reimposition of cumbersome procedures.

The Government regazetted the regulation on 6 December 1996. On 13 May 1997 it was again disallowed in the other place for the same misguided reasons. In the meantime the legal challenge of the Consolidated Divers Group continued in the Supreme Court. The court found that I had acted in accordance with my legislative obligations and all summonses were dismissed; I had acted correctly in allocating shares equally to participants in the fishery. I hope that we can now move on without interference from the Opposition. The former Government failed to manage the fishery competently. Over the past three years the divers and the Government have reached an understanding. The divers now have an excellent record of helping government ensure that the fishery remains sustainable, not only through observing quota limits but also through the funding of measures to counter poaching and black-market activity.

It is time to put differences behind us and work in the interests of a sustainable fishery. Yet the destabilising tactics of the Opposition still affect other areas of fisheries management—and I refer to what happened last night in the other place. Last night there was yet another example of the Opposition meddling in affairs which it knows nothing about. Last night in the other place the Opposition, aided and abetted by seven crossbenchers, chose to disallow a simple regulation to allow commercial fishers third-party appeals. The Opposition in the other House disallowed a regulation which had been sought by the industry. Only the Hon. R. S. L. Jones rose above the

politicking to consider the wishes of the commercial fishers who had requested third-party appeals. I thank him for his commonsense. What monumental legislation did the Opposition choose to disallow? A regulation that allowed fishers a third-party right to challenge a decision—

Mr J. H. Turner: On a point of order. The Minister is addressing a Supreme Court case concerning abalone fishermen; he has now digressed to a decision of the upper House yesterday on a completely unrelated matter concerning review panels in relation to fishing endorsement.

Mr SPEAKER: Order! The Chair is not aware of the relevance of the decision taken in the upper House. It is a matter for the Minister as to whether he wishes to refer to that decision.

Mr MARTIN: That was another attempt from a farm lawyer to show how smart he is. That regulation allowed fishers a third-party right to challenge a decision to allow a fisher into a fishery after review. There is nothing new in such a principle; it mirrors third-party appeal provisions for share managed fisheries in the legislation enacted by the coalition when it was in government. Third-party reviews are an important mechanism to ensure equity in the implementation of restricted fisheries. Put simply, they allow fishers to appeal against entitlements given to other fishers whom they genuinely believe should not have them. It is a further aid to the impartiality of the review panel to discount any perceptions or allegations of collusion or bias.

At the same time the discretion to waive fees was designed to assist the industry and help those suffering financial hardship—eminently reasonable and sensible aims—yet the Opposition chose to disallow the regulation and ignore the wishes of the industry. There has seldom been a more frivolous motion for disallowance. It treated fishers with contempt, and it deserves the contempt of this House. The Supreme Court has upheld the Government's licensing process for the abalone fishery. The court confirmed that the Government has no other agenda than to work for the good of commercial fishers throughout the State. After last night's stunt it is time to draw the line.

It is time for the Opposition and its sinister supporters to recognise this and to stop activities which, instead of destabilising the Government, serve only to upset the fishing industry. It is time to get on with the job. The Government is justly proud of its efforts to reform the fishing industry—not in a draconian, exclusive and financially crippling

fashion as the Opposition would do—but by offering consultation, alternatives and time to assimilate change. The Carr Government is truly the fishermen's friend. I confirm that the Government is at the end of its patience with Opposition tactics and the stupid people who give it advice. I thank the honourable member for his fit and timely question.

Questions without notice concluded.

EAST CIRCULAR QUAY DEVELOPMENT

Personal Explanation

Mr COLLINS, by leave: Earlier today the Minister for Urban Affairs and Planning referred to my alleged approval of a loan in relation to the east Circular Quay development. I remind the House that I became Treasurer in mid-1993. The fate of east Circular Quay was sealed by the Premier, as caretaker Minister. In the run-up to the March 1988 election he signed the paper; he has to explain. Mr Speaker, as you would be aware, notice of motion No. 25 invites the Premier to lay upon the table all documents—

Mr SPEAKER: Order! The Leader of the Opposition is not using the proper forms of the House that apply to the making of a personal explanation.

Mr COLLINS: That concludes my personal explanation.

QUESTIONS WITHOUT NOTICE

Supplementary Answers

BACK-TO-SCHOOL ALLOWANCE

Mr AQUILINA: I wish to provide a supplementary answer to the question asked of me by the Leader of the Opposition. He obviously does not care to hear it. Honourable members may remember that the last time the honourable member for Ku-ring-gai asked me a question without notice he was guilty of seriously misleading the House and inferred that a document printed by an organisation—

Mr O'Doherty: On a point of order. The House wants to hear the supplementary answer by the Minister relating to a question asked by the Leader of the Opposition. So far he has commenced an attack on me by alleging—

Mr SPEAKER: Order! No point of order is involved.

Mr O'Doherty: My point of order relates to—

Mr SPEAKER: Order! I have ruled that no point of order is involved.

Mr AQUILINA: As I was saying, the honourable member for Ku-ring-gai seriously misled the House by implying—

Mr O'Doherty: On a point of order.

Mr SPEAKER: Order! No point of order is involved. The Minister may couch the answer to a supplementary question in any terms he wishes.

Mr AQUILINA: The honourable member for Ku-ring-gai implied that an official departmental document indicated that teachers did not have the power to search bags. On this occasion I can indicate to the Leader of the Opposition that the honourable member for Ku-ring-gai is guilty not only of misleading the House but of the far more serious offence—indeed, the unpardonable offence—of misleading the Leader of the Opposition.

Mr O'Doherty: On a point of order.

Mr SPEAKER: Order! Before the member for Ku-ring-gai takes the point of order the House should be made aware that the Minister said, in his reply to the original question, that he would obtain further information in relation to a document about which he had been asked. As I understand it, the Minister now has additional information and he is conveying that information to the House, as he said he would at the conclusion of his answer to the original question.

Mr O'Doherty: On a point of order. Mr Speaker, you may have misunderstood part of the Minister's answer as he was conversing with another member. Although the Minister should be providing additional information about a matter raised in a question asked today by the Leader of the Opposition, he has simply spoken about a question I asked on a previous occasion and has made—

Mr SPEAKER: Order! I have ruled on the point of order. The member for Ku-ring-gai will resume his seat.

Mr O'Doherty: The Minister is not addressing the question that was asked today.

Mr SPEAKER: Order! The member for Ku-ring-gai will resume his seat.

Mr AQUILINA: I am demonstrating by way of preamble that the honourable member for

Ku-ring-gai cannot get anything right. The question of the Leader of the Opposition question claimed that there was a letter stating that a lady had cashed a cheque and passed the money on to other people, and that the money should be repaid. As I hinted in my original answer, this issue is the same as that raised by the Opposition on four previous occasions of which I am aware. This is the fifth time this issue has been recycled. The system that is operating has made so few errors that the Opposition has had to rerun the same issue five times.

Mr Collins: On a point of order. When questions have finished Ministers may use the time available to clarify specific issues raised by members in questions. To genuinely assist the Minister, I am happy to indicate that my question related to whether his department had advised a mother of three who had received a back-to-school allowance cheque for seven children to cash the cheque and hand the money to another two families. This matter has not been raised before. I am more than happy to provide the Minister with the particulars if he does not have the information.

Mr AQUILINA: The Leader of the Opposition is wrong again because earlier today the honourable member for Ku-ring-gai issued a press release relating to this matter, in which he quoted—

Mr O'Doherty: I did not—the Minister is wrong.

Mr AQUILINA: Is this not the honourable member's press release dated 20 May 1998 which relates to an issue—

Mr O'Doherty: Yes, that is the one I wrote in question time—that is today.

Mr AQUILINA: That is precisely what I am saying. This issue, which has been raised on four previous occasions, relates to Mrs Sinclair of Forbes.

Mr SPEAKER: Order! Points of order cannot be used to substantiate matters of fact. The member for Ku-ring-gai will have an opportunity to make a personal explanation at the appropriate time.

Mr AQUILINA: I understand that the issue relates to Mrs Sinclair of Forbes, which is the matter referred to in the press release issued today by the honourable member for Ku-ring-gai. The honourable member has raised the same issue on at least four previous occasions of which I am aware. As for the claims of the Leader of the Opposition, I shall specifically read the department's letter to Mrs Sinclair, who I understand is the subject of the

question of the Leader of the Opposition. The letter states:

To ensure that your correct payment is made:

- if you have not yet presented the cheque at the bank, it would be appreciated if you would place it in the enclosed envelope and post it (no stamp required). A replacement cheque for the correct amount will be forwarded to you within five working days of the receipt of the original cheque.
- if you have banked the original cheque, please send a personal or bank cheque for the overpaid amount (\$200) using the enclosed envelope. The cheque should be made payable to "Back-to-School Allowance".

The department sent precisely that letter to Mrs Sinclair, who is the subject of the press release issued today by the honourable member for Ku-ring-gai.

LACHLAN RIVER INTERIM FLOW RULES

Mr AMERY: Earlier in question time the Leader of the National Party asked me whether I had received a letter that had influenced my decision to extend the deadline for the Lachlan River management committee report. I assume that the letter referred to was from the Nature Conservation Council. My office has advised me that the letter arrived virtually at the eleventh hour, just before the end-of-March deadline for the Lachlan River management committee report. I can confirm that the answer I gave the House earlier, in which I said no, was correct. I have been further advised that the committee has been given more time to prepare its report because concerns had been expressed about the modelling and science used to draw up the report, which was the subject of a question from the Leader of the National Party yesterday.

At the time the agreement was drafted concern was expressed that the management committee may have breached the Murray-Darling Basin cap. All I can do is confirm that no letter received at the last minute in any way influenced my decision to extend the deadline for the management committee report. When I have more time I shall obtain the letter from my department and write a proper letter to the Leader of the National Party confirming all the details in the letter received by my department. Finally, no letter, phone call or representation made to me influenced my decision to extend by one month the deadline for the report. I commend the committee for its work and look forward to receiving the completed report in the next few weeks.

BACK-TO-SCHOOL ALLOWANCE**Personal Explanation**

Mr O'DOHERTY, by leave: I wish to make a personal explanation. In the Minister's supplementary answer he implied—indeed, he openly stated—that I misled the House during question time two weeks ago when I said that there was a departmental document providing advice relating to school violence. I have never said that it was a departmental document. The Opposition made it clear in a later debate and in the media that the document we were quoting, which was distributed openly to members of the press gallery, was from a legal think-tank and related to children's rights. We never claimed that it was a departmental document, and the Minister is completely wrong in so claiming.

The Minister further said that the matter raised today by the Opposition relating to duplicate cheques had been raised by me on four previous occasions. For the record, the matter raised today relates to families in Forbes whose names are similar to Sinclair and start with the same three letters. On a previous occasion I raised a similar case of families in Forbes whose names start with the same three letters, G-U-N. The Minister is wrong and he should apologise. The Minister's claim today was completely false. Indeed, he misled the House.

CONSIDERATION OF URGENT MOTIONS**Regional Development Funding**

Mr WOODS (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [3.58 p.m.]: Earlier today I gave notice that I would move a motion relating to the Federal coalition's continued abandonment of regional communities, as confirmed by the recent Federal budget. The matter is urgent because it goes to the heart of basic philosophies and ideologies, and the policy settings produced by the Federal Government. It is urgent because it goes to the public interest and the national interest. It is urgent because of the coalition's callous disregard for the economic growth and prosperity of regional New South Wales.

That callous disregard is not only costing jobs, but is costing opportunities across regional New South Wales. When the bush is abandoned, as the Federal coalition surely has abandoned it, it impacts on the whole country. This matter is urgent because towns in regional New South Wales need support

from the Federal Government. They need a regional development program and support for local industries through programs like AusIndustry. The Federal coalition came to power on the promise that it was committed to revitalising the social and economic infrastructure of regional Australia and to restoring its confidence.

Mr Fraser: On a point of order. The debate for urgency necessitates that the Minister must show why his matter is more urgent than the issue foreshadowed by the Opposition. The Minister is debating the substance of the matter and not giving reasons why the matter is more urgent than the important and urgent issue of the back-to-school allowance to be raised by the shadow minister for education. I ask you to direct the Minister to restrict his comments to urgency and not to the substance of the debate.

Mr SPEAKER: Order! No point of order is involved.

Mr WOODS: The honourable member for Coffs Harbour does not think public and national interests, and basic political philosophies are urgent. The welfare of country people is urgent.

Mr Hazzard: It is up to the House to decide that.

Mr WOODS: Yes, but I am speaking to the point of order. My motion is urgent because the Federal coalition must stand condemned for betraying the trust of country Australians who thought it would deliver on its promise. This matter is urgent because the Federal Government has allocated only \$10 million over four years; that is \$2.5 million a year for all of Australia for a regional development co-ordination strategy.

Mr Cochran: On a point of order. The Minister is given time to demonstrate to the House why his motion is urgent. He is debating the content of his motion. He should be directed to return to the substance of establishing urgency.

Ms Moore: On the point of order. Mr Speaker, I ask you to uphold the spirit of Standing Order 120, which provides for the member to have five minutes to make a statement to the House so that the House may establish priority for such matters, and not to allow members to constantly interrupt members when they are trying to establish priority.

Mr SPEAKER: Order! I uphold the point of order taken by the honourable member for Monaro.

Mr WOODS: The honourable member for Monaro obviously does not consider that the welfare of country Australia is important. He does not consider the matter is urgent when the recent Federal budget contributed only \$10 million to regional Australia—a piddling amount. What does that deliver compared to the \$150 million regional development program axed by the Federal Government early in its term? This matter is urgent because the Federal Government insults rural people by throwing them loose change. A couple of pennies will not hide the truth. Not only did the Federal Government cut the \$150 million regional development program, but it destroyed the voice of the regions when it axed the regional economic development organisation program.

Mr O'Farrell: On a point of order. Mr Speaker, you ruled previously that in this debate members must address the reason their motion is more urgent than the opposing motion. The Minister is clearly leading on the matter of debate.

Mr SPEAKER: Order! I uphold the point of order.

[Time expired.]

Back-to-School Allowance

Mr O'DOHERTY (Ku-ring-gai) [4.05 p.m.]: My motion is urgent because it will clear up the confusion that the Minister for Education and Training addressed in this House in his supplementary answer to a question by the Leader of the Opposition a few minutes ago. The Government is confused about how the back-to-school allowance is administered and how many problems the Opposition has uncovered in this scheme. My motion, which includes an invitation to the House to debate new material discovered today by the Opposition, will allow the Government to place on record its full explanation—

Mr Woods: On a point of order. If the honourable member for Ku-ring-gai makes confusion the point of the motion, he must show why confusion is urgent.

Mr SPEAKER: Order! No point of order is involved.

Mr O'DOHERTY: My motion will allow the Government to explain to the people of New South

Wales, including members of the Australian Labor Party country conference, which will debate this matter on 30 May, why \$55 million worth of school education money was spent on a politically motivated scheme designed only to curry favour with voters. My motion will allow this House to tell the Government that it wants to hear urgently how much money has been wasted on the administration of this failed scheme. The House will tell the Government that it wants to hear urgently why it cannot or will not provide full accounting for the cost of this failed scheme.

Why will the Minister not provide to this House a full account of how much money was wasted in trying to track down duplicate cheques that were forwarded to the Sinclair family and other similarly named families in Forbes? The Opposition provided that information to the media today. The Minister's explanation must be given urgently because today the Opposition released information on why Mrs Sinclair was told: "Yes, you have received a cheque for children that are not yours"—for two other families in fact—"and your course of action is one of two things. Either cash the cheque yourself and give the money to the other families or send the cheque back." She said to the person on the hotline, "I am going to cash the cheque and give the money to the other families."

The department forwarded fresh cheques to the families who had not received the money initially. Those families then said, "Gosh, we've been paid twice." One of them, a Mrs Sinclair, to whom I spoke today on the telephone, wrote to the department, in correspondence which I released to the media today, and said, "Here is my \$100. You told Mrs Sinclair to cash her cheque and give me the money. She has done that. I already have my \$100. Now you've sent me another cheque for \$100. I hope I have not confused you too much, but I feel enough money has been wasted on this scheme."

Mr McBride: On a point of order. Earlier in establishing urgency for his motion the honourable member for Ku-ring-gai made the point that his motion was more urgent than that of the Minister for Regional Development. For two minutes he said it was urgent, urgent, urgent, but for the last minute all he has done, as members opposite are aware, is go into the substance of the debate. The honourable member for Ku-ring-gai knows what he has done, as do other Opposition members. He has flouted your ruling when you upheld a point of order taken by the honourable member for Monaro. The honourable

member for Ku-ring-gai has gone on and on about what he said earlier today.

Mr SPEAKER: Order! I uphold the point of order.

Mr O'DOHERTY: It is urgent that the House should vote on why Mrs Sinclair said to the Government, "Enough money has been wasted on this scheme." Members of the Australian Labor Party country conference will vote on that issue later this month. The conference urgently wants to hear the Minister's explanation about the administration of the scheme. The New South Wales budget will be handed down soon. It is urgent that this House debate this matter because the Government has indicated already that the scheme will be a feature of the budget. It is urgent that this House debate this matter before the Treasurer makes another mistake and visits another scheme upon the parents and schoolchildren of New South Wales that will take away enough money to create 1,000 new teaching positions in this State.

Question—That the motion for urgent consideration of the honourable member for Clarence be proceeded with—put.

The House divided.

Ayes, 46

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Mr Moss
Mr Aquilina	Mr Nagle
Mrs Beamer	Ms Nori
Mr Carr	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rogan
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knight	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Neilly

Noes, 44

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr Phillips
Mr Blackmore	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Cochran	Mr Rozzoli
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Debnam	Ms Seaton
Mr Ellis	Mrs Skinner
Ms Ficarra	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mrs Stone
Mr Jeffery	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Mr Merton	
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Kerr

Pairs

Mr Clough	Mr Brogden
Mr Crittenden	Dr Kernohan
Mr Gibson	Mr D. L. Page
Mr Thompson	Mr Peacocke

Question so resolved in the affirmative.

Mr SPEAKER: Order! Before I give the call to the Minister, on behalf of all members I congratulate the honourable member for Maitland and his wife on the birth of their third grandchild, Rebecca Jayne Lloyd.

REGIONAL DEVELOPMENT FUNDING

Urgent Motion

Mr WOODS (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [4.17 p.m.]: I move:

That this House:

- (1) condemns the Federal Government for abandoning regional Australia;
- (2) calls on the Prime Minister to urgently reinstate the \$150 million regional development program, abolished in its first budget; and

- (3) notes the commitment of the New South Wales Government to regional New South Wales and the positive steps it is taking to support regional economic growth.

The Federal coalition is going from bad to worse in relation to regional development. It does not care about anyone living outside the leafy suburbs of Sydney and Melbourne. The Federal coalition's contempt for country people and country communities was evident in its first budget. In 1996, only weeks after being elected, the Federal Government slashed \$150 million from the regional development program. The Federal coalition was quick to abandon the bush and its actions spoke louder than its words. John Sharp, the former Minister for Regional Development went so far as to say that the Commonwealth had no role in regional development. He said there is no clear rationale or constitutional basis for Commonwealth involvement in regional development.

Last week's Federal budget echoed those words loudly. It contained only piecemeal, token offerings. The \$150 million regional development program was not restored. The only funding was a measly \$2.5 million a year for the whole of the country for a regional development co-ordination strategy. The Federal coalition and its partners who sit opposite have no interest in economic growth and prosperity in regional New South Wales. The Federal budget gives the people of the bush no hope. There is no commitment to provide a secure future for regional communities and no commitment to help the growth of the country businesses that create the much-needed jobs. The AusIndustry enterprise improvement program was a successful program of support for small to medium enterprises. It has gone.

The ideologues of the coalition have axed the AusIndustry program—a program that helped businesses, many of them in regional areas, reach export growth of 85 per cent. That figure is to be compared with 27.5 per cent export growth for non-AusIndustry companies. For median funding of \$29,000, companies helped by AusIndustry showed a median increase of \$4 million in business turnover. An increase of that size means new jobs. In New South Wales AusIndustry support is estimated to have created 6,100 jobs in 1996. The bush is being sluggish on all sides. There is no support from the Federal Government for regional development or regional businesses, which are the linchpin of regional development. The Federal coalition believes low interest rates alone will deliver growth in the bush. It is wrong. Regional New South Wales will only get its fair share of economic growth through the kind of strategic interventionist policies to which the State Labor

Government is committed. I am referring to the kind of strategic intervention that show that business improvement programs like AusIndustry really work, and the kind of strategic intervention that helps regional communities secure their future and does not allow market forces to favour the big cities. There is undoubtedly a real conflict here.

Mr Cochran: Do you understand what you are saying?

Mr Woods: Yes, I do, but I do not think you do. The macro policy settings of the Howard-Costello Government—scorched earth, the Thatcher-type policies, let the markets rule, that laissez faire approach—are in conflict with the policy settings needed to encourage regional development. The Howard Government has done more than destroy programs that were well used, programs such as the regional development program and AusIndustry. The Federal coalition should be asked what underlying philosophy would drive a government to cut these programs. What would drive a Minister to say that the Federal Government has no role in regional development?

Howard and Costello must certainly have a particular underlying belief that causes them to make these decisions. Slash and burn decisions are not one-off decisions. They cannot be mere mistakes. If we asked the Federal Government why it axed regional development programs and AusIndustry, its answer would be that market forces should rule economic growth in rural Australia. The laissez faire ideologues of the coalition believe the markets will fix everything. Some call it the trickle-down effect. They are wrong. Market forces work where there are economies of scale. They favour the big cities, the big end of town. Associate Professor Frank Stillwell of the University of Sydney sums up the economic rationalist ideology that is so loved by the coalition in this way:

Their political mission is to strip away the complex institutional arrangements which they see as impeding market forces.

Stillwell quotes August Losche's classic *The Economics of Location* in which he asserts:

Comparison [of theory with reality] has to be drawn no longer to test the theory, but to test reality. The real world must be changed to match the theory.

I suppose those opposite will talk about the real world, but they will not connect that with the theories of the Federal Government. Those theories are in conflict with the real world. The Federal coalition is hell-bent on changing the real world to

match its economic rationalist theories. Regional communities are like square pegs being forced into the coalition's theoretical round hole. They do not fit, and they are being punished for not fitting. They are punished by losing services and by being denied support programs that can help local economies grow. Regional development policy is the antithesis of the economic rationalist approach. Regional development policy requires a rejection of the laissez faire approach and market forces in favour of industrial and geographic intervention. Economic rationalism is based on the idea that the economy is allowed to rule and society pays a cost.

Mr SPEAKER: Order! The honourable member for Monaro will cease interjecting.

Mr WOODS: The Federal Government believes that in the long run the dollars and cents will flow and the social costs can be rectified. In the dairy industry there are loud accolades coming from all sectors for the recent decision of the Minister for Agriculture. Economic rationalism says the market will deliver in a better way than government intervention. One only has to look around to see how wrong that is. Honourable members should ask people in regional New South Wales how they feel about being locked in the Federal coalition's laissez faire laboratory, a laboratory that tells them to accept less and wait in some vain hope that a little will trickle their way.

Members will be told that the people want strategic intervention, the sort of intervention that has shown success at Uralla with Lockheed Martin, at Tamworth with British Aerospace, at Lithgow with Doral and at Griffith with Barters. That is the type of targeted industry intervention that is required. The markets alone have let country people down badly. But after rural people were given an interventionist hand through redevelopment organisations, those organisations were then taken away by Howard. An independent national study by the Regional Economic Development Organisation, which was conducted through an Australian Research Council grant to the University of Wollongong, made the following finding:

The extent of regional co-operation engendered by REDOs is probably unprecedented in terms of regional programs and has cut across party lines.

There was almost a disbelief about the processes or lack thereof that the coalition government used to cut the program—announcing it even before the interim evaluation had been tabled.

That shows blind ideology. That is the laboratory at work, testing reality rather than theory. The Federal

Government is trying to force its destructive macro policies onto the States. The dollar-driven Federal Government has stripped New South Wales of \$740 million to build its surplus and the coalition parties have confirmed their place as the star-crossed lovers of economic rationalism. Compliant States like Victoria have embraced the ideology. The result of that has been the closure of 350 schools and the closure of 17 hospitals. Despite the difficulties imposed on it by the Federal coalition the State Labor Government has maintained a philosophical commitment to the welfare of country people. That commitment has led to the creation of a regional development policy that works. Is it any wonder that the ideologue-driven National Party, which is being dragged along by Costello and Howard, is being reported more and more often as being unrepresentative of the views and feelings of country people. The *Dubbo Liberal* of 16 March said:

Unfortunately the trappings of political power on the government front benches does strange things to the National Party. They forget where they come from and who they represent.

[Time expired.]

Mr COCHRAN (Monaro) [4.27 p.m.]: Once again the hypocrisy of the Carr Government on regional development is obvious. The Government has had two-and-a-half years to produce a green paper. Where is the green paper? For two-and-a-half years he has been planning to produce a paper that would give some direction to regional development in New South Wales. The green paper is green because it is covered with mould. Government members sat on their butts for two years when the people of Newcastle wanted assistance. BHP announced that it intended to reduce the work force at the steelworks by 1,100 and for two years the Government did nothing. It then reacted in the hypocritical way it is reacting today.

The Government is no longer the government of Newcastle, Sydney and Wollongong, as it has been known in the past. It has now dropped Newcastle and Wollongong and looks after only Sydney. It has no right to criticise the Federal Government for abandoning regional New South Wales. Let me give the House some of the litany of examples that is available of the Government deserting country New South Wales. Let me talk firstly about the forest industry, which, prior to the Government coming to office, was sustainable and productive and employed people up and down the coast and across country New South Wales. The Government has converted productive forest areas into expensively managed national parks. There are unemployed people up and down the coast who

were formerly involved in the hardwood industry, an industry that has been deserted by the ALP Government.

There are many examples of government centralisation. For example, one could talk about the closure of the prisons at Maitland and Cooma. One could talk about the centralisation of the Roads and Traffic Authority and the transfer of its zone office from Tamworth to Grafton—an issue that might interest the Minister for Regional Development. Health services are being centralised. Representation is no longer local; it is centralised in area health boards. The Government destroyed local government control of the electricity industry and placed the control in the hands of centralised boards. In that move the Government took multimillion dollar cash reserves from local government boards and placed it in the city, to be squandered on Labor electorates.

Government centralisation is also evident in agricultural industries. The cunningly devised State environmental planning policy 46 introduced obstructions and a threat to produce and brought undone many productive and ambitious plans of country New South Wales. SEPP 46 was followed by the native vegetation legislation, which further disturbed the progress of country New South Wales. That is the record of the Carr Labor Government. That is the hypocrisy of this Government, which now dares to try to condemn the actions of the Federal Government. Each year the Federal Government has spent \$3.5 billion on specific programs designed to benefit regional Australia.

Mr Woods: Such as?

Mr COCHRAN: The Minister is new to his portfolio and a little green on these matters, so I will explain this for him. Federal Government programs include financial assistance grants to local government, "Networking the Nation", the regional telecommunications infrastructure and the black spots fund. The Federal Labor Government, of which the Minister for Regional Development was a member, abolished black spot road funding from 1991-92. That funding was designed to assist those travelling on country roads that presented a threat to life and limb. I am not surprised that the Minister knows nothing about it. The Federal Government also funds the Natural Heritage Trust, the national highways program, roads of national importance and the Federation Fund. The honourable member for the South Coast and the Federal member for Hume were involved in developing a road of national importance, the road between Nowra and Nerriga. That road was of vital importance to the development of regional New South Wales—

something of which the Minister is apparently unaware.

I am surprised that the Minister has the gall to moan that the Federal Government has in any way deserted country New South Wales. During the time of the Keating Government and the recession Australia had to have interest rates that ranged between 18 and 23 per cent. The Keating Government insisted on a fiscal policy that placed pressure on those who were not the most wealthy but among the poorest in the rural areas. The Keating Government imposed that policy on rural New South Wales, and the Minister was a member of that Government. He should be ashamed that he was a member of the Government that did more to damage the economy of country New South Wales than any other government in the history of this nation. The Federal Government is undertaking further expenditure. For example, more than \$805 million of the \$1,200 million it is providing in financial assistance grants to local government is being provided to councils in regional Australia.

Similarly, the Federal Government is spending more than \$700 million per year on roads in rural and regional Australia. This represents more than 88 per cent of its total expenditure on roads. Those figures should impress the Minister, but he has moved a motion that seeks to condemn the Federal Government for abandoning regional New South Wales. The attitude of the Federal Government could be compared to what this Government has done with the 3 x 3 program. The Minister is a hypocrite! The 3 x 3 program was established with the support of both sides of Parliament and was designed to give more equality to country people who were travelling on the most dangerous roads. Not only did the Labor Federal Government withdraw the black spot funding, but the Minister's Government has withdrawn some of the 3 x 3 funding that was allocated to country New South Wales. Shame on the Minister for moving this insane motion! But the Minister will have to cop more yet; I have not finished with him.

Last Friday and Saturday there was an expo at Coffs Harbour at which 400 people, including 17 consuls-general, attended an evening conference. Where was the Minister for Regional Development? He insulted the visiting consuls-general by not attending. I wonder whether he apologised, or did he treat country New South Wales and those 17 consuls-general with contempt? There was no sign of the Minister, and that demonstrated his lack of commitment to the regions. The drive from Grafton to Coffs Harbour takes only one hour, yet the Minister did not have the energy to attend the

conference. Shame on the Minister! He knew that the conference was being held and that it was important to the people of Coffs Harbour and the people of New South Wales. The Minister has brought disgrace on country New South Wales and the whole institution of regional development. He does not understand what regional development is all about.

What has the Minister done for the irrigators of this State? The Government's indecision in relation to water management has placed irrigators in a crisis unparalleled in the history of this State. The Minister does not understand the negative impact his Government has had on country New South Wales. I suggest that he asks the people of country New South Wales what they think of his non-existent policies on regional development. New South Wales has waited 2½ years for the Government's green paper but still does not have it. This is the invisible policy of the Labor Government. How dare the Minister try to condemn the Federal Government, which is spending \$3.5 billion a year on regional Australia! While the Federal Government is spending \$3.5 billion on regional Australia the Minister does not have the energy to get out of his bed and drive one hour to Coffs Harbour to attend an expo. Shame on the Minister! He will be deservedly condemned by the people of country New South Wales on 27 March 1999.

Ms NORI (Port Jackson) [4.37 p.m.]: It is a pity the honourable member for Monaro has not seen fit to take this opportunity to join the Government in criticising the coalition's colleagues in Canberra for their appalling record on regional development. I know the honourable member for Monaro has a genuine commitment to regional development. We would all achieve our goals more quickly if we could join forces in attacking the Federal Government, which has shown absolutely no interest in regional development issues. To the contrary, the Federal Government has gone all out to damage and ruin the bush. It is unfortunate that the most recent Federal budget was seized by the Howard Government as an opportunity to demonstrate yet again how little it cares about the regions. In this debate I should like to concentrate on small business, because in any discussion about the bush we are generally speaking about small business. The Howard Government's so-called commitment to the small business sector has proved itself to be a cruel hoax.

Small businesses in the bush represent the bulk of regional economic growth. Whether a business is a farm, a packing outlet or a retail venture, it is a

small business, and in the bush small businesses are the greatest source of employment. Without the investment of small firms, regional New South Wales economies would fall. One of the great pleasures I have had as Parliamentary Secretary for Small Business, and prior to that as Parliamentary Secretary for Regional Development, is in making continual contact with local government, development corporations, regional development boards and local communities. Regional communities are to be commended for their productivity, foresight, keenness and energy. They are always looking for an opportunity to improve their region and its job opportunities. They have not been rewarded very much by the Federal Government, which has slashed \$150 million each year—it is now up to \$300 million—from the regional development budget.

The Federal Government has not attempted to assist these businesses. The process of eliminating regulations and minimising the licences and paperwork of small business has not been addressed. An administrative nightmare will be lumped on small business when the tax package hits. I am particularly angry about the Federal Government's abolition of the 10-year program of support to small business and medium business through the AusIndustry program, a program that was particularly important in the bush. I can recite the names of small companies, region by region, town by town—all in National Party seats; all good National Party people—that have benefited from the AusIndustry program and have gone on to export, expand and create more jobs. These are the sorts of companies that we should support. This program has gone up into the ether. I shall cite some interesting statistics. In 1996 the AusIndustry program generated 6,100 jobs and \$740 million worth of exports for New South Wales companies, benefits they would not have had but for the program. This story can be repeated all over regional New South Wales.

The program was successful, focused and effective. It was not dead money or a handout. AusIndustry gave businesses in the bush an important opportunity to expand and a means by which they could progress to the next level. These small businesses, unlike large corporations, do not have a fancy marketing department or an export manager to assist them to get into exports. AusIndustry allowed governments to provide one-off assistance to companies to get over the export hump and to get them thinking about creating larger markets for their products and import replacement, and to make their organisation more efficient and effective so they could expand and create jobs. I am

disappointed that the Federal Government has withdrawn support for this valuable program. Honourable members will have an opportunity to debate this matter in the next week or two because I will raise it again. I hope that by then Opposition members, particularly National Party members, will consider joining the Government on this issue. They know in their hearts that this program is of vital importance to their constituencies. [*Time expired.*]

Mr BLACKMORE (Maitland) [4.42 p.m.]: I wonder how many shades of *deja vu* were included in the speech of the Minister for Regional Development, and Minister for Rural Affairs. I agree with my colleague the honourable member for Monaro, who referred to the \$3.5 billion each year to be spent on specific programs designed to benefit regional Australia. The ministerial working group on regional affairs disclosed that the Government places a high priority on sustainable economic and employment growth in regional Australia. This is not only one department; it is a combination of the portfolios to avoid duplication in government programs. The ministerial working group on regional affairs ensures that regional issues are addressed in a co-ordinated manner at the highest levels of government. To be fair to the New South Wales Government, I am certain that a co-ordinated effort also applies in the Premier's Department to ensure the highest levels of government.

Regional development did not exist under the former Federal Labor Government until 1994—and even then it existed as only a small program worth \$150 million over four years within the one department. This program was established 18 months before the last Federal election. It was a desperate attempt by Labor—which had been in office for 12 years—to shore up its vote in regional electorates. We all know what happened on 2 March 1996: the Federal Labor Party was given a hiding. The Minister for Regional Development, and Minister for Rural Affairs was a victim of that Federal election. It is ironic that he is here today complaining about the Federal Government's dedication to regional development when he is sitting in the New South Wales Parliament today as a result of that election. I know that must hurt the Minister but he has been given the job of doing a number on the Federal Government.

The Government has referred to what the Federal Government has done. I refer to BHP in Newcastle. The Minister knows about the involvement of the Federal Government and the State Government to ensure regional development in the Hunter and Newcastle. The initiatives of the Federal Government in the Hunter include:

electricity on Kooragang Island, \$3 million; Forgacs shipbuilding, \$2 million and 500 jobs; Redbank Power Station, up to \$30 million and 1,000 construction jobs, if and when the current legal dispute is settled; the lead in fighter contract at the Royal Australian Air Force Williamtown base, 200 construction jobs and 500 jobs in the defence sector; the Williamtown RAAF upgrade, \$1.2 million; and Forgacs frigate modules. That money is going towards regional development—the Minister might say that that is under a defence budget, but that is another thing: it is still regional development.

Other Federal programs that have benefited the Hunter include: the Hunter group training, \$45,000; fisheries research, \$13.5 million and the employment of up to 200 people; the Hunter Regional Development Organisation, \$370,000; the Hunter Economic Development Corporation, \$750,000; and recent announcements regarding tourism. The Minister spoke earlier about the institutional investor information service that was announced in 1997. The Commonwealth Government has committed \$500,000 per year for two years to that program. It relates to regional development. The regional telecommunications infrastructure fund, the Department of Social Security teleservice facilities and the black spots program, which my colleague the honourable member for Monaro mentioned earlier, relate to regional development. The Federal Government has done a lot for regional Australia.

Mr McBRIDE (The Entrance) [4.47 p.m.]: I congratulate the Minister for Regional Development, and Minister for Rural Affairs, Mr Harry Woods, on his appointment to the ministry. His appointment is one of the most significant appointments to the Carr Labor Government in the past three years. I congratulate the Minister on the work he is doing. The Minister attacks issues that are of concern to all members of Parliament. The Carr Government, in its second budget, determined the central coast to be a region—prior to that it was treated as part of metropolitan Sydney or the Hunter. I also congratulate the Parliamentary Secretary for State Development and Small Business, the honourable member for Port Jackson, Sandra Nori. She has tried to get out to non-metropolitan Sydney and to make an impact on small business and development throughout rural and country New South Wales. The Minister and the Parliamentary Secretary have made an enormous contribution to regional New South Wales, a contribution that is continuing. No-one could be but impressed by the speech of the honourable member for Port Jackson.

Regional development requires co-operation at all levels of government: Federal, State and local.

Most importantly, it requires the co-operation of the coalition in this Parliament. I understand coalition members defending their Federal colleagues because they live in rural New South Wales. As Parliamentary Secretary for Roads I travel regularly to country New South Wales and I talk to local government representatives, business representatives and people who consistently express their disappointment at what they perceive as the abandonment of rural New South Wales by the Federal Labor Government. The honourable member for Maitland knows that to be true, as does every National Party and Liberal Party member who represents country New South Wales.

Mr Blackmore: You said "Federal Labor Government". Good on you!

Mr McBRIDE: I mean the Federal coalition Government; it knows what is occurring in country New South Wales. This problem requires co-operation. Only one party in that tripartite group is not pulling its weight: the Federal coalition Government, as the honourable member for Maitland well knows. I have talked to many local government representatives when I have travelled throughout country areas.

Mr Blackmore: Name them!

Mr McBRIDE: I will. I have visited two-thirds of the 177 local government areas. The ones I have visited have been non-metropolitan local government bodies and, as I said before, they are universal in their concerns. Earlier I talked about the northern tablelands. When I visited that area I talked to the council representative who said, "We are not getting adequate funds." I replied, "If you are not getting adequate road funds, you should speak to your Federal National Party member. Talk to your mates, your friends." He replied, "They ain't our mates, they ain't our friends, they ain't delivering for country New South Wales." The council representatives said, "Put up a decent candidate and we will show you who our mates really are." The Federal Government is not delivering for the people that the honourable member for Maitland represents.

On 17 July 1996 the Commonwealth announced the termination of the regional development program; it walked away from regional development. Thus, as honourable members know, it drastically reduced the New South Wales Government's capability to pursue economic development projects. When the Cobar mine closed, where was support for regional New South Wales? Where was the support from the Federal coalition Government when the Goulburn mine closed? Where was the honourable member for Maitland and the State coalition then, and what did they say about those issues? It is well known that country New

South Wales is totally and utterly disillusioned with its representatives in the Federal Parliament and that local government is hostile to its representatives in the Federal Parliament. It is about time the Opposition got behind the Government and supported the Minister in his insistence that the Federal Government deliver more for country New South Wales. [*Time expired.*]

Mr WOODS (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [4.52 p.m.], in reply: I was interested to hear Opposition members speak on this motion. In their defence of the Federal Government one has to assume that they support this laissez-faire policy of letting the market rule. The honourable member for Coffs Harbour—and probably every member of the coalition—is well aware that that type of policy has not served country people and it will not. [*Quorum formed.*]

The sour and miserable members opposite—feeding on failure, sinking to the depths of irrelevance—have absolutely nothing to contribute to country New South Wales. They espouse their hatred of economic rationalism, orthodoxy and economics and yet in this House they defend the very thing they otherwise dispute. Honourable members have defended the Federal Government's action on roads. The honourable member for Monaro made a great deal of that but he should realise that national highway funding in New South Wales has been reduced from \$320 million in 1995-96 to \$232 million in the recent budget—a massive 28 per cent decrease.

The Federal Government has engaged in accounting trickery, and that is what the honourable member for Monaro defended. He attempted to disguise the cut which, in one case, was a double counting of \$5 million for elimination of black spots. That money, which was promised last year but not spent, has been counted as new money. In addition, the Opposition attacked the State Government's level of commitment to roads. The Government's commitment in regional development is the biggest project since the Snowy River project: the upgrading of the Pacific Highway, a project signed off by a Federal Labor government and a State Labor government. Members opposite would not have taken on that project. The Federal Government deserves condemnation on matters of regional development. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 48

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Ms Moore
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Nagle
Mr Carr	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mrs Grusovin	Mr Rogan
Ms Hall	Mr Rumble
Mr Harrison	Mr Scully
Ms Harrison	Mr Shedden
Mr Hunter	Mr Stewart
Mr Iemma	Mr Sullivan
Mr Knight	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Woods
Mr Lynch	Mr Yeadon
Dr Macdonald	
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Neilly

Noes, 42

Mr Armstrong	Mr Peacocke
Mr Beck	Mr Phillips
Mr Blackmore	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Cochran	Mr Rozzoli
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Debnam	Mrs Skinner
Mr Ellis	Mr Slack-Smith
Ms Ficarra	Mr Small
Mr Glachan	Mr Smith
Mr Hartcher	Mr Souris
Mr Hazzard	Mrs Stone
Mr Humpherson	Mr Tink
Mr Jeffery	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	Mr Windsor
Mr Merton	
Mr Oakeshott	<i>Tellers,</i>
Mr O'Doherty	Mr Fraser
Mr O'Farrell	Mr Kerr

Pairs

Mr Clough	Mr Brogden
Mr Crittenden	Dr Kernohan
Mr Gibson	Mr D. L. Page
Mr Thompson	Ms Seaton

Question so resolved in the affirmative.**Motion agreed to.****TOURISM FUNDING****Matter of Public Importance**

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [5.10 p.m.]: I ask the House to note as a matter of public importance the effect of Federal Government policies on tourism in New South Wales. As honourable members know, it is an uncontroversial fact that tourism is a vital industry. The tourism industry is Australia's largest foreign exchange earner. According to some estimates, the \$16 billion in export earnings produced by the tourism industry last year represent about one-tenth of our gross domestic product. More than 50 per cent of our visitors come from Asia. A headline in the *Singapore Straits Times* of 14 May stated, "Why is Howard now backing Hanson's party?" That newspaper is the major English-language newspaper in our strongest Asian tourist market. The article went on to state that Pauline Hanson had been given a lifeline by the coalition. The author asked, very sensibly, why, when the One Nation Party seemed to be a spent force, the Queensland branch of the Liberal Party and Prime Minister John Howard had thrown it a lifeline. The article took some care to describe the pussyfooting of the Prime Minister on this issue, his failure to take Pauline Hanson head on two years ago, and the damaging consequences of that inaction.

I remind the House that this article appeared in the most influential English-language newspaper in our most solid and sophisticated Asian market—Singapore. I mention this article as one of a cluster of articles that recently appeared in the Singapore and Hong Kong press in recent weeks. Make no mistake, the Hanson effect is alive and well in the minds of potential Asian tourists. The weak-kneed stance of the Prime Minister is being widely interpreted as tacit approval of the racist policies this person and her party espouse. Last week in Singapore I met with numerous journalists, airline executives and the 10 most influential outbound travel agents. Without exception these people, upon whom New South Wales depends to promote it as a tourist destination, took the opportunity to raise with me the spectre of Pauline Hanson.

Asian countries with whom the tourist trade remains strong, in particular Singapore and Hong Kong, have many choices for travel. Australia and

New South Wales must be active in the marketplace by promoting attractions that compete with other destinations on which tourists can spend their dollars. As I repeatedly advised concerned persons, New South Wales is a multicultural destination and has a proud tradition of cultural diversity. Sydney in particular is promoted as a quality destination because it is a large city in which tourists expect a sophisticated and diverse travel experience. The people of Singapore and Hong Kong have goodwill towards Australia as a tourist destination. If the Federal Government, and the Prime Minister in particular, were willing to show clear leadership on this issue, Singaporeans and other Asians would certainly take those assurances in good faith.

However, as things stand, the Prime Minister has left a lingering miasma of doubt about the real strength of the extreme right-wing racist forces represented by Pauline Hanson, against which Australia has set its face. In this context, recent Federal budget measures are more damaging. At a time when our Asian markets are not sure of the strength of government opposition to racism, the new visa fee has the potential to inflict searing damage. That is certainly the case with potential tourists from Singapore and Hong Kong, to whom the new \$50 fee represents a complete slap in the face. The honourable member for Coffs Harbour should be concerned about the damage that may cause to tourism.

Those countries that are unable to avail themselves of electronic travel authority, which at present means, for example, most of Asia and Lebanon, will be asked to pay a \$50 fee. The impact of this visa fee will be bad enough in our existing established markets; it will be absolutely deadly in the fledgling new markets we seek to cultivate, particularly with China. China is the major emerging market for Australia's tourism industry, with an increase of 22 per cent in 1997. It offers huge tourism potential. Given the ongoing strength of its economy, China has the potential to replace all the visitors our industry lost from Korea, Malaysia and Indonesia. Similarly, India and Vietnam are promising new markets.

Visitors from these countries will be the main victims of Mr Costello's greed because they are not served by the electronic system. Those visitors will be forced to cough up \$50 to apply for permission to come here to spend their money, which would bring desperately needed export earnings to our shores and create jobs for Australians. What can possibly be the purpose of such a fee? Only the most lunatic among our out-of-touch Canberra politicians, being fed policies by out-of-touch

Canberra bureaucrats, could have conceived such a plan. The visa charge will not deter career criminals or potential illegal immigrants. No-one could seriously imagine that \$50 could deter someone set upon an illicit course of action.

The visa charge with its attendant delays of and bureaucracy in visa processing, about which potential tourists already complain, will deter tourists, especially in the context of the Hanson phenomenon. This charge will be viewed as transparently targeting Asian countries, where the electronic travel authority system is not available. This visa charge will be viewed as one more clumsy obstacle put in the way of Asian travellers. Those travellers will ask themselves, "Do I need this? I can go to a score of other countries where I know I will be more comfortable, where there is no Pauline Hanson and no visa charge."

Tourism New South Wales will continue to work against these perceptions, as it has in the past. It will continue to stress to our Asian customers that Pauline Hanson is an isolated and aberrant phenomenon. Tourism New South Wales will continue to work with the Commonwealth Government and will raise with it the multitude of problems caused by present visa systems, delays, culturally inappropriate assumptions and the bureaucracy. However, the task is not made easier by the attitude of the Commonwealth Government, which shows breathtaking insensitivity to the needs of our new tourism markets.

The Minister for Immigration and Multicultural Affairs, Philip Ruddock—who should know better—in a media release dated 12 May congratulated himself and his Government on measures taken to support tourism. Incredibly, he included among those measures the new \$50 visa application charge that will apply from 1 July 1998—a charge he admitted is expected to generate \$39.9 million in its first year. He promised that the Government would assist in developing emerging tourism markets, such as China and India, yet he failed to mention that it is precisely those fledgling markets that will be most drastically affected by the new charge.

At the same time the Government slugs tourists at the other end of their journey with an increase to the departure tax, which is expected to raise a further \$10 million a year. From this rich harvest the Federal Government has announced that it will generously return to the tourist industry an additional \$50 million for promotion over four years. In other words, on its own figures the Federal Government will make nearly \$50 million from the

tourist industry and return just over \$12 million a year for tourism promotion! Obviously, Opposition members find it hard to accept the realities I expose, but they do not have to rely on me solely for their information.

An Australian Associated Press story of 14 May headed "Chinese tourism figures slam Aussie visa fee" spells out the Chinese reaction. It states that the \$50 visa decision was met with disbelief by China's tourism industry. It quoted representatives of the State tourism department and individual travel agents condemning the move. This measure must be abandoned or at least severely modified. At a time when the New South Wales tourism industry has suffered a loss of 115,000 international visitors, it desperately needs new markets in which to grow quickly. The Federal Government has delivered a third measure that will hit tourism more severely than these impostos about which I have been talking.

I refer of course to the goods and services tax—GST. Mr Costello said that he wants to see services, rather than goods, taxed. Which industry is by far the biggest service provider in our economy? No prizes are offered for guessing the answer. Of course, it is tourism. A GST will devastate Australia's tourism industry. A 15 per cent slug on fares, hotels, food, drink and other services will all add up to make Australia a more expensive and thus less competitive destination. Make no mistake, the effects of a GST on our visitor numbers will make the Asian downturn we presently suffer look like a trifle.

Mr Fraser: The bed tax is a new tax.

Mr DEBUS: The bed tax is absolutely inconsequential! In conclusion, I am compelled to draw the attention of the House to the unfortunate role played by the Leader of the National Party in promoting the Pauline Hanson cause and in helping the Federal Government to destroy the New South Wales tourism industry. While the Leader of the Opposition has been unequivocal in his statements that the Liberal Party will put Hanson last on its how-to-vote cards next March, the Leader of the National Party has joined his Queensland colleagues in refusing to rule out putting the Labor Party last on National Party tickets.

It is a shabby manoeuvre that will gladden the Prime Minister's heart, but it will contribute in no small measure to putting tourism workers out of jobs in regional New South Wales as news of the comfort given to One Nation racists by the pretender to the deputy premiership reaches the shores of our Asian neighbours. [*Time expired.*]

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

WORONORA BRIDGE

Ms STONE (Sutherland) [5.20 p.m.]: The Woronora River separates the eastern and western parts of the electorate of Sutherland. The existing bridge over the Woronora River is hopelessly inadequate. During the term of the coalition Government the building of a new bridge was commenced, but with the change of government in 1995 construction ceased. The pylons now stand testimony to a bridge that should be five years old but was never built. Instead we have no bridge but a promise, only a promise, to build it at last. In the space of five years traffic flows have increased and even a new, two-lane bridge will be inadequate. We need a four-lane bridge.

During the bushfires last November the Sutherland-Menai road system was gridlocked and chaos reigned. Emergency vehicles could not get in and out of the area because of the enormous amount of traffic attempting to vacate the area. As a result, and with the announcement of the by-election on 20 December, the Government announced the construction of a two-lane bridge and a traffic study of the road system in the Sutherland-Engadine area. A two-lane bridge is two lanes too few. The bridge plans, hastily resurrected during the election, are more than five years old. The electorate needs at least a three-lane bridge with a commitment to the Bangor bypass. Anything less will not relieve the traffic chaos experienced daily by commuters.

As the new member for Sutherland, I have sought a full briefing on the issue surrounding the bridge construction, but that has not been forthcoming from the Minister's office. Last December an announcement to undertake a traffic study was made with great publicity. Today, six months later, there is still no study. I have received bland responses from the Minister's office and, in spite of my many approaches, I have had no result. There are constituents in my electorate whose family home is affected by the construction. Other constituents will have the amenity of their home environment adversely affected by the redirection of some of the traffic flows.

I seek once again, this time in the House, to have a meeting with the Roads and Traffic Authority to obtain a full and comprehensive briefing so that I may inform my constituents. I ask the Minister for Roads to assist in this simple request. The people of the electorate of Sutherland—not only those who voted for me, but all the people of the electorate of Sutherland—are entitled to this information. I represent them all and I believe they are entitled to

the information so that they may be fully informed. As the member for Sutherland I seek the Minister's approval that such a briefing be forthcoming.

MOUNT DRUITT CRIME STATISTICS

Mr GIBSON (Londonderry) [5.23 p.m.]: Tonight I give credit to the Mount Druitt local police command. Honourable members have heard a lot in this Chamber during the past few weeks about country areas of New South Wales and the trouble being experienced in those areas. Crime statistics compiled for the past 10 months reveal a totally different situation in western Sydney to that which my colleagues in the Opposition suggest is occurring in other parts of New South Wales. For example, the average for individual charges, on a monthly basis, is 580. That appears to be a level statistic that compares favourably with last year and the year before. Messages to mobiles seeking assistance amounted to 3,000, a 7 per cent increase in service.

Today 161 police officers are stationed at Mount Druitt, compared with only 97 when the station was opened approximately 10 or 11 years ago. Robberies during the same 10-month period were steady at 19, a reduction of 3.5 per cent. The incidence of stolen motor vehicles has been significantly reduced, especially during the past three months, with an overall average of 113 or a 20.5 per cent reduction. The number of located stolen vehicles has fallen to a monthly average of 148, a reduction of 16 per cent. Assaults in Mount Druitt were the highest for any command in February 1998. However, they average 119, which is a considerable reduction of 22 per cent. Breaking, entering and stealing offences are on the increase and operations are commencing, especially in the Oakhurst and Hassall Grove areas. The average is 184, an increase of 15 per cent.

Programs are being implemented to assist in the arrest of possible offenders, and the monthly average of arrests for drug detection is 28. However, in the period January to April 1998 that average increased by 4 per cent. Malicious damage and like offences have decreased by 7 per cent and the monthly average is 147. Offences related to resisting, hindering and assaulting police officers within the Mount Druitt command runs at a monthly average of 23, an increase of 30 per cent—something we must have a look at. If we expect our police officers to do their job, we must give them all the protection and assistance we can. The reported average for stealing offences was 167, a reduction of 4.5 per cent. Street offences averaged 13, with 41 arrests in March, a 46 per cent increase in the overall statistics.

At present the command has a three-week operational program in place to reduce the 1,000 arrest warrants issued for persons who have given their home addresses within the Mount Druitt local area command. As the operation centres on persons who have warrants outstanding for the most serious offences, police have arrested more than 60 people wanted on 165 warrants. Police have located other offenders who reside outside the area and have forwarded those warrants to the relevant commands. I mentioned that robberies are steady at 19, which is a reduction of 3.5 per cent. The worst month was July 1997 when there were 32 robberies, but in December that figure had fallen to 26. Another statistic that should be examined relates to assault matters, which averaged 148. The worst month was March 1997, when there were 208 assaults, but the number was down to 140 by December last year.

Honourable members have heard some bad news from the Opposition benches about unlawful activities throughout New South Wales. When it comes down to tin tacks and we analyse the increases and decreases in police matters in various police commands, I believe the Opposition might be very surprised at the overall statistics. Mount Druitt is an excellent example, with 161 police stationed in the local area command and a very big population, including many young people. The police have done a wonderful job and I congratulate them.

LACHLAN RIVER INTERIM FLOW RULES

Mr ARMSTRONG (Lachlan—Leader of the National Party) [5.27 p.m.]: I note that the Minister for Agriculture, and Minister for Land and Water Conservation is in the Chamber and I am cognisant that he gave a supplementary answer today to a question about this issue. I believe it is incumbent on me to read into *Hansard* the letter to which I referred in a question earlier today, in light of the fact that the Minister refused to incorporate the letter in his supplementary answer. The letter, which is from the Nature Conservation Council of New South Wales, is dated 17 April and is addressed to the Hon. Richard Amery. It reads:

Dear Minister,

**Re: Lachlan River Management
Committee—Environmental Flow Rules**

We refer to our previous letters dated 3 April 1998.

We write to confirm that the NCC remains deeply concerned with key gaps and deficits in the interim flow arrangements proposed for the Lachlan River, as recommended to you by the Chair of the Lachlan River Management Committee. At present no meaningful consensus exists within the RMC.

Our major concerns can be summarised as follows:

1. The average impact of the interim rules on consumptive water has not yet been established. The NCC feels that the average impact may well be close to 0%, or may even prove to be a breach of the MDBC Cap. The NCC will be extremely disappointed if the Minister were to sign off on a package which provides for little or no real improvement in the volume of water currently available for environmental purposes. Rather, we require an outcome which is similar in magnitude to that contained in the proposed interim flow rules presented to the RMC at the beginning of this process.
2. We understand that the modelling assumptions between the base case (CapO) and other modelling runs differ; something which may be presenting a distorted picture of relative impacts of the various environmental flow options currently under consideration.
3. Some key details of the indicative rules proposed to the Minister were not made available to the Lachlan RMC prior to finalisation of the report.
4. The quality of information re modelling runs made available to the Lachlan RMC was inferior to similar information made available to other RMCs. For example, each of the modelled options considered by the Murrumbidgee RMC was presented in a matrix showing both annual impacts on diversions (as modelled over the last 100 years) and average impacts. Hence a more detailed and accurate indication of "worst year" and "best year" impacts was possible. In contrast, the reliability curve currently before the Lachlan RMC are erroneous and distracting, primarily because the assumptions behind them (eg, carryover, trading etc.) are highly questionable.
5. We are concerned that a number of issues concerning both the "window of translucency" proposed for Wyangala, and the Brewster "fish rules" (as they relate to passage of tributary pulses passed Brewster where translucency rules do not apply), are not yet in a state which the NCC can agree with. As acknowledged in the report from the Lachlan RMC Chairperson, a number of issues about these rules remain unresolved.
6. Another key variable remaining unresolved is that it has not been decided whether any or all of the proposed 20,000 ML Environmental Contingency Allocation will be available for consumptive use under some circumstances. This is something which could dramatically affect key environmental outcomes. As with the concerns raised in Point 5 (above), it is the NCC's view that uncertainties of this order must be resolved prior to signing off by the Minister.

The NCC respectfully suggest that the Minister send these issues back to the Lachlan RMC for resolution, prior to any final decision on the interim flow rules. In this regard we suggest that:

- a) the Lachlan RMC be required to hold two further meetings to enable finalisation of a *genuine consensus* recommendation to the Minister; and

- b) an independent and professional facilitator (desirably with a good knowledge of environmental flows, the NSW Water Reform program generally and the role of the River Management Committees) chair the proceedings for these two meetings;
- c) that modelling (and related) staff and resources within the DLWC be assigned to assist the Lachlan RMC as a priority, and to meet the previous information requests of the RMC.

In addition to the above taking place immediately, the NCC calls upon the Minister to urge the DLWC hydrology modellers to work on a daily time step model for the Lachlan River as soon as possible (this should not necessarily be done before the present decision about environmental flow rules is made).

Should the above process fail to achieve a consensus, then we expect the New South Wales Government to, as for other rivers, implement interim rules which are similar in magnitude to those presented to the RMC at the beginning of the process.

If you have any questions about this letter or require further information . . .

That letter is signed by Sally Hunt, State environmental representative of the Lachlan River management committee and John Connor, Executive Officer of the Nature Conservation Council, and copies were sent to the Hon. Pam Allan; Lisa Corbyn, Environmental Protection Authority; Dr Bob Smith, Director-General of Land and Water Conservation; Penny Knights and Bruce Fitzgerald, Department of Land and Water Conservation; and Audrey Hardman, chairperson of the Lachlan River management committee. That is the letter that people in the Lachlan believe the Minister took his instructions from to refuse to accept the recommendations made by the Hardman committee. He authorised the committee. The committee agreed with the consensus. Three days later this letter was sent to the Minister and the Minister backed off. Who is running the department—the Minister or the Nature Conservation Council of New South Wales? The Minister fudged the question here today. He realised he was caught out when he gave a supplementary answer, and he did not have the intestinal fortitude to put it in *Hansard*. It is in *Hansard* now.

Mr Amery: I did not have it.

Mr ARMSTRONG: The Minister says he did not have it, yet it is signed by two senior people. It is incumbent on the Minister to know what correspondence he receives.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.32 p.m.]: I give an assurance that I will write to the Leader of the National Party and

give him a more detailed response. The letter that was read to the House by the Leader of the National Party clearly indicates what I have said all along. A lot of people have been saying there is something wrong with the science and the modelling in the Lachlan. That was the subject of a question by the Leader of the National Party yesterday which, in my opinion, seemed to confirm that he also had concerns about the modelling and the science that were used to come up with this original report by Audrey Hardman's committee.

Secondly, I assure the House that the reason the decision was deferred to give the committee more work was not based on that letter. As I correctly said, I still cannot recall that letter having such prominence in the decision-making process. There was concern that the science was not accurate. The Department of Land and Water Conservation conceded that the modelling and science information it gave to the committee was not 100 per cent. Also, there was concern within the department that it may have breached the Murray-Darling Basin cap. Had I really taken the line that the Nature Conservation Council would have adopted and not accepted the committee's recommendation, I could have just adopted the indicative rules, which would have upset virtually everybody.

I assure the Leader of the National Party that that is not the reason the decision was deferred. We also deferred a decision on the high flow rules in the Barwon-Darling. I do not know whether the honourable member has a letter saying that was the reason the Government did that. It was not the case. This is a very open process. I have every confidence in the committee. Audrey Hardman is doing an excellent job as chairperson, and I am sure the committee will come back with a recommendation to the Government and the proper process will be undertaken. The Government will make some announcement in the weeks ahead. I thank the Leader of the National Party for his contribution.

DEREGULATION OF THE MILK INDUSTRY

Mr GAUDRY (Newcastle) [5.34 p.m.]: Last week the honourable member for Swansea brought to the attention of the House the disastrous impact on milk vendors in the Hunter of the flow-on of the deregulation of the milk industry that was legislated for by the former Government in 1993 under the then Minister for Agriculture, the present Leader of the National Party. The honourable member for Swansea pointed out that in 1994 a scheme was established to rationalise the distribution sector prior to the removal of vendor zoning and government price controls on the price of milk from the date of

deregulation. That deregulation, in relation to vendors, will take effect from 1 July.

Since that time vendors in my electorate have approached me and shown me the disaster that will strike them in July, when the deal between Woolworths National Foods and P&O Cold Storage Freighters will control the milk sold by Woolworths throughout New South Wales. Some 80 million litres of milk a year will be involved. According to the arrangements, the benchmark delivery price will be 4.8¢ per litre. It will have a devastating impact on 120 New South Wales milk vendors.

My constituent Mr Gemmell, of 68 Frederick Street, Merewether, said that in November 1995 he paid \$570,000 for the right to deliver approximately 42,000 litres of milk per week. That was the market price set by the industry. He did that as a result of attending seminars organised by the Milk Marketing Board, Dairy Corporation, Dairy Farmers and the Australian Milk Vendors Association, who painted a very glowing picture of what would occur and fended off any concerns that were raised about deregulation being an inhibition to the selling and buying trade. Mr Gemmell found that his business went very well between November 1995 and November 1997; the business grew. He introduced technology to improve efficiency. He had four full-time employees and at various times employed a further four casual staff from within the family. He set up the business to give his family some security of employment.

In November 1997 his average weekly litreage was 48,000 litres. Then some indications of crisis began to emerge. In January 1998 he was notified by Dairy Farmers that Woolworths had contracted its milk supplies to National Dairies. This will have a tremendous impact on him. From May to June 1998 he will still have three people working for him, delivering 51,000 litres of milk a week at 10.673¢ a litre. From 1 July he will be down to a work force of one, and will be delivering 33,500 litres. He will lose the Woolworths contract, which amounts to 17,500 litres, and his gross profit will be reduced to 65.3 per cent with that loss.

Dairy Farmers has stated that in September 1998 it will restructure the vendor delivery system in the Hunter with a delivery price of 4.8¢ for semi-trailer operation and 5.8¢ for bogie-wheel rigid operation. That means that in June 1998 the delivery prices will be 44.96 per cent of the industry benchmark. He says his business cannot withstand that sort of loss. He also says that Dairy Farmers intends to reduce its vendor numbers in the Hunter from 24 to three in deliveries to supermarkets—with

no compensation, no purchase of trade, no recognition of goodwill, and no provision for debt service. It means that this vendor will have three full-time employees and four casuals out of work. He has a capital outlay of \$320,000, a total of 55.1 per cent of his present delivery fee. This will impact on his house and on his car. He now has a truck which is too large in capacity for his work.

Also, Mr Geoff Power purchased a milk run in 1989 for \$70,000 and a new truck for \$36,800. Until the end of June this year he will have an income of \$2,000 a week. He will lose the Woolworths contract, and that will bring his income down to \$170 a week, while he faces costs of \$896. He obviously faces total loss of income and liquidity of his business. I am very concerned about milk vendors in the Hunter region. [*Time expired.*]

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.39 p.m.]: I commend the honourable member for Newcastle and all other members who represent electorates in the Hunter region for their strong support for milk vendors. As the honourable member for Newcastle has pointed out, milk vendors are suffering the after-effects of the deregulation by the previous Government of the distribution side of the dairy industry. Unfortunately, many of the problems created by the deregulation are now coming home to roost. The delegation of milk vendors to my office today demonstrated the stress and the concern that has been highlighted by the honourable member for Newcastle. One could not help but be moved by the plight of the vendors, many of whom are under great financial stress, have high mortgages and face an uncertain future. The actions of Woolworths are probably typical and show what can happen to a small family business previously protected by regulation in a marketplace dominated by big business.

The power of the retail sector is often overlooked when a review or deregulation takes place. The actions taken by Woolworths to centrally warehouse its milk distribution in the Hunter region have had a great impact on milk vendors. We can only hope that the policy will not be repeated in Sydney and other parts of New South Wales. I have asked the Dairy Corporation to investigate all matters raised with me today, not only by the honourable member for Newcastle but also by other members who accompanied him on the delegation. I have asked the corporation to investigate all possible options, bearing in mind the limitations of the completely deregulated distribution system under which we will be operating from 1 July. I thank the

honourable member for Newcastle for the very professional and compassionate way he has represented his constituents and the milk vendors of the Hunter. The Government will do all it can to help.

NORTHERN TABLELANDS ELECTORATE SURVEY

Mr CHAPPELL (Northern Tablelands) [5.41 p.m.]: Recently I distributed a newsletter to every household in my electorate, 23,500 or 24,000 households. Along with the newsletter I included a survey form asking people to report back on matters of concern to them. The survey listed a range of State government issues upon which they might like to report. I distributed the survey for a number of reasons. Clearly, all political parties are establishing policy directions for the State election next year. Also, it is good for the electorate to have a way of expressing its concerns. I asked survey respondents to indicate, in order of priority, which areas of government concerned them the most, why those particular areas concerned them the most, and whether they had any suggestions as to what government could do about it. Respondents were also given the opportunity to comment on any other areas of government responsibility. I intend to use the survey results not only for my own use but also to bring to the attention of appropriate State government authorities in my area the reports I have received.

To date I have received almost 1,500 responses, which is certainly a great many more than I had expected. Respondents have made good, positive suggestions. In many cases respondents have taken the trouble of cross-referencing from one area of government responsibility to another. Law and order is a matter of concern to us all as members of Parliament. These days we are witnessing an increasing level of violence and antisocial behaviour on the part of children who appear to be younger with each incident. I shall bring to the attention of the local magistrate and the local area police commander the concern expressed by many people and some of the suggestions made. A number of respondents made positive suggestions about ways in which the education system ought to be more directed towards building good citizens. In our schools we could well pay more attention to civics—which is coming onto the national education agenda. More than that, respondents have suggested that greater emphasis be placed on behavioural matters. The school system itself is called on to be more responsive in relation to discipline codes and the like.

Respondents indicated their growing concern that so many more children, teenagers and young adults are finding ways of expressing themselves in antisocial behaviour, lawlessness and petty crime, leading on to more significant crime, than appears to have been the case in the past. Recent crime statistics bear out those concerns. Many respondents highlighted concern about public health funding and the administration of hospital wards. I shall bring to the attention of regional health authorities some of the good, constructive suggestions that have been made. A number of respondents were very critical of government—not necessarily only the present Government, although, as one would always expect, there has been some such criticism. The overwhelming response from people in my area has been cast in very positive terms. There is no doubt that people are anxious to play their part. They are keen to express their views on ways in which the administration of our communities can be improved.

Responses to the survey covered the whole gamut of government responsibilities. The Minister for Agriculture would be interested to know that water allocation was a matter of concern for respondents. In my part of the world many people are asking that we have a little more of our own water so that we can diversify some of our agricultural industries. In the past agriculture in the tablelands has been substantially restricted to broadacre grazing, but people are interested in diversification. I intend to pass on to all the appropriate authorities and Ministers the various suggestions that have been made, in the hope that together we as a parliament may be able to provide more appropriate and more modern responses to the real needs of the people. I found this exercise to be very worthwhile. It involved a great deal of hard work, of course, and I thank my staff and other people who very ably supported me in distributing this information and giving the people of my electorate the opportunity to express their views. [*Time expired.*]

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.46 p.m.]: I commend the honourable member for Northern Tablelands for taking the initiative in distributing a survey throughout his electorate and getting public feedback on many policy issues affecting day-to-day life in his electorate. As he has said, the responses to the survey related to government at both State and Federal levels. The honourable member has referred to policy directions and a priority list. I would be very keen to receive the results of his survey. I shall make sure that the law and order issues he raised are referred to the Minister for Police and I shall refer

matters on education to the Minister for Education and Training, who would no doubt be interested to know the level of community support for the retention of the \$50 school allowance. The Government would like the coalition to say whether it intends to abolish payment of that allowance to parents.

I would like to know about the response of the honourable member's constituents to the coalition campaign to stop the Government's moves to decentralise research from the western suburbs of Sydney to country areas. That move was resisted strongly by the National Party. I would be interested to know whether the constituents of the northern tablelands would prefer agricultural research to be carried out in the country, where it is now, or in the city, where it was carried out before I became Minister. I look forward to the National Party response on water reforms, the Council of Australian Governments agreement, the Murray-Darling Basin agreement and the need for water allocation for the quality of the river. I am interested in National Party policy on that matter—not only the rhetoric but clear details and policies. It is a commendable initiative of the honourable member for Northern Tablelands to seek this feedback from his constituents. I look forward to receiving a copy of his survey results.

CARE FOR THE HOMELESS

Mr WATKINS (Gladesville) [5.48 p.m.]: On Monday when driving through torrential rain I passed a bus shelter at Gladesville and observed one of the number of homeless people of Sydney trying to shelter from the terrible weather. As we all know, there are thousands of homeless people in Sydney. The most recent estimate put the number at more than 40,000. This issue is evident in every area of Sydney. It crosses all suburbs and has an impact on a wide range of people, from the very young and adolescents to the aged. Homelessness is a terrible state and a terrible blight on our community. It has drawn the attention of many associations that care for the underprivileged in our society.

I draw the attention of the House to a recent publication released by the Society of St Vincent de Paul, the Sydney City Mission, the Salvation Army, the Wesley Mission and the Haymarket Foundation. It is entitled "Down and Out in Sydney" and it examined the prevalence of mental disorders and related disabilities among homeless people in the inner city. That disturbing report indicated that homeless people who are accommodated in, or are in contact with, inner city hostels and refuges experience far higher levels of mental disorders compared with any other group in the community.

I want to spend some time dealing with the results of the survey. The most disturbing aspect of the report was a finding that 75 per cent of all homeless people using inner city hostels and refuges had suffered in the previous 12 months one or more of the following: schizophrenia, alcohol abuse disorders, drug use disorders or mood and anxiety disorders. In no other group in the community are the levels of mental illness disorders so high. Of these homeless people 30 per cent suffered schizophrenia, 50 per cent of men suffered an alcohol use disorder, 34 per cent of all were dependent on drugs and 33 per cent suffered major mood or anxiety disorders.

The tragic reality of these figures is given a more desperate status when other social problems dealt with in the report are highlighted. The report reveals that 93 per cent of the homeless in the inner city have experienced at least one major trauma event in their lives. One hundred per cent of women report such trauma, and those reports of trauma translate into 58 per cent having been seriously physically attacked or assaulted, 55 per cent having witnessed someone else being badly injured or killed and 68 per cent of women having been indecently assaulted, with 50 per cent having been raped. Increasingly, it is the female victims who suffer most and that reality is borne out in figures relating to levels of disability, with 54 per cent of women in the group suffering some level of disability.

These figures are truly disturbing. It is impossible to know, and hard to imagine, the fear, desperation and human anguish that they translate into. The ongoing daily suffering of persons with mental illness, abandoned and alone, away from support and protection, without the most basic levels of security and comfort, is a silent tragedy in our city. We all see it in glimpses from our car windows during our travels and sometimes in our offices. Most of us feel for those who are suffering but our concern is usually momentary. The problem seems so large and the causes so complex that it seems beyond our means to assist, even those of us who are members of Parliament. That collective sigh of despair has to end: it is time that this massive and growing problem receives direct and urgent attention at all levels of government and by all sectors of our community. I raise this matter today in an attempt to increase its status, to highlight the need and to appeal for a comprehensive answer.

The New South Wales Government has provided a number of answers to this problem, not the least being the \$36 million in additional funding that has been added to the mental health budget during the past three years, and the funding of non-

government agencies in the front line of care for the homeless. Part of the answer is in expanding public housing options, especially for those in emergency need. Another part of the answer is in a whole range of emergency assistance options provided through the Department of Community Services. An essential part of the answer is to try to get the Federal Government to stop some of its attacks on the most needy, for example the \$94 million cut in dental care over three years.

But the tragedy of homelessness needs far more than part answers: it needs comprehensive intergovernmental recognition and commitment. It requires widespread effective strategies across departments and agencies concerned with health, housing and community services. It requires community-wide attention and community-wide acceptance of our responsibility to these most needy people. The precedent set by the national mental health strategy should be followed in relation to the problem of homelessness in this nation so that its scourge can be removed. That will not be the simple answer. It relates to the structural problems of poverty, unemployment, housing, family breakdown and drug addiction. Despite its complexity, the matter must be dealt with urgently. The human pain caused by homelessness is extreme. Our communal responsibility to solve it is overwhelming.

BOOMA FISHERIES EASTERN FRESHWATER COD BREEDING PROGRAM

Mr FRASER (Coffs Harbour) [5.53 p.m.]: I want to address a matter that will demonstrate that the Government has shown itself to be absolutely hypocritical on two occasions in this House today. Today the Minister for Fisheries talked about what a great job he has done for fisheries in New South Wales and the Minister for Regional Development said what a great job the Government is doing for regional New South Wales. But a facsimile I received today from Booma Fisheries demonstrates the Government's hypocrisy. Last Saturday night the Holiday Coast Development Board held a function which was attended by more than 400 people and 161 north coast businesses were nominated for awards of excellence. Booma Fisheries won the 1998 excellence in business award for agribusiness and related industries. For a number of years, with the assistance of myself and the former coalition Government, Booma Fisheries have been breeding the endangered eastern freshwater cod. Last year the Minister for Fisheries, who has just wandered into the Chamber—

Mr Martin: Make sure you stick to the truth.

Mr FRASER: I will stick to the truth, I will tell them all about you.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Coffs Harbour will direct his remarks through the Chair.

Mr FRASER: The Minister for Fisheries promised Michael and Rita Gilbert, who worked very hard, \$30,000. A fax I received today stated:

I am in receipt of your letter dated the 18th May 1998. Thank you for your kind words of congratulations on our winning the 1998 Excellence in Business Award for Agribusiness and Related Industries. It is pleasing to finally be formally recognised for all our hard work and endeavours in this field.

I am well aware and thankful for your assistance in securing the initial permit for us to breed the Eastern Freshwater Cod . . .

Mr Gilbert continued:

In a short time Project Big Fish [Inc] has raised nearly \$30,000 from public donations and has raised the profile of our only truly regional icon. I am truly indebted to the massive efforts this volunteer organisation has made. Without them the Cod restocking program would have ended because of financial considerations. I am still waiting for a \$30,000 payment from NSW Fisheries for last year's release.

The Minister for Fisheries and his department promised to pay Mr Gilbert to release the cod into nearby streams. This Minister should arrange to give Mr Gilbert some recognition. He has received some government assistance from regional development funding, but none from fisheries as promised by this Minister.

Mr SPEAKER: Order! The Minister will cease interjecting.

Mr FRASER: Yet today the Minister told the House what a great job he is doing in fisheries. Mr Gilbert and the people of the Coffs Harbour electorate know full well how little he has done, and that he has broken his promise to give Mr Gilbert money to compensate him for the release of this endangered species. The Minister will not encourage Mr Gilbert as a businessman to develop an industry that not only save the species but will also give us a table fish. The Minister knows Mr Gilbert is doing the right thing but he is backing the bureaucrats who have told Mr Gilbert. The Minister has misled Mr Gilbert on a number of occasions. Today the Minister for Regional Development dropped a bucket on the Federal Government in relation to regional development. He was 80 or 90 kilometres away from a function on Saturday night that was attended by 400 people from the holiday coast. Some received awards, and I congratulate them for doing so.

The Minister could not find the time to present the awards and to acknowledge the excellence in business of those local firms. Those firms come from Taree in the south to Coffs Harbour in the north. That is an absolute disgrace. Those people make regional development work, despite the Minister for Fisheries and the Minister for Regional Development not delivering on promises to regional New South Wales. I call on the Minister for Fisheries to give the \$30,000 that he promised to Michael and Rita Gilbert. They are strugglers, battlers who are doing a great job preserving an endangered species and they are making a viable industry out of aquaculture. [*Time expired.*]

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [5.58 p.m.]: The honourable member for Coffs Harbour has a poor regard for the truth. His contribution was about as sound as his dealings in insurance before he became a member of this House. Let me get this straight: Mike Gilbert was given an approval by Minister Causley to breed an endangered species, which can be reintroduced only into the Clarence and Richmond rivers, where the species comes from, and to try to build up his finances. Mr Gilbert has been playing stupid politics and he knows he is his own worst enemy. The tactics used by the honourable member will show that not only are both of them corrupt, they are both stupid.

An approval to breed an endangered species is comparable to being granted a permit to breed koalas: one does not get a permit to breed koalas and then sell them. The honourable member—and I have serious doubts about the word "honourable"—mentioned \$30,000. That is a figment of his imagination and of Gilbert's imagination. My department has provided money for an endangered species recovery program. But this poor, hapless member opposite is distorting the truth. If he continues to do so he will hurt not only Gilbert's cause but the north coast cod program. The Government acknowledges that the eastern freshwater cod is an endangered species that should not be farmed or traded outside the Richmond and Clarence rivers.

ILLAWARRA ROADWORKS

Mr SULLIVAN (Wollongong) [6.00 p.m.]: I should like to refer to the need for an upgrading of Windang Road, which runs east along the Windang peninsula, crosses the entrance to the lake and continues south. I am concerned about the south-bound carriageway of the potential third lane from near the entrance to Port Kembla Golf Course and which continues to the Windang residential area on the eastern side of the road. On that main road the

two south-bound and two north-bound lanes are the responsibility of the Roads and Traffic Authority. The RTA has advised that both the kerbside lanes and the kerbing and guttering are the responsibility of Wollongong City Council. Windang Road from south of the entrance to the golf course to the residential area comprises only two sealed lanes with no kerbing or guttering.

Normally there is no problem for traffic flowing along those lanes. The kerbside lane is unformed but drains have been constructed. However, there is no kerbing or guttering to convey the water into the drains. As a consequence, in wet weather flooding extends from the kerbside to the middle lane. That is dangerous for traffic travelling in this 70 kilometres per hour zone. I am assured by the RTA that this is not a black spot. Nonetheless, unnecessary risks are taken by motorists who drive through sheets of water on the road. I have been unable to obtain information from either Wollongong City Council or the RTA as to when it is to be sealed and the kerbing and guttering constructed.

I have raised the matter in the House in the hope that this will result in action by either the council or the RTA. I am informed that the council has been allocated \$9 million for roadworks by the Government. I am sure that funding could be found for this task. Yet again I will bring this matter to the attention of the mayor and the Minister. Hopefully they will take responsibility for this matter and that by Christmas or early 1999 this kerbside lane will be sealed.

Mr Fraser: Wait till we get into Government, we will fix it for you.

Mr SULLIVAN: Yes, but the coalition will do it by taking a great many other things out of the Illawarra. That has been its track record for years. I am sure the next Labor Government will not have to worry about it because the problem will be rectified before next March.

Mr E. T. PAGE (Coogee—Minister for Local Government) [6.04 p.m]: I was interested to hear the comments by the honourable member for Wollongong. I assure him that I will consider the issues he has raised and, I hope, resolve them.

EAST CIRCULAR QUAY DEVELOPMENT

Mr HUMPHERSON (Davidson) [6.05 p.m]: I have received innumerable approaches and representations from constituents about the east Circular Quay development. During the past five

years many constituents have expressed extreme bewilderment at the inactivity of one government after another. On the eastern side of Circular Quay a wall of buildings has been erected which will overshadow not only the botanic gardens but also Sydney Cove and deny people clear views of the Opera House and botanic gardens from the core area of Sydney.

That area is the focal point, the jewel in the crown, of Sydney Harbour and it is regrettable that members of Parliament have not been active in their protests. I regret that I have not expressed concerns about this development but have remained relatively silent over the past five years. That regret is probably shared by many members. The inactivity of members of Parliament and the lack of will to address the problem is a great shame and something that will be questioned by future generations. I do not want our children to ask why we did not act when we had the opportunity, and why we have left this legacy simply because we did not have the courage to ask questions.

Politicians lack vision; they do not appreciate that the east Circular Quay construction is an eyesore. Its impact became startlingly clear when the old buildings were demolished and construction commenced on the new buildings. That has happened incrementally. I do not cast blame on any one person. Clearly numerous players have made individual and incremental decisions which collectively amounted to a planning disaster. People of various political persuasions, including the Lord Mayor, Frank Sartor, the former Prime Minister, Paul Keating, and the Central Sydney Planning Committee have contributed to what will be a blot on the landscape of Sydney for generations to come.

I am firmly of the view that it is not too late to address the problems associated with the east Circular Quay development. I am strongly attracted to the Burattini plan and similar plans which look at finding a solution through land exchange coupled with development rights. Such a solution can be achieved without a reduction in recurrent budgets for the key areas of health, education, police, roads, transport and rural areas. Those key areas should not suffer as a result of this development. If there is a will the problem can be solved by exploring other opportunities. I put it to those who question the Burattini option that as a community we have not been reluctant to spend money for aesthetic purposes. The power lines at Olympic Park at Homebush have been put underground at the cost of \$90 million, a canopy has been put over the Eastern Distributor near the Art Gallery of New South Wales at a cost of \$40 million, and about \$200

million has been spent on placing sections of the M5 extension underground. All that work has been done for aesthetic purposes.

State and Federal parliamentarians, both Labor and coalition, must adopt a collective approach to the problem and form a task force to explore urgently a solution based on the principles of land exchange and development rights. Politicians throughout New South Wales can share the blame for the east Circular Quay development, and they should share the responsibility for finding a solution. Earlier today the Minister for Urban Affairs and Planning indicated that he had assessed the Burattini proposal and other options. I ask the Minister to release the details of that assessment. That would give the community confidence that a detailed analysis of the options has been undertaken. I cannot believe that on the face of it there is no merit to the proposed solutions. Indeed, it would be extremely regrettable if we looked back in the years to come and saw that nothing had happened. Construction on the east Circular Quay site is advancing daily but we are sitting idle, hoping that the problem will go away. I trust that the public domain is maintained—*[Time expired.]*

Mr ACTING-SPEAKER (Mr Mills): Order! I listened carefully to what the member for Davidson said. In my opinion the building at east Circular Quay is not a proper subject for a private member's statement. In the past Speaker Rozzoli has ruled that in a private member's statement a member may refer to a matter outside his electorate if the matter was brought to his attention by a constituent. I have extended leniency to the member for Davidson. He did not name a constituent but simply made a broad statement. It appears to the Chair that the matter should have been dealt with by way of substantive motion rather than in a private member's statement.

BLACKSMITHS PUBLIC SCHOOL

Ms HALL (Swansea) [6.12 p.m.]: On Monday of this week I was fortunate to visit Blacksmiths Public School and to observe the students in their classes. The literacy program operating at the school was impressive, and the improvements made to the program since my children attended school were phenomenal. Blacksmiths is a coastal suburb nestled between the Pacific Highway and the ocean, and the school and the surf club are the focal point of the community. Outside school hours the children in the area spend a lot of time at the school and show great respect for the school property. Blacksmiths is small and is classified as a disadvantaged school. Currently the school has 85 students. This is an

increase on 1995 when the number of students fell to 57. The increased number reflects the positive programs and attitudes of the teaching staff, the school council and the school community.

The school has demonstrated to Blacksmiths community that its children receive quality education in a caring environment. The school council reflects the Blacksmiths community and comprises the principal of the school, Les Corrigan, Mrs Roberts, Wal Drane, Jack Liddell, Carol Anderson, the president Linda Richardson, and the secretary Dennis Wolley. The teachers at the school are Les Corrigan, Mrs Roberts, Miss Wilson, Mrs Carbury, Mrs Van Kouvedan, Mrs Brown-Smith, Ms Owens and Mrs Carbury. The school has a teachers aide, Mrs Boyle, and a committed clerical assistant, Ms Hart. The teachers are committed to serving the school way beyond their role as teachers. An example of their commitment to the school occurred last Saturday when they left Blacksmiths at 5.30 a.m. to travel to Gosford to purchase books at a book sale. Their efforts resulted in the school purchasing \$2,500 worth of books for \$250. They travelled to Gosford outside school hours, and on the weekend, because they care about the school and its students.

One outstanding feature of Blacksmiths Public School is its caring environment. The first class I visited was years 3 and 4, where the students were practising their reading. They were working in pairs, and the encouragement and assistance they gave each other was commendable. Each student wanted to help the others to succeed. I then visited the kindergarten and year 1 class, where I observed the students developing their literacy skills, using the computer, playing memory games and reading from books. It was a busy environment and the caring nature of the teachers and the school community was evident. The next class I visited was years 1 and 2. The peer support leader, a year 6 student, was discussing the rights and responsibilities of students in the school. It was obvious from the tone, the attention of the students and the outcome of the exercise that it had been worthwhile. The student leader had built a Lego car and prepared the session while students in the classroom actively participated in preparing a balanced list of rights and responsibilities. Once again, the overwhelming feeling in the classroom was a caring one and the students respected each other.

The year 5 class was the final class I visited. The students in this class were absorbed in computer activities. A number of students were trying to solve a problem posed by Murder under the Microscope on the Internet. I understand that students throughout New South Wales participate in this program. Other

students in the classroom were involved in integrating computer programs. I was impressed with the integration of the Clarisworks program and the Grolier program, which one student had performed. I understand that the student had stayed until 4.00 p.m. to prepare the program. The students at Blacksmiths Public School are encouraged to achieve their goals. They are not frightened to try new things because they know that they have the support of their peers and teachers. I am proud to have Blacksmiths Public School in the electorate of Swansea. It reflects the spirit of the area and the sense of community that exists in Blacksmiths. I congratulate the school principal, Les Corrigan, the staff, the students and the Blacksmiths community on creating a special school environment that fosters learning, understanding and responsible citizens.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.17 p.m.]: I join the honourable member for Swansea in congratulating Blacksmiths Public School on the work being performed there. Earlier today the honourable member spoke to me at greater length about the outstanding work undertaken at the school. I take this opportunity to compliment the honourable member who never wastes an opportunity to offer praise for the work of various schools in her electorate. She always makes a point of praising the work of teachers and the great difference they are making in education. One big plus in our education system is the hard work and expertise of teachers which enables them to make a big difference in the lives of ordinary individuals. I echo the honourable member's comments in that regard and add my congratulations. In particular, I congratulate the principal of Blacksmiths Public School, Les Corrigan, and the staff, the students and the parents of the students. As the honourable member said, they create a special environment that fosters the great attributes of our education system: learning and teaching that is second to none. Indeed, they promote responsible citizens. The students have every reason to be proud of their achievements, as do the teachers and the parents of the students.

Private members' statements noted.

[Mr Acting-Speaker (Mr Mills) left the chair at 6.19 p.m. The House resumed at 7.30 p.m.]

TOURISM FUNDING

Matter of Public Importance

Discussion resumed from an earlier hour.

Mr PHOTIOS (Ermington) [7.30 p.m.]: I, together with my Opposition colleagues, found the

presentation of the Minister for Tourism on this issue an extraordinary act of gross hypocrisy. I commence with those measured and cautious terms because the Minister launched a scathing attack on my Federal coalition colleagues at a time when they have demonstrated an impressive commitment to tourism in New South Wales. The Minister's contribution suggests that the Federal Government has given a minimalist contribution to tourism, has caused damage to that industry and, in effect, has given it nil help. The Minister's speech was certainly very critical. The Carr Government is responsible for the first indirect tax on the tourism industry. What a hide Government members have to accuse the Federal Government, even before a goods and services tax has been introduced, of introducing an indirect tax on the tourism industry!

The hard, cold and unqualified facts are that this State Government introduced a bed tax. The Labor Party broke faith with the tourism industry and made New South Wales the first State to introduce a tax on hotel beds. The Australian Labor Party decided that the fastest growing industry in the nation, the biggest employer for the first time superseding primary industry and mining, should be socked with a bed tax. During the 1995 State election campaign the Labor Party promised that a new tax would not be introduced. Labor said there would be no bed tax, no new taxes and no tax increases. Yet, in the life of its first and only term—I reiterate that point particularly for the members of the Carlingford Liberal Party branch who are present in the gallery—13 new taxes and tax increases have been introduced.

The Minister is an intelligent and articulate man who, in the normal course of his endeavours outside parliamentary life, has made a worthy contribution to society. It is appalling that he has this blind spot and is so stupid, so silly and so hypocritical as to criticise the Federal Government for a budget that gave a big funding boost to the Australian Tourism Commission when he sits in shame for having broken first a promise and then faith with one of the most sterling industries in the country and finally slugging that industry with an inequitable 10 per cent tax rate putting it at a disadvantage with the rest of the nation. The Minister should hang his head in shame. After the 27 March 1999 State election the community will assist in those endeavours because it will tell him where to go—to the Opposition benches of this Parliament! The Federal budget made a significant contribution to tourism by making provision for a major funding boost of \$50 million to the Australian Tourism Commission over the next four years. The Federal Government said it will give the biggest bank of money in the history of the Commonwealth—

Mr Debus: Over four years for all of Australia.

Mr PHOTIOS: —in the history of Australia, as the Minister rightly states. The Federal Government will give more funds than ever before to promote tourism, yet the Minister for Tourism brings into this place an asinine and inane motion that criticises the Federal Government because he does not think—

Mr Nagle: What does "asinine" mean? How do you spell it?

Mr PHOTIOS: Well, veracify it for me! That is not a word in the English language, but it is probably one you understand, Mr Nagle.

Mr Nagle: On a point of order. I do not mind the insult, but I am the member for Auburn. I am not Mr Nagle in the House.

Mr PHOTIOS: He is right. I referred to him as Mr Nagle and I should have referred to him as the honourable member for Auburn.

Mr SPEAKER: Order! No, he is not honourable!

Mr PHOTIOS: No, he is not honourable! Mr Speaker, I am grateful for your advice in that regard. I take your word for it!

Mr Nagle: On a point of order.

Mr PHOTIOS: I am in the hands of the Speaker. He is your parliamentary colleague and he says you are not honourable!

Mr Nagle: On a point of order. The standing orders of this House state that I am honourable and I would like the member to acknowledge that I am the honourable member for Auburn. When speaking to me the other day he told me that I was the most honourable man he had met.

Mr PHOTIOS: I acknowledge that he is the honourable member for Auburn. I am sorry his parliamentary colleagues do not view him in the same light! I simply say that he is a pretty good bloke; it is a shame he has not achieved much! Returning to Federal tourism funding, honourable members should note that extra funding will increase by 13 per cent this year, especially considering the all-time low inflation rate, in contemporary terms—another sterling achievement of the Federal Government—falling unemployment and low interest rates. Over the next four years the Australia Capital Territory will receive \$359 million to spend on tourism.

The Federal Minister for Sport and Tourism, Andrew Thomson, must be congratulated on securing the highest proportion of tourism funding in the history of Australia by any Government, Liberal or Labor, for the Australia Capital Territory Government. This year's funding of \$88.7 million is \$8.4 million more than the Australian Capital Territory ever received from the Labor Government. The Minister for Tourism churlishly criticises the Federal Government for wasting the time of this Parliament when it should be dealing with State issues, but in the meantime the coalition has provided a huge contribution to the industry.

Mr Debus: You have only three minutes in which to deal with the *Hansard*.

Mr PHOTIOS: At the prompting of the Minister, in the remaining three minutes I should like to do two things. First, I shall record in *Hansard* the words of the Tourism Council of Australia in its media release responding to the Federal budget. This peak industry organisation for tourism said:

"A record increase in funding for tourism in tonight's budget is good news for the industry, but the introduction of a visa charge is a sting in the tail," managing director of peak industry body Tourism Council Australia Bruce Baird said.

I acknowledge that the visa charges are not welcomed by the tourism industry and I will make strong representations to my friend and colleague the Federal Minister for Immigration and Multicultural Affairs, Philip Ruddock, to have them reviewed. The media release continued:

"The increase in funding for the Australian Tourism Commission of more than \$50 million over four years is a recognition by this Government of the importance of tourism for our successful economic future. This is the highest ever funding allocation for the ATC and will allow Australia to increase its marketing efforts to build on the markets with a sustaining growth, like the USA and the UK, as well as proactively seeking new markets in China and India." Mr Baird said Federal Minister Andrew Thompson should be congratulated—

I pause there. I want to spell the word because it is lost on this Minister. The Minister has come into the Chamber to whinge, whine, harp and complain as is his wont. The word is congratulated—c-o-n-g-r-a-t-u-l-a-t-e-d. That is what the industry said of the Federal Government—

for his efforts on behalf of the industry to achieve a substantial funding increase for the ATC which this year will mean a \$10.4 million boost or a 13 per cent increase to a total of \$88.7 million.

In the few seconds remaining I want to issue this warning to the people of New South Wales: the

State Government's budget is destined to expand the bed tax, to hit the bush, to hit the regions and to hit suburban Sydney. The Government plans, as Treasury has proposed in one of its submissions, to expand the bed tax. The Government broke its promise before and cannot be trusted to keep its word. My challenge to the Minister is to rule out tonight any expansion in bed tax anywhere in New South Wales while ever he and his Government is in office. Failure to do that is to condemn the tourism industry to oblivion and the Minister to opposition, which he rightly deserves. The Opposition wants an end to the bed tax. It is a bad tax, bad for the industry and bad for the Minister.

Mr NAGLE (Auburn) [7.40 p.m.]: The honourable member for Ermington will be sitting on the Opposition benches for some time to come after that speech. Let me reassure the House that this debate relates to overseas tourists, in particular tourists from a country to the north of this continent. Australia should be looking to Asia and what potential Asian travellers will say when they hear about Pauline Hanson and the fact that members of the National Party may direct their preferences to the One Nation Party at State and Federal elections. Tourism New South Wales will continue to work against the misconceptions that Asians have because of Pauline Hanson and members of the National Party in Queensland and New South Wales.

It has reached the stage when tourists will question why they should visit New South Wales or Australia when they could visit Hawaii which does not have Pauline Hanson; the United States of America or Europe where they do not have Pauline Hanson; or Barcelona where they do not have Pauline Hanson. Barcelona will have more tourism this year than any other city. The Olympic Games were held in Barcelona six years ago and Barcelona is reaping the rewards. To their credit, the Liberal Party and the Leader of the Opposition do not want to direct their preferences to Pauline Hanson, but there are some hiccups.

The Federal Minister for Immigration and Multicultural Affairs, Philip Ruddock, attends a lot of ethnic functions that I also attend. In support of tourism Mr Ruddock has decided to impose a \$50 fee on visa applications from 1 July, which will deliver \$39.9 million to the Federal Government in the first year. Will that encourage tourism from Asia? If that is the type of offset we get in Singapore and Hong Kong to the Pauline Hanson mentality, I think the answer is no. I recently led a parliamentary delegation to Hong Kong. The Hon. Helen Sham-Ho from another place was a member of that delegation. When we were in Hong Kong we

caught taxis to various places to meet business people and political figures. Those taxi drivers who could speak English asked "Who is this Pauline Hanson? Why do you Australians not like us Asians?"

That is not true and, to her credit, the Hon. Helen Sham-Ho told them that Pauline Hanson is a one-off situation. She will remain a one-off situation so long as no political party supports her by giving her their preferences. I was fortunate to be invited by the former Minister for Tourism, and by the current Minister for Tourism, to travel around New South Wales to talk to various regional tourism organisations. In company with the honourable member for Wagga Wagga, the honourable member for Myall Lakes and the honourable member for Coffs Harbour, I presented cheques for the promotion of tourism in centres such as Bathurst, Coffs Harbour, Myall Lakes, Wagga Wagga, Armidale, Gloucester, Rylstone, Tamworth, Broken Hill and Griffith.

The Minister has spent a lot of time promoting tourism in New South Wales, encouraging Asian tourists and also tourists from the city to visit those regional centres. What did the honourable member for Ermington have to say? He made reference to a bed tax in Sydney! I am sure those persons in the gallery who are staying in Sydney overnight will stay at the Sheraton or the Hilton and will pay the bed tax. What is important in all of these circumstances is that we promote tourism for the interests of the people of the State of New South Wales. When the Olympic Games are held in Sydney in the year 2000 and in the years following we want to be able to promote tourism in Sydney, Bathurst and other regions. Tourism will bring money to the State and the State will prosper. I commend the motion.

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [7.45 p.m.], in reply: I note that the honourable member for Ermington has left the Chamber. He scuttled off because he is so embarrassed at the position he has had to adopt. He spent 10 minutes talking about a bed tax which affects, almost entirely, first-class hotels in the most prosperous area, a very restricted area, of the city of Sydney. He made no mention of the substantial issue that I raised, that is, the effect of the implicit support of the Federal Government for Pauline Hanson. The honourable member for Ermington is, of course, a former Minister for Ethnic Affairs and I do not believe that he shares the sympathy for

Hansonism that we see reflected in the actions of not only the Prime Minister but the Leader of the National Party in this House. Nevertheless, that is what is important.

I noted that several members opposite were laughing and refusing to accept the seriousness of the remarks made by the honourable member for Auburn. I assure honourable members that what he said is true. In Shanghai, Hong Kong and Singapore last week I encountered strong interest in promoting tourism to New South Wales. I met with airline officials, travel agents and government officials who wanted to do business with us. However, there is no doubt that the weak-kneed approach of the Federal Government on Hansonism, together with the clumsy and ill-thought out visa charge, has dealt a most serious blow to our attempts to sell the State of New South Wales into what is by far the largest potential tourist market in the world, let alone in Asia.

I acknowledge that the Federal Government has increased the amount of money it will give to tourism. In effect, that amounts to \$10 million a year. Let us not forget that two budgets ago the Federal Government actually cut \$10 million from the finances of the Australian Tourism Commission. Now it is going to put back \$10 million a year for four years. The amount of \$10 million for the whole country is not very much, and it will be more than paid for by an increase in departure tax. That is fantastic support for tourism, as is the visa charge in those parts of the world in which we most need tourist custom.

Above all, there is the question of Pauline Hanson. I cannot overemphasise the real effects of reports of her activities and the weak-kneed, gutless and, in my view, immoral response by some conservative members of the State and Federal parliaments to her political activities. I cannot overestimate the consequences they have for us in the most important tourist markets in Asia. I went to lunch with 12 travel agents, I met with a dozen journalists, and I spoke with officials of Singapore Airlines. They all wanted to ask me about Hansonism. As the honourable member for Auburn correctly pointed out, people in places like Singapore can choose to go to Hawaii, Europe or any number of other places if they want a western-style tourist destination. They do not have to come here. There is not much between a decision to come here and a decision to go somewhere else.

It is not simply that the attitude and the gutlessness of the Prime Minister and some others on the conservative side are morally offensive to all

of us; it is becoming economically stupid for the constituencies they serve. Does the Leader of the National Party in this place want tourists to come to country New South Wales? Does he think it is a good idea to have international tourists providing jobs in country New South Wales? Does he want to sell them wheat, wool and vegetables? The attitude that he is helping to encourage in this country and that is being reflected—

Mr Chappell: This is stupid nonsense, and you know it.

Mr DEBUS: It is not. You are a fool if you do not understand. You are a complete idiot and an immoral fool if you do not understand this is true. Look at this paper.

Mr Chappell: You are trying to talk up an issue that does not exist.

Mr DEBUS: There it is in last Thursday's edition of the *Straits Times*, the main English-language newspaper in Singapore. Pay attention. You are all behaving stupidly towards your own constituency at an economic level, let alone the immorality. [*Time expired.*]

Discussion concluded.

AGRICULTURAL INDUSTRY SERVICES BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [7.53 p.m.]: I move:

That this bill be now read a second time.

The bill facilitates the establishment of legal entities, called committees in the bill, to provide a range of services to agricultural industries. Such services include market services, the conduct of information and education activities, disease control and eradication, the promotion and supervision of quality assurance schemes and the management of compensation schemes. At present, these functions are carried out by a variety of boards and committees constituted in various ways. These include marketing boards and committees such as the Rice Marketing Board, constituted under the Marketing of Primary Products Act 1983; multifunction boards and committees constituted under various individual Acts, such as the Poultry Meat Industry Act 1986; and limited compensation

and disease control schemes conducted under such Acts as the Cattle Compensation Act 1951. A common feature of many of these boards and committees is their power to levy compulsory charges on members of the agricultural industry which they serve.

The Government's ongoing policy of reviewing legislation to ensure its compliance with national competition policy and regulatory best practice guidelines has, in recent times, seen the repeal of legislation constituting agricultural boards and committees. For example, the Dried Fruits Act 1939, which constituted the New South Wales Dried Fruits Board, was repealed in 1997. While the Government's commitment to national competition policy requires a review of legislation, the competition principles agreement recognised that restrictions on competition are justified in some circumstances. In broad terms, restrictions on competition, which boards and committees in the agriculture sector often represent, will be justified where the benefits of the restrictions to the community as a whole outweigh the costs. There must be a net public benefit resulting from the restriction.

Continuation of some agricultural industry committees is seen as necessary and desirable and many would meet a net public benefits test under competition policy. This is particularly so where the board or committee exists to address market failures causing spill-over effects between those in the sector. Such market failures can result where industry has underspent on such services as research, the provision of marketing information and, of particular importance, disease control. However, it is considered that rather than continue with a multiplicity of different structures under which such boards and committees presently operate, regulatory best practice requires that all should in time be brought within one regulatory regime. The bill allows this to be done.

The bill provides a shell which, as well as allowing new committees to be formed, will permit existing boards and committees to be reconstituted. I should emphasise, however, that the bill does not itself transfer these boards and committees to its jurisdiction; it merely provides a vehicle by which it may be done. It is considered that all committees providing services in the agricultural sector should comply with some basic principles which are embodied in this bill. These include the principles, first, that the committee should belong to the industry which it serves, but it should be subject to adequate supervision by government to ensure its functions are being properly exercised. Second, that

the members of the industry should have adequate powers of direction and control of the committee, including the power to control the levy of compulsory charges on members.

Another fundamental feature of this bill is the requirement that the establishment of committees complies with national competition policy. All committees constituted under the bill will be subject to two overriding principles. First, the formation of the committee will be subject to a transparent competition policy review. Second, the committee will have a limited life and its continuation will be subject to a transparent competition policy review. Under the bill a committee will be established by the making of a foundation regulation in accordance with the requirements of the Subordinate Legislation Act 1989. The committee will come into existence on the day on which the foundation regulation takes effect.

Having a committee constituted by means of regulation achieves three things. First, it ensures that unless exempted under the terms of the Subordinate Legislation Act the making of a foundation regulation will require the preparation of a regulatory impact statement in the ordinary way. However, in addition, the bill specifically requires that the regulatory impact statement must contain an assessment of the regulation carried out in accordance with the competition principles agreement. Second, like all other regulations, the regulation will be reviewed every five years. A committee will thus be subject to a regular review to ensure that its objects remain current and appropriate and that its continued existence is justified. Third, and most important, it ensures that the constitution of the committee is subject to the scrutiny of this Parliament, since a foundation regulation under the bill will be subject to the normal disallowance procedure.

When it comes to winding up a committee, again the members are in control. Although the bill provides for the winding up of a committee to be initiated in a number of different ways, it is crucial to the concept of accountability to members that the members must be able, if they believe that a committee has outlived its usefulness, to initiate the winding up of that committee. The bill achieves this. The members may request that the Minister direct the taking of a poll on the question of whether the committee should be wound up. If a poll is held and at least half of the votes cast support the winding up, with at least half of the members casting a vote, the committee will be wound up. When the winding up is complete, any assets of the committee, which of course belong to the members, will be dealt with

as the Governor, on the recommendation of the Minister, directs. This provision has been drafted so as to confer the necessary flexibility to ensure that remaining assets are dealt with in the most equitable way.

It is the intention that so far as possible the assets will be returned to the members, but the provision recognises that there are circumstances in which this may be either impossible or inappropriate. For example, if the amount involved is relatively small and the number of members is large it may be uneconomical to distribute the assets among the members. Similarly, there may be circumstances in which a hard-and-fast rule would result in inequities. It may be, for example, that the assets have largely been contributed by a particular segment of the members and to divide such assets between all current members would be unfair to those members and result in windfall gains to others.

The provision for the Governor to determine the manner of distribution of assets on winding up will ensure that justice is done. The bill contains many innovative features which, whilst ensuring necessary public interest constraints, are primarily designed to encourage primary producers to utilise its provisions to form committees to enable them collectively to better meet the challenges facing agriculture in the twenty-first century. The bill represents part of the continuing process of the modernisation of legislation relating to agriculture in this State, and I am confident that it will prove to be extremely popular with the various industries. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

MARKETING OF PRIMARY PRODUCTS AMENDMENT (RICE MARKETING BOARD) BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.01 p.m.]: I move:

That this bill be now read a second time.

The provisions of this bill relate specifically to the Rice Marketing Board for the State of New South Wales and the way in which the board operates under the Marketing of Primary Products Act 1983. The Rice Marketing Board was the first marketing board to be constituted under the original Marketing

of Primary Products Act 1927. It was officially constituted by proclamation on 9 November 1928. By any comparison, the board has proved itself to be one of the most successful, if not the most successful, statutory marketing authority to have been established. This position was most clearly demonstrated in the late-1995 review of the board conducted under the then recently introduced competition policy guidelines. The review concluded that the board was generating significant net public benefits and that those benefits were expected to increase.

Whilst the fact that the board is able to generate a net public benefit is significant in itself, it is more significant to view the outcome as a result of the evolution of the board's adaptation to the changing environment in which it operates. This process of adaptation is ongoing, and I will have more to say on this theme in my further statements in support of the proposed legislation. The amendments now proposed to the Marketing of Primary Products Act in respect of the Rice Marketing Board have three main purposes. First, the bill is designed to put the contractual arrangements between the Rice Marketing Board and any bodies or persons which it appoints as authorised agents and/or buyers onto a more normal commercial basis. Provision is being made for such appointments to be for periods of up to four years, and those appointments cannot be revoked during their term without my approval.

Second, the amendments apply a parallel provision to any exemptions from vesting made by the board under section 57 of the Marketing of Primary Products Act. Third, they are designed to ensure that the current Marketing of Primary Products Act exemption from the provisions of part 4 of the Commonwealth Trade Practices Act continues in respect of the activities of the Rice Marketing Board after 21 July 1998, when amendments to the Trade Practices Act come into full force. There are two features of the rice industry which make these amendments necessary. The first feature is that rice production requires an infrastructure of drying and storage facilities, which needs to be provided on a collective basis to realise economies of size and thereby contain costs. Whoever provides such facilities is making a commitment to significant investment expenditure and would reasonably expect to enter into a commercial agreement for such facilities to be used under contract for at least an initial period of a few years.

The second feature is that it is necessary to recognise the industry's rationalisation which

occurred in the mid 1980s and which resulted in the current relationship between the Rice Marketing Board and the organisation now known as the Rice Growers Co-operative Ltd. In the implementation of the New South Wales Government decision to extend the vesting power of the Rice Marketing Board and to preserve existing arrangements within the industry the Government has significantly adapted its legislation to a competitive framework, and will continue to do so. The proclamation of the extension of the board's vesting power on 5 December 1997 was quite different in form to the proclamation that it replaced. Ownership of all rice is now vested in the board, with the board having the sole right to determine whether to grant any exemption from vesting under its powers under section 57 of the Marketing of Primary Products Act. These amendments, which I now put before the House, enable commercial contractual arrangements between the board and any authorised agent and/or buyer appointed by the board.

The board may make appointments of authorised agents and buyers for periods of up to four years on a rolling basis. This bill and the vesting proclamation make these provisions generic, but at the same time they effectively support existing arrangements between the Rice Marketing Board and the Rice Growers Co-operative Ltd. The onus and accountability for any arrangement entered into will now rest squarely with the Rice Marketing Board, and that is the way it should be. Whilst the Rice Marketing Board has been shown to generate a net public benefit, it is also apparent that competition policy is impacting on the way in which the board performs its functions. However, competition policy is only one of a number of recent impacts on the board. Other significant impacts include the changing world trade environment, changes in water policy, changes in policy on land ownership in the Murrumbidgee Irrigation Area and the need to further develop sustainable farming practices.

It is my concern as Minister for Agriculture that, as the operating environment of the board changes, we do not impose change at such a rate that the board becomes dysfunctional. In this context of a changing environment, I point out that a further effect of the proposed legislation will be to bring forward to 2000 the next competition policy review of the board. Assuming the board fully uses the power to enter into rolling four-year agreements, it will be necessary for the New South Wales Government to decide in 2000 on any further policy changes with which the board will have to comply from 2004. I have spoken very favourably of the

Rice Marketing Board and its ability to adapt to change. It is appropriate that I should have done so.

This bill is the culmination of an extended period of consultation with rice industry leaders on the implementation of this Government's decision on the 1995 policy review of the board. It retains the integrity of the Government's decision, announced early in 1996, to maintain existing industry arrangements within the rice industry. At the same time, it has recast key provisions relating to the operations of the board so that the relevant provisions reflect the competitive marketplace and do not necessarily lock up a single arrangement. This change to the legislation has been made in such a way as to accommodate contractual arrangements to enable an authorised agent or buyer of the board to have a normal commercial security of supply as a foundation upon which the agent and/or buyer might reasonably undertake any necessary investment in infrastructure to support the industry. I commend the bill to the House.

Debate adjourned on motion by Mr Small.

REAL PROPERTY AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.08 p.m.]: I move:

That this bill be now read a second time.

The aim of this bill is to reform the law of conveyancing by providing a much-needed new mechanism to facilitate the extinguishment of certain obsolete restrictive covenants recorded in the Torrens title register. The bill provides the Registrar General with the power to remove a restrictive covenant from a title, first, in response to an appropriate application and, second, in certain carefully defined circumstances. The proposed legislation is the product of recommendations made by a consultative committee set up by my predecessor as Minister for Land and Water Conservation, the Hon. Kim Yeadon, for the purpose of investigating options for the removal of obsolete restrictive covenants from title.

The committee was made up of representatives from the Law Society, the Association of Public Conveyancers, the Department of Fair Trading, the Institution of Surveyors, the Department of Urban Affairs and Planning, the Attorney General's

Department and the Land Titles Office. The legislation will allow persons who own land burdened by a restrictive covenant to lodge an application for extinguishment with the Registrar General if the covenant in question is 12 years old and it is of the type that is likely to lose its value over time.

A covenant will only be extinguished pursuant to this power once certain procedural safeguards have been observed. Such safeguards are extended to ensure that the persons benefited by a covenant are notified of an application for extinguishment so that they may lodge a caveat to prevent the registration of the application and, if necessary, support their interest in court. The second method for extinguishment will only apply in defined circumstances when the Registrar General can be sure that a relevant covenant is of no practical value or has lost any practical application.

In order to understand the need for reform of the law of restrictive covenants, it is necessary to appreciate something of their legal nature and the manner in which they are used. A restrictive covenant is a legally enforceable promise or agreement restricting the uses to which land may be put. The validity of a covenant as an interest in land which will bind successors in title depends on compliance with certain complex rules of law and equity. For example, in equity a restrictive covenant will not bind the successors in title to the original covenantor unless the covenant is wholly restrictive in character and does not impose any positive obligation, such as an obligation to construct a building or expend money.

Section 88 of the Conveyancing Act 1919 requires the instrument creating a covenant to set out the land burdened by the covenant and the land benefited by the covenant. The owner of benefited land may sue to enforce a covenant against the burdened owner. A restrictive covenant may be noted in the Torrens title register when it is created by, or properly referred to in, a registered dealing or plan. Three of the most common types of restrictive covenant as noted in the Torrens title register relate to exoneration of the owner of benefited land from liability for fencing costs, restricting the nature of construction through forbidding of the use of all but a certain category of building materials and a prohibition on the erection on any building of less than a certain value.

Such covenants were often created as part of a new subdivision either to protect the interests of the developer who retained part of the land being subdivided or to promote the general benefit of the

owners through preserving or enhancing the amenity of the area. They are still used, although lately council planning instruments have tended to usurp their role to some extent. These three types of restrictive covenant will be subject to extinguishment by application under the proposed scheme because they are by nature the types of covenant which are most likely to become obsolete over time.

For example, 12 years after creation of a covenant restricting permissible building materials, the restriction is likely to become more burdensome by preventing the use of new types of building materials which may not have been in use when the covenant was created. In addition, once all the houses in a subdivision are built, and the character of the area is established, the benefit flowing from being able to control the materials used for subsequent building is not as great as it once was. Fencing covenants are also likely to lose their value over time because they commonly protect a developer from making a contribution to the cost of erecting dividing fences, but only while the developer remains an adjoining owner.

Most covenants relating to a required value of structures are expressed in pounds and are clearly no longer relevant. More modern examples of such covenants would be rendered useless by the effect of inflation over 12 years. This measure is much needed and will be welcomed by those involved in conveyancing because the existing methods of releasing and removing restrictive covenants from title have proved to be inadequate in many circumstances. The owner of land burdened by an obsolete restrictive covenant usually has two alternatives for removal.

The first is a request lodged with the Registrar General for the removal of the covenant from the register. Such requests must be signed by all those persons who have the right to join in a release of the relevant covenant. In practice it is often difficult to obtain these signatures as the class of persons who must sign the request may be large, for example, all of the registered owners of an interest in the relevant subdivision. Alternatively, if the covenant specifies a class of persons who may sign a release it may be difficult to ascertain who falls within this class according to law.

The second alternative is an application for release made to the Supreme Court pursuant to section 89 of the Conveyancing Act 1919. However, due to the narrowness of the grounds for removal and the conservative approach adopted by the Supreme Court in interpreting section 89, such

applications are rarely successful, particularly if they are opposed. Even if successful, such court proceedings usually prove to be costly and time consuming. I will now briefly outline the main requirements for the proposed application for extinguishment of a restrictive covenant.

Such an application may be lodged with the Registrar General if the covenant in question is at least 12 years old, of a type that is likely to lose any practical value for the owner of an interest in the land benefited by the covenant after 12 years and it is a building materials covenant, a fencing covenant or a value of structures covenant. If only part of a covenant satisfies these criteria, an application may be made in relation to that part only. Safeguards are proposed which will protect the rights of those who own an interest in a restrictive covenant.

The proposed legislation sets up a mechanism for benefited owners to be notified of an application for extinguishment of a covenant. It is envisaged that the Registrar General will either attempt to give notice to all benefited owners or receive evidence by statutory declaration that all benefited owners have been served with an appropriate notice. For two years after the commencement of the legislation a period of notice of at least three months will be required. Thereafter, the period of notice required will be at least one month.

The service of notice will provide an opportunity for an owner of land benefited by a covenant or a person with a right arising out of a covenant to lodge a caveat against the application. The availability of a caveat mechanism will allow the person with an interest under a covenant to prevent the Registrar General from granting an application for extinguishment at any time up until the period of notice has expired. The lodgment of a caveat, which currently attracts a fee of \$55, will provide a simple and inexpensive method of preventing an application from being recorded.

The amendments provide that the right to lodge a caveat will be lost once the period of notice has expired. This will allow an applicant, by the end of the notice period, to be sure of how many benefited owners have caveated before deciding whether to lodge a request for a lapsing notice to be prepared for each caveat. A limit on the time available to lodge a caveat will prevent a caveator from unfairly delaying the recording of an application. It would be unfair for an applicant to be faced with a succession of caveats lodged by different caveators, each lodged before the previous caveat has lapsed.

Once a caveat has been lodged against an application, the applicant may take advantage of the existing caveat lapsing procedure to call upon the caveator to decide within 21 days either to allow the caveat to lapse or to seek a court order preserving the caveat and the relevant covenant. It is intended that such an order may be obtained from the Supreme Court if it is shown that a caveator who claims the benefit of a restrictive covenant has an interest which amounts to an equitable interest over the burdened land. If a caveator's claim is based on a right found in a covenant to extinguish the covenant or consent to extinguishment then the existence of that right must also be proved, at least on a preliminary basis, before an order extending the caveat may be obtained.

The power of the Supreme Court to suspend the lapsing procedure and extend the operation of a caveat is already provided by section 74K of the Real Property Act. The existing prohibition against abuse of the lapsing procedure through repeated requests for the lapse of the same caveat will apply in relation to all valid caveats against extinguishment applications. An appropriate application may be granted by the Registrar General and recorded in the register once the notice period has expired, subject to any relevant caveat and the lodgment of evidence necessary to prove service of such notice.

A second more discretionary power is proposed which would allow the Registrar General to extinguish a restrictive covenant in whole or in part and record such extinguishment in the Torrens title register where the Registrar General is satisfied that the relevant covenant is of no practical application or value. The Registrar General regularly encounters instances where, following the registration of a plan at the Land Titles Office, it is patently clear that restrictive covenant notifications on relevant titles can no longer retain any practical value for the owner of the land expressed to be benefited by the covenant.

For example, in situations where all of the land benefited and burdened by a covenant has been consolidated into one parcel, the new owner of the relevant land would not receive any practical benefit from the restrictive covenants which had previously benefited part of the land. Conversely, where a plan of subdivision is lodged for registration, it is counterproductive for a notification of a fencing covenant burdening the relevant land to be carried forward and noted on the titles of all the new lots in the subdivision.

It may only be appropriate for the fencing covenant to be noted on the titles to the lots on the boundary of the subdivision. The proposed scheme is designed to achieve a fair, balanced, easy-to-read format between the interests of those who benefit from covenants and those whose lands are burdened by them. The conditions which must be met before the Registrar General may exercise the proposed powers are intended to allow the beneficiaries of a relevant covenant to have a reasonable period to enjoy the benefits of the covenant without allowing the burden of an obsolete covenant to apply forever to the detriment of the community. The legislation will help in the quick, cheap and effective removal of restrictions which have run their course and are now more of a nuisance value. At the same time safeguards are provided to ensure that valid claims against the removal of valuable rights can be enforced in the courts. With those simple comments I commend the bill to the House.

Debate adjourned on motion by Mr Slack-Smith.

DAIRY INDUSTRY AMENDMENT (TRADE PRACTICES EXEMPTION) BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.21 p.m.]: I move:

That this bill now be read a second time.

In 1997 the Government undertook a review of the Dairy Industry Act 1979 under which the Dairy Industry Corporation is constituted and which regulates the New South Wales dairy industry. The review was undertaken to meet the Government's obligations under the competition principles agreement which forms a part of national competition policy to which the Government is committed. The report of the review, which I released on 19 May, contained a number of recommendations. However only three of these require legislative change. The primary recommendation of the majority of the review group was that the current pricing and supply management arrangements for milk should remain in place, subject to further review by July 2003. The Government accepts that recommendation and, as a consequence, the bill is before the House today.

Before I deal with the bill, it is helpful in understanding the possible impact of any interference with the existing pricing and supply management arrangements to examine briefly the history behind the Dairy Industry Act and the importance to the State of the current dairy industry. Ownership of all milk produced in New South Wales is formally vested in the Dairy Corporation. To ensure that the Dairy Corporation has sufficient milk to meet demand it issues milk quotas to farmers. The quota is a contract between the corporation and the farmer to deliver a set quantity of milk each week. In New South Wales 95 per cent of dairy farmers hold quotas, which are tradeable through a quota exchange. Farmers are restricted to supplying designated milk factories which act as the corporation's processing and selling agents. The corporation sets the gross price to producers and the processing input prices for liquid milk.

The New South Wales pasture-based system of milk production is highly seasonal: a cow produces her maximum level of milk six weeks after calving and farmers co-ordinate breeding with pasture growth to maximise output and minimise costs. As a result, milk yields peak in October-November and are relatively low in winter months. However, although milk production is seasonal, consumer demand for fresh milk is relatively stable. It was because of this need to ensure a stable supply of fresh milk to consumers that the present price setting and supply management arrangements were originally put in place. These arrangements are designed to ensure that the seasonal surpluses and deficiencies in supply of fresh milk, which were a common feature of the industry prior to the orderly marketing arrangements being put in place, do not occur.

The Government believes that at the present time this objective far outweighs any theoretical advantages that might be gained from a deregulation of the industry. While economic theory might suggest that price setting and supply management arrangements are a bad thing, even national competition policy recognises that such practices are justified where the benefits of restrictions to the community outweigh the costs. That is referred to in competition policy as a net public benefit. The competition principles agreement, to which New South Wales is a party, provides specifically for regard to be had to considerations other than strictly economic criteria in assessing whether, on balance, there is a net benefit to the community resulting from the conduct under consideration. The question of assessing the relative benefits of conduct which

might be seen as contrary to competition policy is largely a matter for the Government. The House of Representatives Standing Committee on Financial Institutions and Public Administration recognised this when it said:

In a sense . . . the whole process of competition policy reform is a public interest one. In making decisions on competition policy reform, Governments are acting in the broad public interest as they see it. The importance of a factor always will depend on the circumstances of a particular case. Competition is to be implemented to the extent that the benefits to be realised from competition outweigh the costs.

In the case of the dairy industry the Government faced a difficult decision in considering its attitude to the continuation of the pricing and supply management arrangements. But at the end of the day, the lack of any assured benefits to consumers from deregulation, and the risk to regional economies, both farmers and downstream processors, meant that the Government was not persuaded that a net public benefit would result from the deregulation of the industry at this time. So, one might ask what the risks to regional economies would be if the dairy industry were to be totally deregulated.

The dairy industry is the fifth largest rural industry in the State with the value of milk production at the farm gate in 1996-97 being \$430 million. The total value of dairy production in the State at the wholesale level is about \$1.4 billion. In 1995-96, the State dairy industry comprised 1,853 dairy farms. There were, in the same period, nine companies operating receival or processing factories, 75 dairy product factories, and 210 milk distribution depots. The Government believes that much of this milk production, distribution and processing structure would be at risk if the industry were to be deregulated in an ad hoc fashion and without any time for appropriate adjustments to be made. The potential adverse impact on employment prospects in all levels of the industry could be devastating, particularly on a local and regional level.

Notwithstanding the valuable work done by the review group in attempting to assess the economic consequences of the present pricing and supply management arrangements, and the likely consequences of the removal of such arrangements, the Government is of the view that the benefits which flow to the State economy as a whole from such arrangements outweigh the expected minimal price advantage which might flow to consumers with the removal of such arrangements. The Government is not persuaded that a net public benefit would result from the deregulation of this stable and efficient industry. In 1979, the year in which the

present Dairy Industry Act was passed, the then Minister for Agriculture said:

The Government objective is to establish a solid base of prosperity in all the dairy industry, based on equity for all. I see the establishment of a single, unified dairy industry across the whole State as the major achievement.

Having achieved that objective the Government does not believe that the dismantling of the stable, regulated industry structure, and the public benefits that flow from it which could not otherwise be achieved, will result in a net public benefit to the people of New South Wales. Accordingly, the Government has decided to support the majority recommendation of the review group and to allow the present pricing and supply management arrangements for milk to continue for a further five years. The Government will, however, review its decision before 2003 if one of either two circumstances should occur. These are, first, if there is any significant change in market conditions which may have an adverse impact on the New South Wales industry and, second, if the Commonwealth Government should decide, as a consequence of the New South Wales Government's decision, to withhold a significant and ongoing component of the payments to which the State is entitled under the relevant agreement relating to the implementation of competition policy. I believe that any withholding of such competition grants would not be justified.

Social welfare and equity considerations, together with matters of economic and regional development, including employment, are matters which the competition principles agreement specifically provides may be taken into account when the benefits of a particular course of conduct having competition policy implications are to be balanced against the costs of that conduct. It is precisely on those grounds that the Government made its decision in relation to the dairy industry. Although the course proposed by the Government can be justified in terms of competition policy, it may be that certain of the actions which may be allowed under the Dairy Industry Act will be seen as restrictive trade practices in terms of the Commonwealth Trade Practices Act. Such actions are presently authorised under the terms of a regulation made in 1996. However, the protection afforded by the regulation will expire on 21 July this year and cannot be renewed by regulation.

Section 51 of the Commonwealth Act provides that anything that is authorised by a State Act is to be disregarded in deciding whether a person has contravened part 4 of the Commonwealth Act, which relates to restrictive trade practices. The thing that is

authorised under the State Act will not be a restrictive trade practice within the terms of the Commonwealth Act. The purpose of this bill is to continue the protection from the Trade Practices Act which is presently provided by the regulation. The protection will, however, expire on 21 July 2003. The bill contains a sunset clause which will ensure that that happens.

It is the Government's intention that prior to the expiry of the protection offered by the bill there will be a further review of the dairy industry, and a decision will be made at that time whether the pricing and supply management arrangements for milk will be permitted to continue beyond that date. In the meantime the Government will keep the situation under review and, as I said, reconsider its decision if there is any significant change in market conditions which may have an adverse impact on the New South Wales dairy industry.

While the Government's decision may be a disappointment to those who argued for deregulation of the industry, I am sure that it will be seen by most consumers and dairy industry people alike as a necessary step to ensure the continuation of a stable and efficient dairy industry in New South Wales. The Government's decision is one made on sound economic grounds and is consistent with competition policy principles. It gives me great pleasure to commend the bill to the House.

Debate adjourned on motion by Mr Slack-Smith.

JUDGES' PENSIONS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.33 p.m.]: I move:

That this bill be now read a second time.

This bill provides for amendments to be made to the Judges' Pensions Act 1953 to enable persons entitled to pensions under the Act to commute part of their pensions to meet superannuation contributions surcharge liabilities arising under Commonwealth legislation when superannuation entitlements become payable, to provide for subsequent reductions in pensions payable under the Act, and to make other consequential amendments. Under the Commonwealth Superannuation Contributions Tax (Members of Constitutionally Protected

Superannuation Funds) Assessment and Collection Act 1997 and the Commonwealth Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Imposition Act 1997, members of constitutionally protected superannuation funds are liable to pay a superannuation contributions surcharge of up to 15 per cent when they become entitled to a benefit from the fund concerned. The superannuation contributions surcharge is payable within three months of the member being notified of the liability.

The pension scheme under the Judges' Pensions Act 1953 is a constitutionally protected superannuation fund for the purposes of the Commonwealth Acts. The Judges' Pensions Act provides for payment of pensions to judges on retirement and for payment of pensions to their spouses or eligible children if a judge dies. It does not currently provide for the payment of lump sum type benefits. The amendments will enable the partial commutation of pensions for the purpose of payment of the superannuation contributions surcharge on the retirement or death of a member. Under the Commonwealth legislation existing judges are exempt from the surcharge. However, the Commonwealth Act does apply to judges appointed after the legislation came into effect on 7 December 1997, and it also applies to a number of other office holders who currently have access to a pension under the judges' pension scheme. These include the Director of Public Prosecutions, The Solicitor General and Masters of the Supreme Court.

Parliament has already legislated in the Superannuation Legislation Further Amendment Act 1997 to address this matter for other unfunded State superannuation schemes such as the parliamentary contribution superannuation scheme, the State superannuation scheme, the police superannuation scheme, the State authorities superannuation scheme and the State authorities superannuation non-contributory superannuation scheme. The judges' pension scheme was not included in that amending Act as negotiations with the Commonwealth to exempt judges from the surcharge were still in progress at the time Parliament was considering the bill. I now turn to the provisions of the bill.

The bill will enable a retired judge or other person entitled to be paid a pension to elect to have part of the pension commuted for the purpose of payment of the superannuation contributions surcharge. A spouse or eligible child who is entitled to a reversionary pension under the Act may also make an election in respect of a liability of a judge who has died in office or a retired judge who died before the original time for making an election

ended. The bill provides that an election may relate to the whole or part of any such liability and must be made not later than two months after the liability arises, or within such further period as the Minister may allow. The bill also provides that a pension may be commuted only to the extent necessary to meet the liability for the superannuation contributions surcharge.

The bill further provides that the Minister may pay a lump sum on the election of a spouse or eligible child only if satisfied that the lump sum will be applied towards payment of the liability concerned. If a lump sum is paid the bill provides for the pension and any reversionary pensions payable to a spouse or eligible child under the Act to be reduced. The bill further provides for the reduced pension to be calculated in accordance with the regulations. Finally, the bill enables the Minister to delegate certain functions under proposed section 12 and contains a regulation making power. The amendments proposed are essential to provide judges and other persons entitled to a pension or reversionary pension under the Act with a mechanism to pay the superannuation contributions surcharge from the benefit they are entitled to receive. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

COMPANION ANIMALS BILL

Second Reading

Debate resumed from an earlier hour.

Mr STEWART (Lakemba) [8.37 p.m.]: I support the Companion Animals Bill. The aim of this bill is to replace the outdated Dog Act 1966 with comprehensive legislation that takes full account of community attitudes, needs and expectations in terms of companion animal ownership as we approach the new millennium. The Government's focus through this bill is to introduce workable legislation that encourages responsible cat and dog ownership, to reduce the number of cats and dogs dumped and euthanased each year, to require companion animals to be permanently identified and listed on a statewide register, to provide access to public areas and services to all people using assistance animals, to strengthen the law applying to dangerous dogs and, importantly, to introduce planning and control strategies to reduce nuisance and environmental damage caused by poorly managed or unowned dogs and cats. Such nuisance and environmental damage is a significant problem in the community.

The bill is the most comprehensive and constructive companion animals legislation ever introduced in Australia. It is the result of extensive consultations during the past three years in particular. In that context, more than 10,000 submissions were received in response to the green and white papers on this bill. Most of the submissions supported the need, the context and the framework of this bill.

All major New South Wales companion animal support groups, clubs and agencies—including, of course, the Royal Society for the Prevention of Cruelty to Animals—have been heavily involved in the consultative process. The RSPCA clearly acknowledges the urgent need to address companion animal ownership within a viable, comprehensive and workable framework, a framework that this bill addresses succinctly in simple and unambiguous terms. During the past 12 months the RSPCA has euthanased approximately 80,000 cats and dogs. Clearly, that represents a case of poor pet management and irresponsible ownership.

People buy pets at Christmas time as gifts, but those pets then become unwanted gifts and are left without food and resources. Eventually some die and some cause further environmental problems when they try to fend for themselves. The RSPCA provides a valuable community service, but tragically it is forced to kill approximately 80,000 animals that are either unclaimed pets or have irresponsible owners. Cat ownership and responsibility has always been matters of concern. Unfortunately, the minority of cat owners are irresponsible and that results in feral cats frequenting most, if not all, of our indigenous bush areas. It is shameful to see the effects of feral cats on our bush areas.

A search for an indigenous animal does not progress very far before finding evidence of a feral cat, perhaps in a tree eating a bird, marsupial or reptile. Our precious indigenous fauna, particularly the small fauna, are being eliminated by uncontrolled feral cats. The bill addresses that concern by providing responsibility and accountability for pet owners. Owners are encouraged to have their pets desexed. That is particularly so in relation to moggies, which are dealt with under the provisions of this bill. During the peak breeding season from September to January one male cat can service up to 50 female cats. Many kittens born as a result of that are often abandoned in the bush or dumped on the doorstep of the RSPCA.

New South Wales has approximately two million companion animals, of which approximately 800,000 are cats and 1.2 million are dogs. The Carr Government must be applauded for having the guts and determination to introduce the Companion Animals Bill. During the seven years of coalition Government the RSPCA raised the same concerns it has raised with the present Government and proposed the introduction of succinct and comprehensive companion animals legislation. The coalition did not have the guts or determination to meet those needs. It disregarded the introduction of legislation governing the control of companion animals because it was frightened off by minority groups. The Government addressed those problems and the Minister for Local Government must be congratulated on his diligent work on this issue. He had the determination to see it through.

Mr Chappell: He is very dogged!

Mr STEWART: He has been dogged and determined. He faced the tenacity of minority groups that expressed opposing concerns and sometimes did not understand the problems caused by irresponsible pet owners. The bill introduces proper responsibility and accountability for companion animal ownership. It also introduces a system of permanent identification and a statewide register, with a once-off lifetime registration fee, so that lost animals will always be able to be returned to their homes. If that service had been available, there would be no need to euthanase 80,000 animals each year at the Yagoona shelter. The preferred method of permanent identification outlined in the bill is a combination of microchip and collar tag containing the owner's phone number and address. People may choose to have their animals permanently identified and associated costs will vary according to the different methods. I am advised that the Royal New South Wales Canine Council Ltd charges \$15 to produce permanent identification for pets. The cost of microchips has become more competitive recently and will become more so when the bill is passed. One animal welfare group offers a service for less than \$10 to implant pets with the microchip.

The cost of permanent identification will be compared with the cost of buying a collar for the cat or dog, but permanent identification will provide much greater protection for the animal. A registration or identity tag on a collar often becomes loose, is removed or the owner has simply forgotten to attach it. It is at that time that the animal always strays from the owner's home. An implanted microchip will help in returning the animal to its rightful home. The microchip is the size of a grain of rice, so it will not affect the animal's health

detrimentally, if at all. Its presence will not be noticed by the pet, but it will positively and easily identify the ownership of the pet.

The lifetime fee for a desexed animal with permanent identification will be \$35, compared with the present annual fee of approximately \$48 for the life of a dog. That is akin to a month's worth of food, or a weekly amount in the case of my pet! The community strongly supports desexing of pets and the fee scale includes an incentive to desex pets. Not enough companion animals are being desexed, and the cat population particularly presents enormous environmental concerns. The proposed desexing fee for an animal not owned for breeding purposes will be \$100. The concession lifetime fee for a desexed animal will be \$15, compared to the present total annual fee of \$18 for a dog that lives for 12 years. The proposed lifetime registration for a racing greyhound is \$15, compared to the present total annual registration fee.

The restructured fee scale is a bargain for companion animal pet owners. It provides an incentive and opportunity for those owners to properly protect and identify their animals under a fee structure that accommodates people on middle and basic incomes, and it includes further incentives for pensioners. The bill provides the same legal status and protection for cats and dogs. As a former local councillor and Deputy Mayor of Canterbury City Council I raised this issue many times in response to problems caused by cats in both residential and rural areas. Wolli Creek in the Canterbury area is probably one of the last bastions of true inner city urban bushland. That bushland has been decimated by the unchecked dumping of moggies and other non-desexed cats that roam at night causing devastation to the ecology. Cats have killed off a lot of the southern bell frog population and most of the reptile population. They have killed the old bandicoot that used to be quite common in the Wolli Creek area. This legislation will provide legal status for cats. Cats will now have a legal identity which is of the greatest importance in our community. The bill will balance the rights and needs of those who own animals and those who do not. In disputes between neighbours involving animals a clear process will be in place, controlled largely by local government.

There will be no ambiguity in the process because local government will have clearly defined powers in regard to how the bill will operate and the responsibility of pet owners and the rights of people who do not own animals. Local government will be involved in conducting education programs directed at intending owners of companion animals, to

encourage them to purchase animals that suit their particular requirements. If they live in a home unit they should not come home with a bull mastiff. That is the sort of thing that happens in my local area. That aspect will be addressed in an education program to be funded through a board set up under the auspices of this legislation.

Local councils will be involved in the development of a local animal management plan to suit individual areas. Councils in rural areas will be able to devise plans to suit rural areas; councils in areas fringed with bushland will be able to devise plans to suit the particular needs of the area; and councils in urbanised areas will be able to devise plans appropriate to that particular environment. Improvements will be made to impounding facilities and to police legislation that involves companion animals. More importantly, the bill will introduce separate categories of nuisance and dangerous animals, and introduce stronger penalties for owners of dogs that attack people. This has been of major concern in the electorate of Lakemba.

Late last year an eight-year-old girl was severely mauled by two pit bull terriers that were left unsupervised by their owners. The young girl was attacked in front of her home in Belmore. Her mother came to her assistance and she was also badly mauled by the dogs. If it had not been for the courage of a neighbour, who managed to get a stick and beat the dogs into submission, the girl would have been killed. She suffered horrific wounds and has permanent scars. She is still undergoing plastic surgery as a result of that attack. The bill will address those concerns and provide increased powers and regulations. At long last we will have legislation that addresses comprehensively the entire needs of companion animals in this State. I congratulate the Minister on his leadership in this regard and I commend the bill.

Ms SEATON (Southern Highlands) [8.52 p.m.]: I speak tonight to the Companion Animals Bill and note that my colleagues on this side of the House have already raised a number of concerns about the workability of the legislation. Although the bill contains some very worthwhile objectives, we have missed the opportunity to bring forward workable legislation. I want to address in particular clauses 55, 56 and 57 because they relate to an issue of concern to a number of my constituents, particularly the Urquhart family whose grandson, Jesse, suffered an horrific attack by a dog late last year. I was interested to hear the comments of the honourable member for Lakemba, but I am confused. I do not know exactly what parts of the bill he draws comfort from about the prevention in

the future of horrific dog attacks of the type he described, and about which I will tell honourable members.

When I first saw this legislation I was very keen to find measures in it that would turn the clock back in relation to a particular incident. I seek an assurance from the Minister about the workability of the legislation in the prevention of such dog attacks. There was an horrific dog attack in my electorate in October 1997. Before I comment further, I emphasise that the owners of the dog were acting totally within the law at the time. They were meeting all their obligations and I do not want to give any impression that they were not. There is absolutely no suggestion that the owners of the dog in question did anything but act properly in this incident. However, it highlights the difference between the law as it now stands and as it stood at that time, and community expectations of the law; and the way in which the law of the day was not framed to anticipate the practical day-to-day realities that this particular child faced.

One of those day-to-day realities was the curiosity of small children. Jesse Urquhart was four years old when he ventured into the backyard of a house near to where his mother was visiting a friend. He was playing with some other children and in so doing came into contact with a particular dog which was tethered quite properly according to the current law. The child apparently went into the range of the tether and the dog attacked the child, for a variety of reasons, causing the most horrific physical injuries. I have spoken on many occasions to Jesse's grandfather and he has also written to me. For the benefit of honourable members I will read a little about Jesse's experience. Mr Urquhart stated:

My four year old grandson has just come home from hospital.

Two operations, hours of skilful surgery and some 350 stitches were required to repair my little mate. He now has to face another two operations for skin grafts.

His scalp was torn open down the left side, his forehead from his eyelid round over his right ear was hanging off, his left ear was torn open down to the eardrum, and his right upper arm was torn open down to the bone.

The surgeon said of the injuries—"... absolutely horrible, the worst I have ever seen, this little boy could have been killed".

The casualty sister's assessment—"... horrific, the animal has tried to eat him".

This monstrous animal, which apparently is Chinese in origin, is bred to kill bears.

The breed of dog is an akita. Apparently when police arrived at the scene to deal with the situation

they assumed that after such an horrific attack it would be their duty to destroy the dog, but they discovered that was not the case under the current law. In fact the dog was given a second chance and is still living with its family. It was not the case that it would be automatically destroyed. Mr Urquhart, as the grandfather of Jesse, was very upset to discover that that was the case because he was concerned that such a thing could happen again. Mr Urquhart said, "Who will be the next victim to suffer an even worse fate than our Jesse?" That is a good question and I would like to know what comfort this bill gives to Mr Urquhart.

Mr E. T. Page: Well, read it!

Ms SEATON: I have read it and I am afraid that it is sadly lacking. There is very little in this bill to give comfort to someone like Mr Urquhart. I will be interested to hear what the Minister has to say in response to my comments at the end of the debate. Clause 55 lists restricted dogs and the dogs it refers to are pit bull terriers, American pit bull terriers, Japanese tosas, Argentinian fighting dogs, Brazilian fighting dogs and any other dog of a breed, kind or description prescribed by the regulations as restricted for the purposes of this division. I have yet to see those regulations and I am keen to know whether this particular breed of dog is included in the category of restricted dogs. It is important for owners of dogs of that particular breed to know exactly what the rules are so that they, as law-abiding citizens who are fair minded and want to do the right thing as responsible pet owners, can be very clear about their obligations. It is important to ensure that laws are workable, that they are clear, that there is not wide scope for interpretation, and that they do not provide for uncertainty or litigation, or perhaps room for interpretation after the event when it is too late. New clause 56 provides:

The owner of a restricted dog must ensure that the following requirements are complied with:

- (a) While the dog is on property on which the dog is ordinarily kept, the dog must be kept under effective control so as to prevent it from attacking any person or animal.

It is unclear to me whether that means a fence, a cage, a tether or a fence that divides the front garden from the back garden—it is open to interpretation. If we wind back the clock to the case that occurred in my electorate late last year, I suspect the owners of the dog in question might feel they had complied with the law. That clause needs to be a lot clearer so that parents, people in the

community and dog owners know their legal obligations. Paragraph (b) of clause 56 talks about displaying signs such as "Warning Dangerous Dog". That in itself is a help but—

Mr E. T. Page: Dogs cannot read.

Ms SEATON: And four-year-olds cannot read. If the Minister wound back the clock to last year he would find that Mr Urquhart's concerns that such a thing could be prevented from happening again are not satisfied. I have spoken to Mr Urquhart about this legislation. After waiting for a couple of years he is disappointed to see that this is all it is. I wish I could tell Jesse, his mum and his grandfather that his experience—however horrific—was a catalyst for sensible change to the law which will, in the future, see these sorts of attacks prevented. Sadly, after two years of delay and obfuscation, the Government has put a lot of work into heavily regulating unworkable areas of pet ownership, but it has failed on the big issue. It could have made a big difference by preventing a recurrence of the sort of experience Jesse Urquhart had to endure.

Mr WINDSOR (Tamworth) [9.01 p.m.]: I support the legislation. However, that does not mean that I do not see some potential problems in it. The bill is a reasonably genuine attempt to deal with a number of problems faced by our community. Obviously, the bill concerns animal welfare and responsible pet ownership. Some members of the community will have a problem accepting the bill. There is a degree of hypocrisy within the community—and this is reflected, as it should be, in the Parliament—about companion animals, particularly cats. I will restrict most of my comments to the cat problem. I suppose we all have a vested interest in this debate. There are four working dogs in my household. This morning some honourable members told the House about their doggy stories. My family has had a staffordshire bull terrier for some 12 months.

Ms Moore: I have two.

Mr WINDSOR: His name is Amery—he was named after a person who was very interested in the pig dog issue earlier in the year. A number of dogs are mentioned in the restricted animals provision and I am pleased to see, as I am sure the honourable member for Bligh is also, that the staffordshire bull terrier is not included among the restricted animals. However, the pit bull terrier is included. Usually no distinction is made by the general public between those breeds of dog. Veterinarians have told me that staffordshire bull terriers are one of the best dogs to

handle when giving medical treatment. I have a great affection for dogs and over the years I have had a number of working dogs. I am pleased to see that the farming community has been consulted about the legislation and, in the main, catered for. Differences exist between an urban companion animal and a working farm dog. I congratulate the Minister on the way he has taken on board the comments of the farming community.

I mentioned earlier that there is a degree of hypocrisy within Parliament and in the general community with people giving vent to their spleen about the environment. There is no doubt that the cat and the fox are two of the great environmental destroyers in the State and Australia. Anyone who has spent any time in the bush—and that could be from parks in Sydney to the more remote areas in the west of the State—will have seen, if they were paying attention to nature, the damage that is done by these animals. People who have a cat must share a degree of responsibility for what it has the potential to do. It is all very well to say that a cat going next door and sitting on someone's roses can be deemed, under this legislation, to have damaged someone else's property. The cat can do far more damage than that if it is unrestrained. Anybody who has removed a cat from a problem environment will be aware of the ecosystem that develops: birds revisit, lizards and frogs suddenly appear, as do other small animals that cats delight in killing. In my experience cats are prolific killers for the fun of it, not just because they require a meal.

If honourable members are serious about looking after the environment instead of making cheap political points, they have to address the problem of irresponsible cat ownership, as well as the problems with other feral animals, such as the fox and the pig. I am pleased to see that the Government is tending to be a bit more serious about cat owners' responsibility. Cats have the ability to move at will around the community. Many of our friends have cats. If people want to have cats they should look after them and ensure that they are not massacring smaller animals in the local environment. The one concern I have with the legislation—and I hope the Minister will reflect on this in his reply—is the potential cost to councils in administering the legislation and the ongoing costs of putting processes in place. It is all very well to have a good idea but if it is not accepted by the community, particularly through the councils, that good idea may not achieve the outcome the Government desires.

It is my view that the farming community is provided for adequately in the bill. I have always

regarded the requirement to register farm dogs as rather nonsensical. As some honourable members have already said, the farming community has virtually ignored that current legislative requirement anyway. The bill recognises the reality of dog ownership in the farming community. That is not to say that some in the farming community—particularly those who move about with their work animals—will not have their animals microchipped. In fact, for very practical reasons, I will have our farm dogs microchipped.

Mr Blackmore: Have you talked about the three-eyed cat yet?

Mr WINDSOR: I imagine the honourable member for Maitland is referring to the use of firearms to control cats. I must admit that on our property the cat and the fox are regarded as fair game. They are enemies of our environment, and some of them have received a third eye. I believe this bill is workable. I can understand the concerns of the urban community that have been expressed by Opposition members, but I suggest that if the urban community is as concerned about the environment as it seems to be on other issues then it should display a degree more responsibility, particularly in relation to cats.

Mr KINROSS (Gordon) [9.12 p.m.]: The Minister has certainly let the cat out of the bag with this bill. He received numerous submissions on this bill—I think his second reading speech referred to there being just under 10,000 written submissions, with slightly less than the majority supporting the proposed legislation. I echo some of the concerns that have been expressed by previous speakers. In November 1995 the State Government announced its intention to introduce this legislation, and it comes before the House some 2½ years later. To some extent the delay may be explained by the nature of the legislation and the number of submissions that were received. The community has been subjected to a frighteningly large number of dog attacks. Last night Channel Ten news relayed the story of a baby boy who had been attacked by two rottweilers.

From time to time it is necessary for the Royal Society for the Prevention of Cruelty to Animals to raid properties because of the suspected cruel treatment of animals—one such property being that of a former Premier. There is a real necessity to strike a balance in legislation such as this. If the Government is serious about achieving a balance with regard to penalties, how can it reconcile a fine of \$1,100 being imposed on the owner of a nuisance-declared barking dog when the penalty imposed on someone found carrying a knife without

reasonable excuse is only \$550? Similarly, the owners of cats are liable for a fine of \$550 if their pets chase a person. If we are to be serious about penalties in general, they must be reviewed across the board and fines imposed must fit the offence. This highlights the need for a heavier penalty for the offence of carrying a knife. It is my understanding that the Minister for Police has done a backflip on that issue.

I am concerned also that the bill seems somewhat watery without any regulations. We are to some extent being asked to take the Government on trust, when often the devil is in the detail. It is often the regulations that govern the operation of legislation. The Minister might care to enlighten the House about when the promulgation of regulations is expected. That matter must be addressed quickly. Of concern also is the suggestion by the Minister in his second reading speech of an offer of 5¢ per week per rateable assessment. He said that the Government would consider a funding mechanism similar to that used by the coalition in government in 1993 which allowed each council to increase its general rating revenue by 1.2 per cent using normal annual rate-pegging processes.

As other honourable members have said, much of this bill has been drawn from the Dog Act 1966. The word "cat" has been substituted for the word "dog" in some provisions. The definition of "companion animal" has also been broadened. Clause 3(1) defines "companion animal" as a dog, a cat, and "any other animal that is prescribed by the regulations as a companion animal." The general public often relies on the title of a bill in seeking to understand legislation. This legislation is called the "Companion Animals Bill" rather than the "Animals Bill". However, an animal not usually regarded as a companion will not necessarily be precluded from the provisions of this legislation. The title of this bill may be misleading to the public, who may understand that animals not companions will not be subject to this legislation. The note to clause 3, Definitions, states clearly that the fact that an animal is not strictly a "companion" does not prevent it from being a companion animal for the purposes of this legislation.

The Minister has discussed with the shadow minister, the Hon. Duncan Gay, the bringing into line of registration and identification times, which should all come within 12 weeks. I imagine that all members received representations, as I did, about clause 31 and the extent to which "Any person may lawfully injure or destroy a cat if that action is reasonable and necessary . . . for the prevention of damage to property." One suggestion among the

many that I received was, "If your cat sits on your neighbour's garden bed and damages property, your neighbour can lawfully injure or kill your cat". The question arises, however, would that be reasonable? If that were to occur on a number of occasions, one could mount a strong argument that such action would be necessary to prevent the cat from damaging one's property, especially when it could easily jump the fence—assuming there was a fence between the properties.

One other matter of concern is the extent to which cats may be used as bait, if I may use the term, in a war between neighbours. That would be most unfortunate. I shall not refer to the proposed amendments as I believe they have been discussed in detail by the Minister and the Opposition spokesperson on local government matters, the Hon. D. J. Gay. My understanding is that not all have been accepted; indeed, some have been rejected. Hence the reason for the coalition opposing the bill.

I also echo many of the concerns expressed by the honourable member for Tamworth. I have some knowledge of the problems faced by people on rural properties—my father was from the country. The damage caused by feral cats and foxes to wildlife and the environment is great. I am not sure whether anyone would regard a fox as a companion animal; however, that may not preclude foxes from the provisions of this bill, as I said earlier. When the honourable member for Ermington was the assistant parliamentary secretary to the Minister for the Environment in the previous coalition Government he sought to address the issue of feral cats. Clearly we must strive for a balanced approach to this problem.

Some two years ago, at Rushcutters Bay, I attended—with the present Minister for Agriculture—the launch of the publication "Pets, the Law and You". I was representing the Law Foundation on that occasion. It was a most sought after publication. Most of the 20,000 copies were snapped up within a few months. It was produced by the Australian division of the Humane Society International. The popularity of the booklet was testimony to the concerns of pet owners and their attempts to understand their rights and responsibilities as pet owners. This bill has provoked further debate on the subject.

Dr MACDONALD (Manly) [9.22 p.m.]: I have heard nothing from the Opposition of any substance to support its attitude to the bill. The few valid criticisms of some parts of the bill could be addressed by appropriate amendments. I am most surprised that the coalition would oppose legislation

that has so much going for it. It will vastly improve the existing situation. I am a strong supporter of responsible dog ownership. Not so long ago my local council published a draft urban dog management plan. I was horrified by the major restrictions that the plan proposed. It placed emphasis on no-go areas rather than responsible management.

Last year I attended a rally of dog owners in my electorate. It was quite an enjoyable experience. I recall it was held on a particularly wet Sunday yet it was attended by 150 owners and more than 150 dogs—all of whom I might add were well behaved. Had it been a dry day I am sure many hundreds more owners and dogs would have been in attendance. I have a close association with pet lovers, particularly dog owners, in my municipality. There is nothing in this bill that they need fear. However, I shall refer to a number of matters that I have discussed already with the Minister's staff. I foreshadow that I shall move some minor amendments in Committee.

In my response to the green paper of 12 June 1996 I referred to the benefits of animal ownership as regards relief from loneliness and the proven health advantages associated with animal ownership. As a proud owner of animals I draw attention to the Canine Good Citizenship course and similar courses, which place emphasis on responsible dog ownership rather than regulation. I am hopeful that my local council management plan will incorporate such courses. Little thought was given in the green paper to who should be allowed to breed dogs. Arguably only licensed breeders should be permitted to breed dogs. I contend also that it should be compulsory for pet dogs to be desexed. Although the bill does not go that far, it is a step in the right direction. It is remarkable that cats have avoided regulation for so long. The bill gives legal status to cats and provides for accurate identification and registration.

Last year about 16,000 cats were destroyed in six months—proof, if that is needed, that at present cats are not subject to responsible ownership. The bill provides incentives to promote the desexing of cats. I too am concerned about clause 31, which I understand will be the subject of an amendment in the upper House. Obviously, it is not acceptable that a person could injure or destroy a neighbour's cat as provided for in clause 31(1). A tried and effective method of dealing with an unwanted cat, which does not involve the infliction of injury or death, is a long range water pistol filled with a solution of one part ammonia to 16 parts water. I assure honourable

members that a cat sprayed with such a solution will not return; they hate it. That comes on the good authority of my late father-in-law, who was not a cat lover and knew how to deter cats from entering his property. So there are alternatives to injury or destruction.

Interestingly, the honourable member for Northcott suggested that the regulation of animals does not work. What a lot of nonsense. Regulation does work. The existing regulations work. We have no-go areas for dogs throughout our communities. Dogs are not allowed to wander outside the boundaries of properties unless they are properly controlled or on a leash. We have provisions governing dangerous dogs and their management. So regulations do work, and this bill provides us with an opportunity to build on existing regulations. A key element of this bill—and this has not been acknowledged by the Opposition—is that identification will be compulsory. Ultimately all cats and dogs will have to be identified, and this will enable animals to be properly tracked and processed when there is a change of ownership. Concerns were expressed about microchipping and the costs involved

I support the provision that microchips may be implanted only by those registered for that purpose and that relevant certificates be issued upon microchipping. The bill places a heavy burden of responsibility on local government. I am not unhappy with that; however, that being so we must provide local councils with the necessary resources to discharge that responsibility. Much of the responsibility is being shifted from State government to local councils, as has been the case with pollution licensing and monitoring. I am told by the Minister that councils will derive significantly increased income because they will get 85 per cent of registration fees. Councils will have additional responsibilities, including the establishment of a companion animal board, and the preparation of companion animal management plans. Some councils have already done that.

I am a councillor for housing on Manly Council. The council is not entirely happy about the release of a fairly large area on North Head, and it is engaged in a court action with the church over this issue. A local environment plan has been drafted which prohibits the ownership of any companion animal within that area, mainly because it adjoins a national park which is inhabited by a threatened species of long-nosed bandicoots. Council believes it inconsistent that domestic animals should reside

alongside a threatened species. Councils will need to employ additional rangers to deal with some provisions of the bill. In the Committee stage I will move an amendment to require councils to provide poo bins in areas used by dogs. Some councils already do that. The bill requires councils to undertake education about desexing of animals and the implementation of the code of practice.

I have advised the Minister of my concern about clause 12, which sets out the responsibilities of dog owners while a dog is on private property. This provision will affect many members of this House who have dogs which they look after within their yards. The legislation provides that a dog on private property must be securely confined whenever it is not under the effective control of a competent person. A dog is confined when tethered or restrained in such a way as to prevent the dog attacking or chasing a person who is lawfully on the property. That means if a dog owner leaves the dog at home unattended, that dog has to be tethered or restrained.

I do not accept that, and unless the Minister can give me an indication that he will amend that clause I will seriously consider whether I will support the legislation. I understand that one reason for that provision is that people such as meter readers have a legitimate right to enter a property. That provision is not necessary, because with new technology, meter readers have scan guns which read meters from a distance without their having to enter the property. Dogs are invaluable for guarding properties, and therefore they should not be restrained on the end of a chain. Dogs need to be able to roam freely within their kingdom, their home. I am not prepared to allow all dogs to be tethered. Page 36 of the companion animal legislation research document, "Briefing Paper No 1/98" states:

The proposed legislation will make provision for a dog or a cat found unaccompanied by a person on private property to be removed from that property and returned to its owner or, if the owner is not identifiable, delivered to the local council pound or animal shelter.

Failure to comply will attract a fine of \$550. I am not happy about that and I hope it will be remedied. Another matter which is much more broadly provided for is the management of dogs in public places. My view is that dogs have to be managed responsibly in public places, but not too restrictively. I do not support councils that place massive restrictions on dogs so that they have nowhere to go. Dogs need to be able to move, to be comfortable, and to be free to run. We have to provide for that. Owners who have a good relationship with their

dogs, are comfortable with them, and know how to look after them and will be in control of them.

I do not agree with members of the coalition who are concerned about the lack of detail for the management of dangerous dogs. I am comfortable that we have moved a step further by providing for nuisance dogs. That is good, because dogs that are constantly out of control, but not dangerous, are provided for within the bill. In Committee I will raise the issue of environmental health as it relates to dog faeces. I find it offensive that many people who own dogs do not do the right thing. At the moment the law provides only that if people do not pick up after their dogs they can be fined \$75. In Committee I will move an amendment to provide that people with dogs will be fined for not carrying the necessary clean-up implements. I see plenty of people exercising their animals in public places and they clearly have no intention of picking up after their dogs. That hurts it for the rest of us who do the right thing. I passionately believe that the benefits of dog ownership far outweigh the responsibilities. Dogs have played an enormously powerful role in history and some great folklore is based on dogs.

[Interruption]

The honourable member for Wakehurst is trying to mimic my accent. I will tell him a great story. John Muir, a Scotsman who emigrated to America last century and established the Yosemite National Park, was a pioneer of that country. He had a wonderful relationship with a small terrier called Stickeen, who, with his paws bandaged, travelled with John through Alaska. Stories such as that bring tears to one's eyes. The benefits of dog ownership are profound and far reaching. That relationship is not impaired by legislation which recognises but does not restrict dog ownership.

Mr HARTCHER (Gosford) [9.36 p.m.]: In our society there are many lonely and alienated people. Dogs and cats provide companionship and are symbols of fidelity and love. They are the very symbols by which we test fidelity and by which we know unconditional love. This has been borne out by market research that manifests itself in television advertising which shows dogs associated with products. Many companies use dogs because the mere presence of a dog in a television advertisement is a subliminal guarantee that the product will be faithful and true.

The real issue is not with dogs and cats but with irresponsible ownership of them. One issue that needs to be addressed is the encouragement of

responsible animal ownership. In New South Wales there are 1.2 million dogs and about 860,000 cats; 42 per cent of homes have a dog and 31 per cent of homes have a cat. Dogs are helpmates to the aged and playmates to the young. They provide assistance to the blind, help and hearing to the hearing impaired, and programs are under way to enable them to become assistants to the disabled. They provide not only comfort but practical help to home-bound people. Studies of nursing homes and retirement villages show that the presence of an animal in a home, especially that of a lonely person, is an enormous boon and a great comfort. Dogs and cats are a much-loved part of our society.

Regrettably, this legislation does not advance the cause of animal welfare. It does not focus on the welfare of cats and dogs. It does not provide a solution to the 80,000 unwanted animals that are so tragically put down each year. It provides no encouragement for responsible dog and cat ownership. It provides no role for community education. Its emphasis is on confrontation, punitive sanctions against dog and cat owners, and revenue raising for councils and the State Government. The people of New South Wales need legislation that encourages responsible dog and cat ownership and works to reduce to zero the tragic figure of 80,000 pets put down each year.

The bill provides that a cat may be destroyed if it simply causes minor damage to a next-door neighbour's property. In such situations owners will be permitted to destroy a cat even when it has done no damage and is simply acting naturally. Clause 31 sanctions a cruelty against cats that is intolerable. The bill provides that a dog left at home must be restrained in case someone enters the property. In other words, dogs must be tied up even at home; they will not be allowed to run free. The bill will result in more dog attacks because dogs will be prevented from becoming socialised. It will lead to dogs being confined, rather than being able to act, even with responsible owners, in the manner which nature intended, that is, to run free. Under this bill dogs must be on a lead at all times outside their property. They will not be given the opportunity to freely socialise with other animals and humans outside the family group, and that will make them even more savage.

The bill provides for local councils to designate leash-free areas. However, it does not require councils to so designate and it does not provide that leash-free areas must be designated in all local council areas to enable access for those without cars. Effectively, unless a council is so moved, large local government areas will not have

designated leash-free areas. The legislation will promote neighbourhood disputes because it provides for the killing of dogs and cats that may be doing no more than chasing a lizard, scratching a garden patch or digging a hole. It will make companion animal ownership too difficult for many people as it provides fines ranging from \$550 to \$4,400 for trivial misdemeanours. The compulsory implant of microchips, which presently costs from \$50 to \$70 and is not subject to any price control, will place responsible pet ownership outside the reach of many ordinary Australians.

This bill makes pet ownership expensive and restricts the rights of cats and dogs to be free in our society, subject to responsible care by their owners. Few people with cats and dogs do not have deep affection for their animals. I am the proud owner, together with my wife and children, of a much-loved dog called Bear which is a great part of our family unit. We have owned a number of dogs, all of which have been responsibly owned and encouraged to relate well to other animals and to people. In the past two of our dogs had to be tragically put down as they were suffering just by being alive, and that caused great distress to my family. Families that are fortunate have a dog or cat that they can love and cherish. It is most unfortunate that the Government has introduced legislation that restricts the responsible ownership of dogs and cats, makes it more difficult for people to own dogs and cats and does not encourage the right of dogs and cats to run free, subject only to being responsibly owned and managed by their owners. The coalition intends to oppose this bill in both Houses because it believes in the right of citizens to own a dog or a cat. We support that right if it is exercised in a responsible way. The Government should work to reduce to zero the 80,000 unwanted animals that are tragically put down each year.

Ms MOORE (Bligh) [9.45 p.m.]: I commend the Minister for Local Government for the considerable work undertaken in consulting key community groups in the preparation of this legislation. This bill is important and will have a significant impact on many members of the community. My electorate of Bligh is a densely populated urban area. In such areas people are often isolated and alienated, and rely on companion animals for the support and comfort essential to their wellbeing. The issues relating to this bill are crucial because of the positive contribution that pets make to the lives of so many people. I speak as the appreciative owner of two staffordshire dogs and one ginger cat which undoubtedly enrich our family's life. The dogs certainly make us healthier as we must walk them about seven kilometres a day. I

am happy to put on the parliamentary record that I am the patron of the staffordshire society. I am a staffordshire dog enthusiast, as are many other people.

The bill attempts to address a number of important issues, as attested to in the Minister's second reading speech and in the green and white papers. Like the honourable member for Manly, I made a submission in response to the green paper. The important issues involved with this legislation are responsible pet ownership, community understanding and acceptance of the important role of companion animals and their responsible care and management, permanent identification of animals and introduction of a centralised register enabling the quick notification of owners that their pet has been impounded, strategies to reduce the number of animals destroyed and lifetime registration to save owners from having to reregister animals if they move to a different local government area. We need legislation that addresses these issues but, unfortunately, I cannot wholeheartedly endorse the bill in its present form.

Since the bill became public in the past two weeks I have received phone calls—indeed, my fax machine has run hot—from constituents and community groups questioning whether the Government has successfully transferred the proposals in the white paper to this legislation. I am concerned about what I have been told, that is, that the legislation focuses on cats and dogs as nuisances and ignores the fact that they enrich the lives of many people, that there is no apparent focus on animal welfare, that the provisions will reduce the quality of life of many pets, that it is a punitive bill that will bring distress to many people and that its provisions can be misused by animal haters. Therefore, I strongly recommend that this landmark legislation lie on the table for 28 days to allow groups involved in the consultation process to examine it to see whether it meets their expectations. Much beneficial consultation with key stakeholder groups has been undertaken. Now is not the time to cut short the process.

Alternatively, the bill could be referred to a legislation committee to allow the necessary community consultation to continue and to enable submissions to be made. The concerns expressed today are serious and should be taken on board and addressed by the Minister. The legislation committee process would enable that to occur and it would enable the people of New South Wales to proudly say that they have achieved the best companion animal legislation in Australia. I am concerned about the bill in its present form as it has the potential to

make life difficult for many owners of companion animals. The bill addresses the responsibility of owners but it does not deal effectively with the community's responsibility to people with companion animals or to their pets. I call on the Minister to amend those sections of the bill about which I have concerns. The first is the lawful injury or destruction of an animal, to which other members referred. I hope the Minister will respond to the serious concerns which have been raised by so many members about clauses 21 and 31. Clause 31(1) states:

Any person may lawfully injure or destroy a cat if that action is reasonable and necessary for the protection of any person or animal . . . from injury or death or for the prevention of damage to property.

I have received, as I am sure many other members have, a number of complaints about this aspect of the bill. Animal welfare groups call this the pet kill bill, specifically because of the provisions of clauses 21 and 31. I am pleased that the Minister has received similar representations and has proposed an amendment. I thank him for providing clarification on the issue, but I seriously doubt the change will deal adequately with community concern. Has the Minister considered the possibility of persons who hate animals enticing or goading them? Clause 31 provides a defence if injury or killing is the only practicable alternative. That is an extraordinary consequence of the clause. Clauses 21 and 31 are not the only areas of the bill that appear to legislate cruelty to animals. A number of other areas urgently require amendment on this aspect.

Under clause 64 a council can sell or destroy an animal if it is not claimed. The destruction of an animal should be a last resort. No animal should be destroyed because an owner is unable to afford the fee for its release. Clause 64 provides that unregistered or unidentified animals are assumed to be unknown and can be destroyed seven days after seizure. The clause does not provide adequate time in which to make a claim. The time should be extended to correspond with the 14-day period for claiming identified animals. Clause 48 gives the court the authority to destroy a dog or cause the dog to be destroyed. Except in extreme circumstances, the courts must be required to issue control orders rather than destruction orders. The law must not punish animals for the actions of their owners. Many honourable members have expressed that same concern. Indeed, the Minister stated in his second reading speech:

When animals become a problem for neighbours or wildlife it is often because they are not being given the care they deserve.

I do not believe it is "often because they are not being given the right care", I believe it is "always because they are not being given the right care". My next concern is about the regulation of the sale of companion animals. The bill requires that all animals be identified before being sold or given away, but it does not regulate the sale or transfer of ownership of animals. Presently, companion animals can be sold at markets or given away, as well as being bought through shops or from breeders. The sale of animals should be restricted to registered breeders and licensed pet dealers only. That will provide a mechanism to ensure responsible pet ownership.

When a sale occurs, the dealer must be required to provide information to enable responsible ownership. That should include information on the lifespan of the animal, the size it will grow to, details of its needs and comprehensive information on the costs of ownership, including particularly vet costs. Whenever I use vet services it always costs at least \$70. People are not aware of the associated health costs of pets. Funding for this provision could be provided through the Companion Animals Fund with information provided as part of the education program.

Regulating the sale of animals can be used also to reduce the number of animals that are put down each year and to reduce the number of feral animals. Specifically, only registered breeders should be allowed to sell animals for breeding. Licensed dealers should be allowed to sell desexed animals only. All other sales of animals should be illegal. These provisions would make it difficult to obtain a companion animal and would ensure that people did not on impulse buy that cute little Christmas gift in the pet shop, which is dumped a couple of weeks later when the owner goes on holidays. My next concern is about improved access of pets to public places. The inner city is characterised by terrace houses and the majority of people live in such areas. Many residents do not have backyards and live in high-density areas with busy streets with narrow footpaths.

To ensure that dogs are adequately exercised and owners are able to spend quality time outdoors with their pets, it is essential that this legislation provides for mandatory leash-free areas in all council areas. Clause 13 of the bill requires that dogs must be on leashes in all public places unless the area has been declared an off-leash area. Many responsible dog owners effectively control their dogs without the use of leads. If owners can demonstrate control over their animals, dogs should be permitted to be unleashed. Responsible owners need more options to take their dogs into public areas and on

public transport. Dog owners also need adequate facilities in which to dispose of dog droppings appropriately. Councils or parkland authorities must be required to provide rubbish receptacles designated for the purpose, as outlined in clause 18.

Desexing is the most effective way of reducing the number of unwanted animals that must be destroyed. I understand the Minister has been approached to consider introducing a desexing program that would provide low-cost access to desexing of pets, particularly for low-income people. The bill must include provisions for such a program. Owners of companion animals must be encouraged to have their animals desexed through a subsidised desexing program. Cheap or free veterinarian desexing clinics and support for groups that already supply this service must be provided. As an alternative to destruction, desexing and return schemes should be encouraged in response to the colonies of homeless cats.

I am concerned about the financial impact of this legislation. The Minister outlined a range of estimated ownership costs. Constituents tell me that these costs substantially underestimate real expenses. Microchips for pet identification cost vets \$25. Once the vet's costs are added, the procedure costs up to \$65. Desexing a female cat may cost up to \$150. It is important that the cost of complying with this new legislation does not make responsible pet ownership impossible for people on low incomes. That is a particularly important issue to address because companion animals can be vital to the welfare of many people, particularly those who are unemployed.

People on low incomes will not be able to afford the dramatic increases in costs required to meet the requirements of this bill. To ensure that those on low incomes are not disadvantaged, provisions must be included to reduce, waive or subsidise some of those costs where appropriate. Some specific examples include legislated provisions for discounted registration for low-income earners, including pensioners and the unemployed; introduction of a free or subsidised desexing program; maximum charges set for all councils regarding the claiming of seized animals; and provisions for owners to pay charges in instalments if they cannot afford the full amount in one payment. I commend the Minister's proposed amendments. I commend the Minister also for his commitment to the establishment of the Companion Animals Advisory Board to provide for an ongoing co-ordinated and effective community education program. That is an important aspect of the bill. However, I note that no clause specifies the level of

funding to be provided by the Companion Animals Fund for this purpose. Clause 85 should be amended to include payment of appropriate level to meet the objectives of the Companion Animals Advisory Board. [*Extension of time agreed to*].

That issue is crucial to the bill's effectiveness. Without that aspect, the bill's measures become predominantly a range of punitive controls and will fail to genuinely promote responsible ownership. An effective education strategy will justify the financial expense placed on pet owners by the bill. A proactive education campaign can address irresponsible ownership and limit the need for some more extreme measures contained in the bill. The education campaign must contain a number of key elements. It must educate the community on the benefits of companion animals, about our responsibility to properly care for and humanely treat companion animals, and about the costs of responsibly owning a pet, including immunisation, grooming, food and registration. It must also support the provision of information to persons buying companion animals, to which I referred earlier; and provide information on the responsibilities and sanctions imposed by this legislation.

Education must ensure that people are provided with the facts before purchasing a companion animal. People must understand the responsibility of owning a companion animal and the financial, emotional and time commitments that must be made. In conclusion I repeat my main request to the Minister. This is landmark legislation. It introduces a significant new law and requires adequate time for consideration. I call upon the Minister to allow the bill to lay upon the table for 28 days or, alternatively, to send it to a legislation committee to continue the already excellent period of consultation that occurred during the green and white paper stages. There has not been sufficient time during the past two weeks to seriously consider the implications of this legislation, or to consult broadly and to make the necessary changes. To date there has been good community consultation, and I ask the Minister not to cut it short now.

I ask the Minister to give the community a chance to understand that the white paper will be effectively translated into legislation. Let the community tell us the areas in respect of which it has not been translated into legislation. Let the community tell us the problems that still need to be resolved. I believe a sufficient number of important issues have been raised in this House today to support my call on the Minister for that process to continue before the legislation becomes law. It is important to those of us who care about companion

animals, and to our constituents who care about their companion animals.

Ms FICARRA (Georges River) [10.00 p.m.]: The New South Wales Parliament has been waiting for this legislation for almost two years. Supposedly it is the product of extensive public consultation, with the release of the green paper in 1996 and a white paper in 1997. We have heard repeatedly how many animal welfare organisations have been consulted. However, a number were not consulted and have been denied their democratic right to have their concerns acknowledged. If the coalition were to believe the Minister's propaganda machine, all of New South Wales is ecstatic about this bill. However, ordinary householders and owners of more than two million companion animals—in this case solely dogs and cats—are unaware of the major changes that the Government proposes to their lifestyle, to their hip pockets, and to their relations with neighbours, and the social consequences to cat and dog welfare, the very issue that the Minister claimed in his second reading speech he was most concerned about.

Currently, more than 80,000 companion animals are put down each year in New South Wales. The Coalition believes that the onerous conditions and penalties that are embodied in the bill will only increase the number of animals that have to be put down, because people will either not comply or be unable to afford to do so and will abandon their dogs and cats. Irresponsible owners will be irresponsible at any time, whether before or after the legislation. I believe the Minister will propose a number of amendments to the penalties, anticipating the widespread public backlash that will follow this legislation. Council officers and police officers will now be given the power to enter private property without the consent of owners and to impound dogs that have attacked people or other animals.

Dog owners face fines of as much as \$1,100 for a first offence of nuisance barking. Repeat offences will incur maximum fines of \$4,400 and owners of prescribed dangerous breeds such as bull terriers will be forced to keep their dogs leashed and muzzled in public or risk fines of as much as \$5,500. For those dangerous breeds that is appropriate, but some of the penalties are outrageous and will not be complied with. I envisage mass hysteria developing. It has already started on radio and in the print media. People are beginning to realise what the Government is attempting to do and they do not like it. The ground swell will grow. Let me outline some of the responses from animal groups that are not so supportive of this draconian

legislation. One group, C.A.T.S.—Cats Assistance To Sterilise (Inc)—stated:

The New South Wales bill is pushing for cat registration which is one of the worst ways to attempt to control cats. Registration forces multiple cat owners underground and they hide their cats. It also discourages people from taking in the stray cats which arrive in their garden and getting them desexed, which is one of the best ways to reduce cat problems. These cats are then turned away to breed.

They become feral, and members heard the honourable member for Tamworth talking about the problems that then arise. The letter continued:

Registration also penalises the very people who are already being responsible and those who are disadvantaged, such as the elderly and disabled.

If dog registration was so successful why are massive numbers of puppies still being born and countless thousands of dogs being destroyed at animal shelters every year around Australia. If the time, money and effort which has been used on dog registration had been used on dog desexing we would not now have so many dog-related problems.

It will be noted that very little emphasis has been placed on cat-desexing in the NSW bill. Sterilising cats is the only way to achieve the desired results. Removal or killing of cats gains nothing as more cats simply move in and restore numbers by breeding.

... the NSW bill is not ready for presentation to Parliament because the Companion Animals White Paper, on which the legislation has been based, is flawed and full of misleading information.

C.A.T.S. Incorporated pointed out some of the mistakes in a submission and in lengthy telephone conversations to the Minister for Local Government's office after the green paper was distributed for comment, but its information was completely ignored and the same mistakes were reprinted in the white paper. If its submission was ignored, how many submissions by New South Wales residents were also ignored? The letter continued:

I quote from page 4 of the White Paper. "The NSW legislation is consistent with what is happening in other states". Our South Australian legislation is **nothing** like the NSW proposals. The White Paper quotes "Both South Australia and Victoria provide a proportion of registration fees to be used for community education".

The letter is written by Christine Pierson, a member of the South Australian Government Cat Consultative Committee. Her letter continued:

South Australia has NO Government registration for cats so how can we provide a proportion of this for education? The White Paper states "South Australia and Victoria have retained annual registration systems with local councils. Both have provided discounted registration fees for permanently identified and desexed animals". As South Australia does not

have any Government registration how can we be providing discounts?

Christine Pierson's point is that there was a great deal of misleading information in the green paper that was repeated in the white paper. Her letter continued:

What the SA legislation states is that councils *can* have registration if they wish, but obviously no SA council would be stupid enough to implement it, particularly after the shambles in Victoria. In Victoria, the multiple cat owners have simply gone underground and the whole cat issue is being hidden up. Obviously, the issue of stray and feral cats is not being addressed as killing and removal of cats results in failure.

South Australia has the highest recorded rate of desexing for any capital in Australia and our cat numbers are going down by 12% per annum. We also have minimal cat-related problems in districts where mass desexing has been applied. We have no registration for cats and, except for one council which has a two-cat bylaw, which incidentally is not reducing cat-numbers, no-one in South Australia has to do anything regarding cats.

If we can achieve success without registration and Draconian compulsory legislation why can't NSW?

The letter concluded:

... the introduction of the Companion Animals proposed legislation ... will hurt the very people who are already proving to be responsible. I would also like to point out that much misleading information has been distributed in the White Paper with the result that the comments made by the public have been based on faulty and, in some cases, completely wrong information. In addition, the proposed legislation is only concerned with the relatively small number of "owned" cats which will make no constructive difference to the total cat-population.

They were sensible comments and the Minister should have taken heed of them. I have received a submission from the PAWS Group, which is working to help people care for their animal companions. They believe that the Companion Animals Bill will cause great hardship to many owners. The real cost of responsible pet ownership is not set out in the legislation. Pets play an important emotional and physical role in the wellbeing of many of our elderly and pensioner citizens. Veterinary microchip implanting is expensive. People may turn to the Royal Society for the Prevention of Cruelty to Animals or the Animal Welfare League in New South Wales to provide that service, but neither of those organisations is in a convenient location. People will be forced to visit their veterinary surgeons and honourable members already know that the costs of such visits can be prohibitive.

I have another submission from the Cats Defence Network. That group asks two questions of

the Minister. Cats without collars, discs engraved with phone numbers or other identification found on private property can be seized and taken to the pound. That means that a disagreeable neighbour can take off a cat's collar, take the cat to the pound and declare it a nuisance. Who will the council listen to, the neighbour or the cat? This is a likely scenario. After the law is passed all cats going to homes must be microchipped and registered. The cost of microchipping is unregulated. The Cats Defence Network also asks whether the Minister will set a range of fees that can be used as a guide for microchipping?

The Royal New South Wales Canine Council claims that it has already microchipped more than 7,000 dogs in New South Wales. That proves that the council is committed to responsible dog ownership and to the promotion of permanent lifetime registration. However, the bill does not consider those 7,000 dogs that are already microchipped. The council implores the Minister to consider those dogs when the scale of fees is fixed and to allow for only a small local council bookkeeping fee to be applied to them. One can go on and on.

The submission from the World League for Protection of Animals has already been noted. Another concern is that the penalties are out of step with the Government's other philosophies. Under the proposed legislation the owner of a nuisance-declared barking dog can be fined up to \$1,100, yet people carrying knives are liable to a fine of only \$550. Much of the bill has been drawn directly from the Dog Act of 1966 and the word "cat" has been inserted in place of the word "dog". That means that the same approach is being taken to cats as it is to dogs, even though the species behave completely differently and are physically different. For example, a cat owner is liable to a fine of up to \$550 if the cat chases someone. It is quite ridiculous.

The Animal Societies Federation is also critical of the bill. The Hurstville City Council made a submission to the Minister in reply to the white paper. The council is concerned about who will cover the cost involved in many of the provisions of the bill. It is claimed that a certain percentage of the registration fee will cover these costs. It will not. Councils will have to employ a great many animal welfare officers and animal control officers. They will have to prepare animal control management plans. They will be looking for people who are not cleaning up after their defecating dogs. Councils are sick and tired of having these onerous duties put upon them without the necessary resources and money coming in. They are the bodies that will be

identified as increasing the taxes imposed on the community. But the Minister may rest assured that the people will know that the Carr Government is responsible and not the local councils.

A submission by the Department of Local Government to local councils contained many misleading answers that time does not permit me to deal with. Suffice it to say that the coalition believes the legislation is impractical. It is hurtful to genuinely responsible pet owners and it is destined to cause much social strife. The Minister could better spend his department's time giving much-needed advice on the formulation and implementation of comprehensive animal codes for all city metropolitan councils—not only for dogs and cats but poultry, birds, horses and so on. With today's urban consolidation the keeping of a wide variety of animals in backyards is becoming a problem.

If the object of the bill is to provide effective and responsible management and care of dogs and cats, it fails to be positive, humane or practical. It is regressive and reactive. It is not pro-active in educating people to do the right thing or in giving people genuine incentives for desexing and for better pet care. When members of the public fully understand the draconian implications they will reject not only the Minister for Local Government but also this ridiculous Government for introducing such an ill-considered proposal. The coalition opposes the bill.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Extension of Sitting

Motion by Mr E. T. Page agreed to:

That the sitting be extended beyond 10.30 p.m.

COMPANION ANIMALS BILL

Second Reading

[Debate Resumed]

Mr NEILLY (Cessnock) [10.14 p.m.]: I support the companion animals legislation. In doing so I point out, as has been suggested by a number of other members, that this is landmark legislation. Legislation of this nature is experimental and I have no doubt it will be reviewed after 12 months. I can understand the comments of the honourable member for Bligh about the lives of many people being

enriched by companion animals. As a greyhound owner of more than 30 years I can tell the House that my life has not been enriched by them.

On the other side of the coin, to give a typical example of enrichment, I occasionally see a lady who lives 14 kilometres south of Milbrodale on a travelling stock route. She is 70 years of age. She has one leg off at the knee and her other leg was broken some time ago. She gets around on knee pads. She lives in a converted bus. Initially she lived with three Afghan hounds. She will not go to town, even though she is well and truly qualified for welfare housing, as the welfare housing will not include accommodation for her dogs. That same area off the Putty Road is a dumping ground for people who want to get rid of their dogs. When one sees dogs in the wild one sees the havoc they can create. I can tell honourable members of a situation at Warkworth where a bloke virtually went out of business as a goat herder because his animals were ravaged by packs of wild dogs.

What I like about this legislation is that it addresses the *Felis catus*, the cat. For many years the Local Government and Shires Association has strongly advocated that the Government legislate for the control of cats. The stark reality is trying to deal with a kid who brings home a dog or a cat and telling him he has to get rid of it. Quite often that is not so easily done. More specifically, it is when one gets a call from an old lady more than 70 years of age living by herself with no other kin. She is living near a shopping centre and the neighbours are complaining to the local council that she has 28 cats in the backyard. She has no way of getting rid of those cats. Anyone trying to catch 28 untamed cats in those circumstances certainly has a job on his hands.

I know many councils keep cat traps—probably illegally. One can borrow the cat traps from those councils, but once again it is not easy for a 74-year-old lady to get the cats into the traps. For some people getting them into the traps is easy enough but getting them out of the traps is quite a different matter. The bill acknowledges that the roaming patterns of domestic or wild cats is far more extensive than their owners care to recognise. My mother is elderly. Her companion animals happen to be the wild birds that come into the yard. She feeds those wild birds twice a day—meat, seed, the whole box and dice. But cats live next door and we spend a great deal of time chasing away the cats. Inevitably some of those birds disappear. Their feathers are visible where the cats have got them. One often sees a cat walking by with a bird in its mouth.

My mother and her next-door neighbour are equally entitled to their joy with companion animals. That also is what responsibility is about. A pet bantam also came into the yard and was maintained—and that, too, disappeared with the cats. The strength of this bill, even though there may be a number of potential weaknesses, is that at last the Government is addressing the problem of cats that are not kept properly by their owners. The Government is taking action on a problem that has been raised for many years but about which no-one has cared to do a great deal. Even though this legislation may be flawed, and that will be revealed by the test of time, the Government is trying to remedy a problem. The honourable member for Bligh spoke about the cost of veterinarians.

Anyone who deals with animals and tries to look after them appropriately knows what the cost of veterinary services is like. The approach to the issue adopted by the honourable member for Bligh was too casual. In fact, I thought she was perhaps advocating the introduction of Peticare, along a similar line to Medicare. If people cannot pay for Medicare they will hardly pay for Peticare, and there are more people pulling out of Medicare than one could poke a stick at.

To be a responsible animal owner one has to weigh up the total costs, and the total costs are sometimes more expensive than people care to outlay. Quite often pensioners who own animals deprive themselves because of their love for their animals and because as responsible owners they pay the veterinary fees needed to sustain their animals. Such people are few and far between. The vast number of animals in the streets and in backyards are not cared for appropriately. Their activities and breeding are out of control, and there are associated implications for domestic animals, native animals and the stock raised by farmers. I commend the bill to the House.

Mr OAKESHOTT (Port Macquarie) [10.22 p.m.]: It is good to finally hear some truth in government. The honourable member for Cessnock made two strong admissions: that this is experimental legislation, and that the Government considers that even though the legislation is flawed it should be supported. The honourable member for Cessnock has almost argued the coalition's line. To a large extent the coalition supports the principles of the legislation. However, coalition members are not about to support bad or unworkable legislation. The Government argues that this legislation is experimental; the coalition argues that the community is not an experiment ground.

I thank the Government for supporting the coalition's case and I thank the honourable member for Cessnock for delivering truth in government. I had intended to describe this legislation as catastrophic. However, that is probably rather a cheap gag. The bill could be described as catastrophic because, if introduced in its present form, it will be completely unworkable and will highlight the collapse of the so-called consultation process of the past two years. The Government said that it has been in consultation with the wider community for the past two years and has produced a green paper and a white paper. Thanks to bad legislation, that whole process has collapsed in the space of a week.

With this legislation the Government has managed in the past few days to get offside with many groups, including the Animal Societies Federation, the International Fund for Animal Welfare, Animal Liberation, Cat Defence Inc., the World League for Protection of Animals, the Animal Dispensary Fund, the Domestic Animal Birth Control Co-operative Society Ltd, the Fund for Animals, Help in Suffering, the Humane Society of Australia, the International Fund for Animal Welfare, the International Wildlife Coalition, the Permanent Animal Welfare Study Group—PAWS—and the Australian Centre for Companion Animals in Society. It would be fair to say that the bill has ruffled a few feathers. The Animal Societies Federation stated:

All groups expressed the utmost shock and dismay at the terms of this Bill, the enormous expense—Registration plus Microchipping plus Fines—and the grief and anxiety it will undoubtedly cause to the many thousands of families who choose to live with companion animals . . .

The Animal Societies Federation called this bill the "Pet Kill Bill". The federation is particularly concerned about clauses 21(1) and 31(1) relating to cats and dogs, and stated:

While the objectives of the legislation are stated to be "**responsible care** and management of companion animals", the terms of the Act—what it actually says and requires—express no care whatsoever. Nowhere in the Bill is the focus on animal welfare. It sits squarely on the perceived "nuisance" of dogs and cats. It penalises people with animals. Already it has been dubbed "The Pet Kill Bill".

The World League for Protection of Animals Inc. has also written a letter, headed "Companion Animals Bill or . . . The Pet Kill Bill?", which concludes by stating:

There is no focus in the bill on animal welfare. It is a punitive bill which will bring distress to many and benefits to none but the animal-haters. It will also bring death to many animals.

The Spay Day Australia group has written a letter headed, "Q. What government would make it lawful to injure an animal? A. The Carr Labor Government". The Royal New South Wales Canine Council has written expressing its concern that only greyhounds and working dogs are to be exempt from microchipping. That group raised some important aspects. Its letter states:

We respectfully ask that Showdogs be EXEMPTED from Microchipping on the basis of

1. Already identified by registration with the Royal NSW Canine Council, by registered pedigree number, by colour definition, & by the issue of a Breed descriptive, & hard cover Handbook on a regular 3 yearly printing.
2. Our dogs being from frequently imported stock, costing many thousands of dollars, never stray, & very seldom are an Environmental Hazard. They do not go on the Street, as the contact with a "Pet" or "Companion" is not on, because of the costs of treatment, against easily transmitted viral infections i.e. Parvovirus; Bacterial i.e. Sarcoptic Mange; Worms i.e. Whip, Tape, etc.
3. We have a Board of Management of 15 Persons, supported by 33 Sub-committees, 123 Registered District & Breed Clubs, a very comprehensive set of Rules, Regulations, & a recognised Memorandum, & a set of Articles of Association approved by the Royal Agricultural Society, & by the recognised Public Statute Authorities, of Local Councils, Local Government, & of State, & Federal Ordinance.
4. The Dogs "Chipped", can be subject to injury at a later stage of their growth, (which has been documented to the Minister).

The injury can result in a poor performance in the Showing, such as Limping, a Lump in the "Wither", (between the shoulders), where "Implanted", & an Aggressive temperament which is not normal for a Showdog.

This has been so stated by a well known, & respected International Dog Breeds Judge.

5. Showdogs are kept in pristine conditions, (often airconditioned), & are treated like a favoured child.

In one week the Government has managed to hijack the two-year consultation process. Other honourable members have already said that many in the community are not aware of this bill. I have referred to organisations that are aware of the bill, and I will be very surprised if there is not much more widespread concern when the broader community realises just what legislation is being introduced. One of the fundamental difficulties with the bill is that it does not provide the full picture. The bill as drafted is stealth-like. Without knowing what the regulations will be, it remains to be seen what will be enacted. As things stand it is believed that microchipping will be the form of identification required; however, that is not clear.

The Minister's speech indicated that councils will be allowed to increase their general rating revenue to cope with the changes brought about by the bill. The Opposition seeks clarification on that. Opposition members just do not know what is proposed. That makes it very difficult for us to support, in principle or otherwise, flawed legislation. The Government has taken the attitude: trust us, we are from the Government. We have waited almost three years for this legislation, which appears to be unworkable and contains no operating instructions. The bill is long overdue. Many people have called for fast action to develop a well-structured Act in relation to companion animals. During the past three to four years there has been a high number of dog attacks in New South Wales—including one last night.

However, the Minister has taken more than two years to present a white paper. The lack of consultation and falling out with these groups suggests that the white paper has achieved absolutely nothing. Two-thirds of New South Wales households have pets, so this important bill will affect a large proportion of the population. As a result of this bad and dumb legislation owners of dogs and cats can be fined if their animals merely worry someone—which will leave a lot of scope for people with baseless complaints. This situation is unacceptable.

In addition, we hope the regulations—when they finally arrive—will clarify the amount of work and responsibility to be off-loaded to local councils, and the amount of funding to be provided so that adequate staff are available to ensure that these new laws are upheld. If and when this legislation becomes operative it could effectively double the workload of councils as they will have to deal with dogs and cats. With limited resources, councils will be required to increase community awareness of the new laws, which is an unfair burden on councils which are already under great financial pressure. The coalition supports the principles of the white paper. The practicalities of the legislation and its regulations are unknown. Therefore, the Opposition cannot be expected to support the bill. The coalition will doggedly oppose the legislation.

Mr ROZZOLI (Hawkesbury) [10.31 p.m.]: I too oppose the legislation and echo the sentiments of the honourable member for Bligh, who sincerely requested that the Minister for Local Government postpone it for 28 days. However, I suggest the postponement of the bill should be longer because of the many matters that need to be worked through to produce a more acceptable bill. There has been a lengthy consultation period, a green paper and a white paper have been produced and submissions

have been lodged. Animal organisations are acutely interested in the subject, much more so than general animal owners who are affected by this legislation. Animal organisations are concerned that many of the aspects introduced into the debate through submissions to the green paper and to the white paper are not reflected in the bill, and no explanation has been forthcoming.

The Government may have perfectly legitimate reasons for that but, given the long consultation period, it should not be a great ask for the legislation to be put on the table. Perhaps this could be an exposure bill; it could be put on the table for months and looked at in its legislative form. Some honourable members have submitted that this bill should be held over until the next session of Parliament, commencing in September, during which time the interested parties could assist the Minister and the Government to reach a more rational and reasonable outcome. I am concerned that the form of the legislation is regressive, restrictive and penalty driven.

A common feature of much of the Government's legislation is that when it seeks to bring about changes in the community it places strict restrictions and enormous penalties on people relative to the particular subject matter if the law is disobeyed. It is a simple process to create an illegality and then to create a penalty for perpetrating that illegality, but that does not mean that the problem is cured. In fact, in many cases the problem is exacerbated and driven deeper into the community. That is an unsatisfactory way of bringing about change, particularly when it is aimed at a group of people who are essentially law-abiding. The legislation should lead to a cultural change, by which companion animal owners are encouraged and assisted to arrive at a far more responsible attitude towards animals in our society.

Other members have indicated the strong nexus that exists between dogs and cats and their owners, and the important role they play in the social fabric of our society. The honourable member for Tamworth pointed out that the young and the old—in fact, every section of the community—are affected by this. Therefore, one would imagine that any change should be brought about with the co-operation of the community. As the honourable member for Port Macquarie indicated, the legislation—despite the long consultation period—was sprung on the community at very short notice in relation to its exact legislative form. It has already raised a storm, and will continue to do so. The Opposition has made suggestions to the Minister as to how the storm can be avoided.

Legislation of this nature is needed because dogs and cats create problems in our community. First, when they escape into the wild they are destructive to native wildlife and, in some cases, to the flora that supports the wildlife. A change needs to be brought about in the social attitudes towards the keeping of these animals. Second, harm to humans needs to be prevented. Honourable members are aware of dreadful instances of dogs attacking children and adults. The honourable member for Southern Highlands cited a tragic case. No-one would excuse or condone that sort of occurrence in the community. We need legislation to address that issue.

Third, legislation needs to be enacted to prevent pollution of the environment by the indiscriminate spread of waste faeces by dogs and cats throughout the community. That is a legitimate cause of concern, not only because one is offended by the presence of animal faeces on the street but also because after a long dry period followed by heavy rainfall the amount of pollution introduced into our river systems is considerable, which has a detrimental effect on our environment. Fourth, prevalent in our community is a culture of poor ownership, which leads to the wholesale dumping of animals which then become feral. Finally, indiscriminate breeding needs to be addressed because it causes the proliferation of unwanted animals in the community. People breed animals privately and try to find good homes for them. They are under pressure to find good homes for them, but they cannot always be certain that the new owners will be responsible. All honourable members have heard stories of families going on Christmas holidays and disposing of their dogs and cats. That is the fifth matter that needs to be addressed. The legislation does little to correct any of the problems I have mentioned.

The Government has failed to address the problems and the methods by which the cultural change I spoke about can be introduced to encourage people to do the right thing by their animals. We must remember that in most cases it is the animal that is offensive or offends. Animal behaviour is dictated largely by the attitude of the humans with whom that animal comes into contact. I would much rather the legislation place more emphasis on the outcomes of wrongful behaviour towards animals and on attitudes. People, by their actions—not the animals per se—cause problems in the community. If one is going to have a restrictive and penalty driven section in any companion animal bill, it should be directed towards the humans who are involved with the animals.

The honourable member for Port Macquarie asked the Government to consider extending the exemption granted to the owners of racing greyhounds. I remind the Minister that I am a supporter of the greyhound racing industry and I applaud the exemption from the necessities of the Act granted to dogs registered with the Greyhound Racing Control Board. I attended a greyhound racing function at which the Minister explained the reasons for that exemption, with which I totally agree. Those same exemptions should apply to other breeds of dogs which have a properly structured registration system. Indeed, if the registration system for some breeds leaves little to be desired, it would be a great encouragement to breeding societies to bring their registration systems up to that which applies to greyhound owners and breeders. That would enable them to gain the exemption which is offered to the greyhound breed. I ask the Minister whether he will consider that provision.

Finally, I cite two scenarios which the legislation does not address. Firstly, in my electorate the council was asked to consider granting development approval for a breeding establishment. There were as many objectors who were concerned about the continually barking dogs as there were supporters who said they had not heard dogs on that property bark. I do not know the truth of that matter, but the legislation will aid and abet the vexatious neighbour who wants to get even, for whatever reason, with a next-door neighbour who has dogs. In that scenario the legislation will not assist councils to resolve the problem, because the problem lies with the people and not with the dogs.

Secondly, I cite the more sinister scenario in which a resident terrorised his neighbours on either side with dogs which were trained to annoy the neighbours but, on command, would act perfectly docilely. Every time someone went out to check the dogs' behaviour, the dogs would roll over to have their tummies scratched and were perfectly approachable. Yet the dogs were trained to harass the neighbours on cue. The legislation, despite the framework which would appear to have received careful consideration, does nothing to assist those types of situations. These are problems of people, not of the animals.

Councils are having considerable difficulty in meeting the cost of controls under the Dog Act. The legislation will extend those difficulties and extend the cost, which will be levied on ratepayers. In some instances there is a capacity to recover costs of penalties and a capacity to apply various fees. But we must remember that many people who own

animals are not wealthy. Many people on limited incomes are animal lovers and gain enormous benefit from the ownership of an animal. This section of the community will be hardest hit by the legislation—that is sufficient reason for the Government to rethink its approach to the problem.

I compliment the Government on attempting to address the problem. I do not hold the Minister personally responsible for the introduction of this draconian legislation, but it could be subjected to

further consideration. If the legislation were considerably improved the Opposition would support it wholeheartedly. We could then look forward to achieving the results which the Minister would like but which would be difficult to achieve if the legislation was left in its current form.

Debate adjourned on motion by Mr Mills.

House adjourned at 10.46 p.m.
