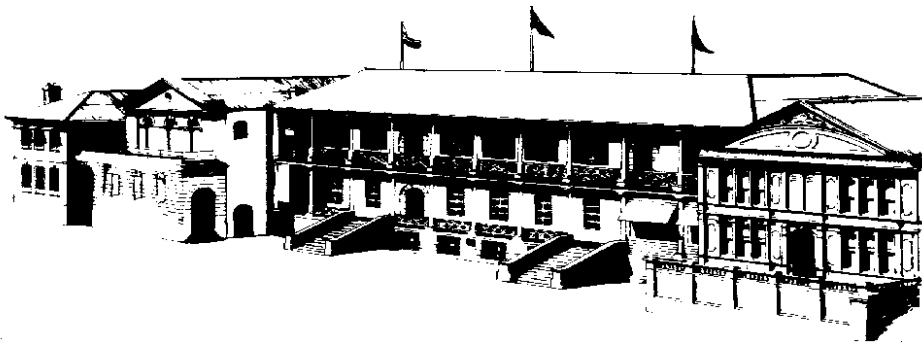




NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
THIRD SESSION**

OFFICIAL HANSARD

Thursday, 21 May 1998

LEGISLATIVE ASSEMBLY

Thursday, 21 May 1998

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

Mr Speaker offered the Prayer.

COMPANION ANIMALS BILL

Second Reading

Debate resumed from 20 May.

Mr MILLS (Wallsend) [10.00 a.m.]: I am pleased to support the Companion Animals Bill for a number of reasons. The Dog Act 1966 must be updated. Companion animals provide an enormous source of joy to a huge section of the community, but the present legislation must be updated to provide the framework for responsible animal ownership and for protection of the community. The number of dumped cats and dogs and those put down each year because they are unwanted should be reduced. Permanent identification through statewide registration is an excellent system and the once-in-a-lifetime registration fee for this service will ensure that lost animals will always be returned home.

The bill provides a better regime to deal with dangerous dogs. It also provides an opportunity to reduce the number of feral cats and dogs. I compliment the Minister for Local Government for undertaking a long, meticulous, careful, wide-ranging and innovative consultative program with the community on the issue. Green papers and white papers have been produced and consultation after consultation has occurred. Therefore, I do not understand why the Opposition opposes the bill and seeks to further delay it. The only point in delaying the bill further must be that the Liberal Party wants to say it instigated the changes, rather than have the Labor Party take credit for it. The bill has undergone an exhaustive process and I congratulate the Minister on the steps he took to consult the community on the issue.

There is no need to delay passing the Companion Animals Bill. In his second reading speech the Minister referred to representative organisations, which have all indicated support for the bill, including those that may have thought the

process should go further. I should like to draw to the Minister's attention a number of issues raised by constituents from my area. These concerns illustrate problems with the bill and the need to have a good community education program to help people understand how the bill will solve the problems of irresponsible pet ownership. I shall refer first to what Lake Macquarie City Council has done.

In setting its budget for this year the council added an extra \$5 per rate-paying household to fund cat and dog control, which falls under the provisions of the bill. The council said the \$5 fee was part of its draft budget adopted in principle for dog and cat control. Mayor Kilpatrick said he was disappointed that Labor councillors did not support a 7.5 per cent rate increase. Lake Macquarie City Council added the \$5 fee per household in the hope of netting about \$337,000. However, it noted that councillors were concerned that the fee was unfair to those who do not own pets and it agreed to make those views known to the State Government. Lake Macquarie City Council is out of order on this matter. The \$5 fee proposed by this council is twice the amount the Minister said he would consider.

It appears that the majority of Lake Macquarie councillors want to seize the opportunity to sneak in an increase in charges and blame it on the Government and the new companion animals legislation. Councils will receive more than three times the amount they presently collect from dog registrations. That amount ought to be sufficient to do the job required under the new provisions. I trust that the Minister will oblige those councils seeking an increase based on the new Act to justify fully the extra amount sought. The Minister should refuse an increase to councils which seem to be making a greedy grab for extra rate revenue. The residents of Lake Macquarie should not be required to pay the additional amount proposed by the council.

During debate last night an Opposition member referred the House to a letter from the Royal New South Wales Canine Council in which the council talked about more than 7,000 dogs in New South Wales having already had microchips implanted. Quite a few other organisations have also implanted microchips into animals. Perhaps the Minister could comment in his reply as to whether

those animals with implanted microchips can be taken into account under the new regime. One issue raised by my constituents was whether an owner who moved house would be obligated to notify the authorities of his or her new address to enable the central register to be updated. Otherwise, though the animals will be registered for life, any new address of owners will not be linked with the microchip identification of the animal.

Residents inform many institutions of a change of address, for example, the Electoral Commission. Perhaps notifying the animal central identification system will be one more requirement. Councils and other bodies should add this requirement to the list of notifications by owners when changing residence, particularly if the change is to a different council area. Clauses 27 to 32 contain provisions governing nuisance cats. Some people have expressed the fear that irresponsible neighbours will have carte blanche to get back at the next-door neighbour through the behaviour of a cat, for example. If a neighbour sees a cat with a mouse or sparrow in its mouth, do these clauses allow that neighbour to argue that he could legitimately catch the cat? The Minister covered this general issue adequately in the second-last paragraph of his second reading speech, but he should consider the potential use of these provisions for exploitation by unfriendly neighbours.

It would not be desirable for community justice centres to receive a large increase in their workload from people attempting to exploit the new companion animals legislation for the purposes of instigating arguments with neighbours. Another issue raised with me related to multiple cat ownership. Many people believe multiple ownership of pets should be discouraged because often the owners cannot control the pets and some escape and become feral. One suggestion to remedy this was to charge a normal registration fee for the first pet, a higher fee for the second and higher fees yet again for each subsequent pet.

That proposal would disadvantage those who keep many cats. I received correspondence from Cats Assistance To Sterilise—CATS—which said in part, "Registration forces multiple cat owners underground and they hide their cats." I do not think there will be a seething suburban secret society of people hiding cats, but multiple cat ownership should be monitored during the first couple of years to ascertain whether further consideration is warranted down the track.

I refer to the incentive to desex companion animals. The Minister stated that more than 90 per cent of owned cats and 61 per cent of owned dogs

are already desexed and that financial incentive is given to desex companion animals. The benchmark lifetime registration fee indicated in the Minister's second reading speech was \$35 for a desexed animal and \$100 for an entire animal. A retired man told me that it cost him \$85 to have his male dog desexed. I do not know the going rate for desexing a male dog but one must shop around. The difference between the lifetime and the benchmark is about \$65, according to the Minister's figures, and if the going rate is \$85 the incentive to desex an animal is diluted. I hope that following the passage of this bill fees to desex companion animals will fall as a result of competition. I hope also that the RSPCA and similar organisations concerned about animals will ensure that their fees for desexing companion animals are reasonable, particularly for pensioners. With those few remarks I support the bill.

Mr GLACHAN (Albury) [10.12 a.m.]: I shall be brief because many honourable members have already spoken on the bill and most of the important issues have been raised. However, I shall highlight a few points. I understand what has motivated the Minister to introduce this bill. There is certainly a need to constructively and sensibly control the behaviour of unwanted cats and dogs in the community. In many cases the biggest problem is trying to control the owners of the animals rather than the animals themselves. Many irresponsible people buy a pet on a whim. They walk into a pet shop, see a group of puppies in a pen, buy one, take it home and within six months find that their children are not interested in looking after that animal, which is left to roam around and be a nuisance to neighbours and the community.

A more responsible attitude must be taken towards the ownership of animals. Recently a friend of mine decided to buy a dog for his young child because he thought it would add to the quality of his family life. He went about purchasing the dog in a sensible and proper way. He ascertained the size of the animal appropriate for his backyard and ensured that the fences on his property were secure so that the dog would not wander onto the street and get run over or be a problem to neighbours. He made extensive inquiries and considered the type suitable for his child. He finally settled on one and had it inspected by a veterinarian to ensure that all the necessary vaccinations were given. The community needs that type of responsible pet owner. However, many do not go to that trouble; they buy a dog or cat on a whim and then cannot be bothered to look after the animal properly. Any dog on the street must be on a lead, however, dogs are often on the streets unleashed and uncontrolled. The enforcing of the existing law poses a considerable problem for

councils, yet measures must be taken to enforce the law.

Anyone with an understanding of cat behaviour knows how difficult it is to restrict or control them. How does one keep cats contained? Only by making their lives miserable. One can contain a dog with fences but cats can easily climb over fences and, from my experience, they wander long distances from home, causing many problems. Even the most placid and loved family cat can decimate native birds and little can be done to prevent that. My family has had cats that we have loved dearly but which have wanted to return that love by bringing home birds and laying them on the back steps to show us their prize.

In rural areas throughout Australia feral cats are decimating wildlife and native birds and causing havoc. In the bush it is the survival of the fittest and the biggest, most aggressive and skilled hunters survive. Feral cats are becoming more aggressive and as time goes on will become a significant problem for all Australians. They do not have a natural predator to keep them under control; they are the kings of the bush and they will continue to cause enormous problems. It has been said that microchipping may be a bad thing because the cost of it may restrict the opportunity for some people to own companion animals. I take a different view. The cost of microchipping may mean that only responsible people who are prepared to properly care for their pets will pay for the microchipping. This could well be a good thing.

I am concerned about some definitions in the bill that relate to the behaviour of cats, in particular. It is difficult to find the right terminology for controlling the behaviour of cats and this bill does not go far enough. I appreciate that the Minister has had considerable consultation and put a lot of time and effort into the drafting of the bill in an effort to get it right, but I do not think it does the job. It should be withdrawn and improved so that legislation can be introduced that will address the proper control of cats and dogs in our community. The honourable member for Wallsend referred to the importance of desexing those animals that are not required for breeding purposes. Too many unwanted animals are reproducing and thereby exacerbating existing problems. Although I agree with the aims and objectives of the bill, I believe it is deficient. I hope that at some future date the Minister will reconsider the matter and introduce a bill that meets the needs of the community.

Mr BLACKMORE (Maitland) [10.20 a.m.]: In my contribution to the debate on the Companion

Animals Bill I want to pass on to the Minister for Local Government a number of suggestions made to me by Ms Karen Rakusan concerning the breeders licensing system. She has suggested the breeders licensing system be implemented as follows:

- (a) An interim breeders licence be required for the production of one litter, one licence per person to be issued every five years at a nominal cost of, say, \$20.
- (b) A hobby breeders licence be required for the production of two to five litters per year at a nominal cost of, say, \$100 to cover the costs of inspection of the premises by local council officers. The applicant to have performed eight hours volunteer work at a council pound or recognised animal welfare shelter. Minor breaches be dealt with by SEINS—the self-enforcing infringement notice scheme, administered by the New South Wales police—and serious breaches by prosecution and immediate suspension of licence; and
- (c) A commercial breeders licence to be required for the production of more than five litters per year, the licence application to be accompanied by a letter substantiating that the applicant has fulfilled 40 hours as a volunteer worker in either a council pound or recognised animal welfare shelter.

It must be acknowledged that supply equals demand in relation to cats and kittens. In my view, a comprehensive education program must be put in place. I believe that the Royal New South Wales Canine Council should be approached to allow the exhibition of purebred desexed dogs, as is currently acceptable by the New South Wales Cat Council. The sale of dogs and cats from pet shops and markets should be prohibited, to reduce impulse purchases. Honourable members who have children know all about impulse purchases. There is nothing more attractive to young children than a kitten or puppy, and if a kitten or puppy licks a child's hand the child invariably wants that animal.

My principal concern—and I have raised it with the Minister—relates to the potential for more incidents such as one that occurred in 1994. A constituent of mine was exercising her dog, a small toy breed, in a public area when another woman walked past with a much larger dog. The larger dog broke away from its owner and attacked the toy dog. My constituent bent down, picked up the dog and held it above her head. In the process she was attacked by the large dog and sustained serious injury. The muscle in her arm was completely torn away. Subsequently the matter proceeded to court and the owners of the larger dog were fined. The amount, including general damages and interest, was \$86,000.

The people against whom the judgment was made filed for bankruptcy and my constituent, who was seriously injured, is out of pocket and faced

with numerous medical expenses. Because of her fear that a dog might attack her, she is unable to go to any public place unless she is accompanied by her husband or her son. I wrote to the Hon. John Hannaford, the former Attorney General, in 1994, and I have written to the Premier and to the Minister for Local Government. The Minister has indicated that it would not be financially feasible to establish a compensation fund and that it would be beyond the resources of most councils to devote funds to dog control matters. He went on to say that although he can appreciate the very real difficulties involved, in all the circumstances a general compensation fund for victims of dog attack is not considered to be a practical proposal at this time.

I am concerned that the House is debating yet another bill of this type. We have been kicked from pillar to post by local councils who say the Dog Act is administered by local councils, but month after month we hear of savage dog attacks on people, young and old. I believe that a dog is the only animal in respect of which victims' compensation is not payable. People such as my constituent have been left financially out of pocket through no fault of their own. I believe there is a flaw in the Companion Animals Bill. I do not blame the Minister for Local Government; I say the matter should be examined, whether by the Attorney General's Department or by some other ministry, and that something should be included in the Companion Animals Bill.

I have grave reservations about this issue. I have compiled a very comprehensive file on my constituent only to find that today honourable members are being asked to vote on this legislation. I am not confident that my concerns and those of my constituent have been addressed. I do not want someone else to suffer the misfortune that my constituent suffered. I do not want a young child to be viciously attacked. The legislation deals with contributory negligence, and that is fine, but there is nothing to stop owners of such dogs doing what happened in this instance, declaring themselves bankrupt. The precedent has been set and I believe we have a moral responsibility to ensure that compensation is available for any future unfortunate victims of similar attacks.

Mr GAUDRY (Newcastle) [10.26 a.m.]: Yesterday I listened to a great deal of the debate on this legislation and there is no doubt that the views expressed by honourable members reflected the views of their constituents. We heard many dog- and cat-owner stories.

Mr Fraser: Talk about the possums.

Mr GAUDRY: It has nothing to do with the possums. As the honourable member for Maitland said earlier, most of us have children and pressure is often exerted on parents to buy a puppy or a kitten that their children have seen in the pet shop window. A great deal of responsibility accompanies such a purchase, however. Education in pet care and an understanding of the needs of animals are very important if people are to have animals that do not cause problems for other members of the community or, as was pointed out by the honourable member for Tamworth and others, impact on the environment.

I recall the honourable member for Lakemba talking about the damage to the Wolli Creek area and the destruction wreaked on that area by domestic cats, some of which have become feral. For many reasons this is very important legislation. I congratulate the Minister for Local Government on the extensive consultation that took place prior to the introduction of the legislation. As a number of honourable members noted, the bill follows the green and white paper phase. An opportunity was provided for individuals and members of animal preservation societies—the people who are involved most directly in cleaning up the difficulties that arise from irresponsible pet ownership and pet care—to have input into the legislation.

Some dramatic statistics were laid before the House yesterday relating to the 80,000 domestic pets euthanased in New South Wales last year. That is an indictment of the present lack of pet care or the irresponsible approach to ownership of domestic animals. It demonstrates a need for legislation and community education. It is probable that an irresponsible attitude has allowed this situation to develop, and action must be taken to change that irresponsible attitude.

I congratulate the Minister for Local Government on the inclusion of clause 12 in this bill. It relates to an owner's responsibility while his or her dog is on private property. I raise this particularly bearing in mind one of my constituents, who for three years has experienced what I can only term harassment by a dog owned by another person and kept on common property between their houses. The constituent, who has a rental property, became aware that tenants were having difficulty achieving access through this common right of way to park their vehicles. The neighbouring property owner attempted to fence off the property. That led to some proceedings in community justice centres and potential legal action regarding the right of way. Ultimately the constituent found that tenants were experiencing difficulty gaining access to their

properties at the back of these two houses because the neighbour purchased a large dog that was allowed to roam the common property, harassing the tenants as they attempted to use the access.

In an attempt to do something about this problem my constituent first sought assistance from the local council. He thought that the council could use the provisions of the Dog Act to find a solution. However, the council told him that it had no jurisdiction over private property, even though that private property was common to the two homes. I made many representations to the Minister for Local Government on behalf of the constituent, who was concerned not only about the infringement of his civil rights and restriction of access through the right of way but also that the dog was harassing tenants and might physically attack them. However, there seemed to be no way that authorities could intervene. I am pleased that that problem is addressed by clause 12, which provides:

- (1) A dog on private property must be securely confined whenever it is not under the effective control of some competent person.
- (2) Private property is any property that is not a public place.
- (3) A dog is securely confined only if it is confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully on the property concerned (not including occupiers of the property).

I am sure this clause will put the tenant seeking access through common property in a position where he will have the law on his side, for it provides for confinement of dogs on private property to prevent harassment of persons on that property. I congratulate the Minister on that provision. I have listened to honourable members from both sides of the House emphasising not only the commonality of pet ownership but the difficulties in dealing with infringements by domestic pets of the liberties of neighbours as well as pets attacking, injuring and destroying other domestic animals and particularly wildlife. For about 30 years our family had German short-haired pointers, which are fantastic not only as hunting dogs but as domestic pets. However, because of their strong hunting instincts, they are not the sorts of dogs that can be allowed to roam. In a wildlife area they would certainly seek out and chase any wildlife.

Mr Fraser: Like possums.

Mr GAUDRY: Absolutely. They would chase possums or any other animals in recreation areas or national parks. Of course cats, being natural hunting animals, whether domesticated or not will hunt and

kill bird life in domestic gardens. This bill has many provisions that will ensure responsible pet ownership while recognising the important role that domestic animals play as companions, particularly for the aged and the children of a family. They provide children with not only companionship but a means of learning to care for and train their animals in a responsible way, and make the whole family aware that owning animals is not all play but that responsible actions must be taken as well. I congratulate the Minister on the bill and the extensive consultation associated with it. I was rather disappointed that the debate has shown that some honourable members have taken a negative approach to this legislation. Instead, they should have been expressing support for these measures, commending them to the community, and thereby ensuring the welfare of the animals and enhancing the part that they play in families and communities.

Mr SMITH (Bega) [10.36 a.m.]: I wish to speak on the Companion Animals Bill, but in doing so I should say that it surprises me that, when there are so many other important issues to be debated, today we are to spend many hours of the Parliament's valuable time debating legislation that is quite draconian and restrictive of pets and those who wish to own pets. There are many problems in our community that must be addressed—our hospitals have huge waiting lists, and women are being bashed in their own homes—yet here we are debating legislation which is excessively restrictive of companion animals.

One of the main problems with the bill is that it will not meet with compliance by the community. Any legislation that does not have the compliance of the general population is bad law. This is a stupid bill. It simply will not work, and that is the basic reason that I will vote against it. I understand the Minister's desire to restrict cats a little more than they have been. However, the bill will not achieve its stated aims, and the Minister knows that. A serious fault of the bill is that some of its measures which would more appropriately relate to dogs will be applied in respect of cats, the assumption being that cats behave the same as dogs. That is a fallacy, and that is why this legislation will not work.

I would like to give the House an outline of the electorate of Bega. Over a number of years it has developed into a major retirement area, particularly for people from Melbourne and other parts of Victoria. These retired people seek out seaside places such as those in the Bega electorate. Generally, they are about 55 or 65 years of age when they arrive in the electorate, and unfortunately in many instances it is not long before one of the

partners is lost and the family pet becomes the focus of the love and attention of the surviving partner. Companion animals are very important not only to the elderly but also to families with young children. It is great for families to have pets. I think families that do not have pets miss out on the joys of pet ownership.

The legislation specifies that cats, as well as dogs, have to be controlled at all times. Anyone with any experience of cats would know that is almost impossible. The only way to control cats at all times would be to lock them in the house, and I would not like to see that happen, for the sake of the cats or their owners. A cat cannot be tethered like a dog; if a cat was tied up it would probably strangle itself. The only other option would be to build a fence—but cats find fences a challenge and could quickly escape over almost any fence. I do not know how practical it would be to microchip or tag cats, but it is worth trying. I do not know what effect it will have. Under the provisions of the bill, if someone finds a cat outside the property of its owner, draconian penalties will be imposed. Most people cannot keep cats within the boundaries of their property and it would be incredible to fine them. The worst provisions of the bill are contained in clauses 21(1) and 31(1). Under the heading "Action to protect persons and property against cats", clause 31(1) provides:

Any person may lawfully injure or destroy a cat if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death or for the prevention of damage to property.

I do not know what will be included in the regulations, but I would like to present the House with a picture of the worst thing that could happen. A cat that cannot be contained within its own boundaries decides to go next door. A dispute already exists between two neighbours over other issues. The cat scratches on the neighbour's screen door, the neighbour comes out with a garden spade and gives the cat a good clip over the head with the spade. Under this legislation that person would be indemnified for killing his next-door neighbour's cat. It is unbelievable. Other legislation that has been passed by this House relating to serious offences does not impose the sorts of penalties that this bill contains.

Mr Jeffery: That is one way to spade a cat.

Mr SMITH: Spading, yes. I will refer now to some of the proposed penalties. The penalty for an owner failing to clean up after his dog will be increased from \$75 to \$200. The penalty for failing to comply with dangerous dog control orders will

increase from \$1,100 to \$2,200, the fine for failing to comply with a destruction or control order will increase from \$1,100 to \$2,200, and the penalty for owning a dog when disqualified will increase from \$1,100 to \$2,200. Only last week honourable members heard that if the youth of our State carry knives and are seen to be in a position to threaten somebody they will be fined no more than \$500. The penalties proposed in this bill are quite inequitable. This Government has a habit of introducing laws that will not be complied with.

For the record, I own a cat and a dog. My family enjoys having pets in our house and around our property. Both the dog and the cat are desexed. I would encourage everyone to have their animals desexed as they make better pets, particularly male dogs. It takes the venom out of them and they are less likely to attack people or other dogs. In the past I have trained many sheepdogs. Unfortunately, many people who own pets do not understand the psychology of their pets. They do not train their dogs. They often receive one as a gift or decide to acquire one. However they do not bother to find out some of the available avenues for learning to keep dogs of various breeds under control.

The honourable member for Tamworth said that cats are destructive to wildlife and birds. This legislation reeks of the typical ill-considered legislation of the National Parks and Wildlife Service. The bill makes no reference to what the National Parks and Wildlife Service is going to do about the feral cats that roam the national parks and wilderness areas destroying all the things that those people so righteously say they are protecting. I would like to know what the National Parks and Wildlife Service proposes to do to get rid of these wild dogs and cats. If the Government wants to protect our endangered species it should come down hard on the National Parks and Wildlife Service for neglecting its duties and not managing the parks. I have said previously that the service manages the parks by neglect.

The National Parks and Wildlife Service has certainly had an input into this legislation. I hope the people involved in the service get their just desserts when other legislation is introduced and they have to get rid of the cats, dogs and pigs that are destroying our national parks. I do not support the Companion Animals Bill. It is unworkable. The Government should withdraw it and go back to the people with whom they say they have consulted. Honourable members know the Government has not consulted, as those people are writing to us. The Government should introduce legislation that is practical and

make sure that people who own dogs and cats do not become de facto criminals. The bill cannot work.

Mr PEACOCKE (Dubbo) [10.48 a.m.]: I did not wish to get into the middle of a big dogfight. I can assure the Minister for Local Government that if this legislation is passed the greatest cat and dog fight known to man or beast in this State will be in store for us. Let me preface what I want to say with a few facts. Years ago I owned a bloodhound. The neighbours' small cat, not knowing the feeding frenzy of bloodhounds, came in to my property and tried to eat the dog's food while the dog was eating. Unfortunately, the dog ate the cat. That led to years of conflict between my neighbours and me, although I had nothing to do with it. However, that is just a fact of life. The Minister for Local Government, my old friend and colleague, is normally a very sagacious fellow. I am surprised that he would introduce a piece of legislation such as this without thoroughly studying the probable reaction of cat lovers and dog lovers. It is not often that people love both, but it does happen.

Whilst I appreciate the general thrust of the legislation I understand from one of my colleagues that when the Minister was young his mother tied a chop around his neck so that the dog would be fond of him, and I understand that is when his great love for dogs began. On a more serious note, I can see the point of this legislation because a number of animals are mistreated by people who are not fit to own any kind of pet—dog, cat, bird, or anything else. Cats are certainly responsible for the destruction of a great deal of wildlife throughout this country, birds in particular. I shall comment on the substance of the legislation, and in particular clause 12, which relates to an owner's responsibilities while a dog is on private property. Subclause (1) of clause 12 states that a dog owner must ensure that a dog is securely confined on the owner's property. Subclause (3) provides:

A dog is securely confined only if it is confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully on the property concerned . . .

That does not include the owners of the property. That would mean that the dog would have to be on a chain night and day. Many of us who own dogs have them for the purpose of protecting our properties against intruders, amongst other things. I happen to have a dog whose name is Henry, and he is a great dog. He is in the backyard, well and truly secured by fences, and he does not get out. He is in our backyard not only because we like him—he has been our children's pet for many years; he is very

gentle with people he knows but not so gentle with those he does not know—but to deal with intruders.

Commonsense tells the meter reader from the electricity authority not to come into the backyard unless he lets us know so that we can put Henry where he will not take offence at the meter reader. The dog is there for a specific purpose. It will attack intruders because it is very territorial, and that is one of the reasons I own the dog. Thus far thieves have been deterred from intruding on my home. People who own dogs have much less chance of intruders entering their properties than those who do not. This provision makes it a serious offence if the dog does what it is supposed to do: attacks or chases a person on the property. Admittedly, the subsection states "lawfully on the property". People should be aware of dogs in backyards, and most people who are lawfully on a property find out. This dangerous provision should be omitted from the bill. The second provision that I take extreme exception to is clause 16(1), which provides:

If a dog rushes at, attacks, bites, worries or chases any person or animal (other than vermin), whether or not any injury is caused to the person or animal, the owner of the dog is guilty of an offence.

Clause 16(2) provides for defences to that offence. This sort of situation will be difficult to cope with in the courts, because most dogs are trained to bark or to at least make partially offensive noises to get rid of intruders. If this legislation is passed, the owner of a dog could be guilty of a serious offence if the dog barks at a person on the street. I also take exception to clause 20. Subsection (1)(b) provides that a dog is a nuisance if the dog:

makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises . . .

That is a problem area as well. If persons in other premises are disturbed by a dog barking at intruders, under that subsection the owner could suffer serious consequences. But more importantly, clause 20(2) provides in part:

If an authorised officer of a council is satisfied that a dog is a nuisance, the officer can issue an order to the owner of the dog requiring the owner to prevent the behaviour that is alleged to constitute the nuisance.

There is no appeal from such an order. I have to say from my own personal experience with my dog Henry and with the bloodhound that ate the cat the local council officer did take a dislike to both Henry and the previous dog, whose name was Major.

Mr E. T. Page: Major Henry.

Mr PEACOCKE: He was a major part of my life. In any event, I would not have been able to rely on the inspector to be impartial when deciding whether my dog was a nuisance. In those days the dog was occasionally on the street—we did not have secure fences as we have now—but the dog catcher could never catch him because he was too smart, and that was an attack on the dog catcher's self-respect. The legislation does not allow for an appeal from a declaration by an authorised officer that a dog is a nuisance, and that issue needs to be addressed. Another important part of the legislation is contained in clause 23, which relates to liability for injury to a person or damage to clothing. Subclause (4) of clause 23 provides:

This section does not affect the liability apart from this section of any person for damage caused by a dog.

What does that mean? For example, my dog caught an intruder in the backyard at one stage and he—

Mr E. T. Page: Common law rights, Gerry.

Mr PEACOCKE: In any event, I do not believe the provision has been accurately drafted. If a dog does what it is trained to do—that is, to deter intruders from going into the yard—the clause provides for exemptions. But subclause (4) creates other problems if something happens to an intruder on the property. I refer now to clause 29, which relates to cats. I have never known a cat to attack a person. If it did, I imagine it would do it only once.

Mr E. T. Page: Have you ever seen a feral cat?

Mr PEACOCKE: I have never been attacked by a feral cat. I had a 23-year-old cat that had never attacked anything but feral animals and birds. In my backyard was a fishpond and the kingfishers used to come and take the fish, which upset me greatly. One day an ibis came into the backyard to go after the fish. Surprisingly enough, the 23-year-old cat went up to attack the ibis and grabbed it around the leg. The ibis just went on eating fish because the cat was not very strong. Then my dog, which did not like the cat and was not too keen on ibis either, came up to chase the cat and knocked the ibis into the fishpond. The ibis did get out of the pond and get away.

The Animal Societies Federation, the World League for Protection of Animals and various other organisations have written to express their opposition to this bill, and have presented good and

cogent grounds for their opposition. Criticism has been made of the proposal to implant microchips in dogs. Some Asian friends of mine who are very fond of dogs have asked what happens if a microchip inadvertently gets caught in the throat. Those who show dogs professionally object very much to the proposal to implant microchips. They claim that would disfigure their dogs and they point out that their dogs are clearly identified, in the same way that greyhounds are identified.

In conclusion I return to the subject of my 23-year-old cat. One of its favourite activities was to wander into the neighbour's backyard and bask in the sun on the lawn. The neighbour did not like us because our dog had eaten his cat, so as a consequence he took an instant dislike to all our pets. My point is that under this bill if my old cat was lying on my neighbour's back lawn it could be subject to instant destruction by the neighbour if he decided to get even with us by doing away with the cat. I relate that possibility in such a dramatic way only to highlight the fact that the provision giving power to destroy other people's pets—maybe children's pets—is extreme and extremely dangerous. There are good points in this bill but the bill is mainly bad. I hope that people understand that there is more to cats and dogs than is provided for in this bill. They are pets and there are better ways for controlling them.

Mr MacCARTHY (Strathfield) [11.03 a.m.]: I shall not take all of the time allowed to me because many of the points I would have chosen to highlight have already been made, eloquently by some and humorously by others such as the honourable member for Dubbo. I do not need to repeat all that has been said. There is no doubt that the current legislation needs to be updated. However, the Opposition cannot support this bill in its current form. Several flaws in the bill need to be addressed. The Government should have introduced the provisions relating to dangerous dogs long ago. I recall agitation for amendments along these lines about three years ago, before I was elected to Parliament. I am all too aware of the problems that can be caused by dangerous dogs. A young friend of mine, a child, was attacked by a dog and severely scarred. Fortunately, his scars are not too bad now. As a child my wife was bitten on the face by a dog and she still bears the scars of that attack—again, luckily, her scars are not too bad.

The news media have presented numerous accounts of dogs attacking people. The cases of dog attack about which I have personal knowledge have, fortunately, been by relatively small dogs and the damage has not been too bad. An attack by a pit

bull terrier, a rottweiler or another large dog, particularly on a young child, can result in horrific problems. As I have said, provisions designed to prevent dog attacks should have been introduced long ago. The bill in its entirety has too many problems to be supported in its present form. The penalties proposed are draconian, the restrictions on pet owners are unworkable in many cases and the bill confuses dogs with cats.

I do not own a dog or a cat, but I realise that dogs and cats are an important part of many families. Indeed, some families treat their dogs better than they treat other members of the family and better than they treat their neighbours. The point has been well made that to many people, including the elderly, the infirm and the sick, dogs and cats can be a source of great comfort. There is need for legislation that defends the right of people to own companion animals and defines owners' responsibilities. Of course, the real issue that ought to be addressed by legislation is not the problem of dogs and cats themselves but that of irresponsible owners. Animals are not responsible; it is the owners that are responsible for their care.

One of my concerns with the bill relates to the desexing of animals. In this debate honourable members have heard a great deal about feral animals, particularly feral cats, and the need for the desexing of animals. The Minister's second reading speech makes reference to lower registration fees for desexed animals. However, the bill does not contain specific provisions for the desexing of animals. The overview of the bill states that the bill provides for compulsory identification and registration of companion animals, responsibilities of owners to keep their animals under proper and effective control, special arrangements for dangerous dogs, liabilities of the owners of dogs, and so on. There is nothing in the overview of the bill about the desexing of animals.

I gather that provision is to be made by way of regulation, but can honourable members trust the Government when it comes to making a provision by way of regulation? Can the Government be trusted to get that right? I believe not, and I believe that it ought to be an object of the bill that animals other than those required for breeding should be desexed. The organisation known as CATS, Cats Assistance To Sterilise, has highlighted the concept of sterilise and return to home. The organisation points out that cats are very territorial animals that roam and that if a feral cat is caught and killed that simply leaves room for other cats to breed and take up that territory. The Government should consider that concept. I wish to draw the attention of

honourable members to a few of the flaws in the bill. I have already said that the bill makes provision for draconian penalties. Clause 12 relates to an owner's responsibilities while a dog is on private property. Clause 12(1) states:

A dog on private property must be securely confined whenever it is not under the effective control of some competent person.

Clause 12(3) defines "securely confined", and states:

A dog is securely confined only if it is confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully on the property concerned (not including occupiers of the property).

How does one prevent a dog from chasing or attacking someone? "Prevent" means "make it impossible", which suggests that a dog must be secured in a cage. In other words, the legislation provides that a pet dog must be tied to a small leash so it will not attack people when its owners are not home. Therefore, a pedigree chihuahua must be secured on a leash to guard against the possibility of it attacking a person who unlawfully enters its yard. That is a ridiculous concept and one of the many flaws contained in the bill. The honourable member for Dubbo referred to the definition of "nuisance dogs". The clause that relates to noise is subjective—it states, "unreasonably interferes with the peace". People who live in a neighbourhood with a high incidence of intruders will have good watchdogs that will make a fair amount of noise. What is reasonable?

Clause 23 relates to the liability for injury to a person or damage to clothing. I agree with that clause. However, it does not cover the reasonable circumstance of a dog attacking a person who is unlawfully on property. I refer also to people, particularly women, who take their dogs with them for protection when they walk and jog. The instance of a dog biting an attacker in such a situation is not covered by the bill. Therefore, if a woman was attacked and her dog defended her she could be liable for damages to the attacker. The bill does not provide for an exception in that circumstance. Cats are to be prohibited in certain public places. How does one confine a cat? How does one stop a cat from jumping out of one's yard? If a cat goes within 10 metres of a children's play area the owner will be penalised. These are only a few of the problems I see with the bill.

The bill tries to suggest that dogs are the same as cats; it contains many similar provisions for cats and dogs. Another honourable member referred to the well-known logical fallacy to which Sir

Humphrey drew attention, and which seems to have infected the Government—that is, a dog is a four-legged animal and a cat is a four-legged animal; therefore, a cat is a dog. The Government has introduced similar provisions for dogs and cats. A number of members have referred to the licence to kill. Under clause 31 a person is able to injure or to kill a dog or a cat under certain circumstances, some of which are valid. However, the clause must be reviewed.

Clause 31 suggests that if a cat comes into my yard and rushes at a lizard—such as a gecko as long as my finger—I am legally justified in braining it with a spade or a lump of wood, or in kicking it to death. I understand the purpose of the clause and in certain circumstances it is reasonable. If I found a cat attacking a rare native animal I would have no problem killing it to protect the native animal. However, the provision must be more clearly defined otherwise it will give a licence to kill to sadistic people—dog haters and cat haters. It will be a licence for people to take revenge on their neighbours over imagined slights.

Local councils are worried about the revenue implications of this legislation, which are not set out in the bill. Apparently councils have been told that instead of getting their annual registration fees under the present system they will get \$5 from a proposed lifetime registration fee. The Minister has apparently said that councils will be given permission to put an extra charge on other households, but is that reasonable? If a person does not own a dog or a cat should he be charged extra to pay for another person's dog or cat? It is not fair.

I refer to the \$550 and five penalty units contained in the bill. People can be fined for failing to tell someone that their dog has died; for failing to securely confine a dog on private property—that is, failing to tie it on a one-metre leash—or for failing to have a dog on a leash in public. I recently saw a fellow jogging with his lovely labrador. The dog had a leash on it—the only problem was the dog was holding it in its mouth. That man would be fined \$550 under this legislation. A \$550 fine will be imposed on people if their cat chases a lizard. Honourable members are aware that the Government is to impose a \$550 fine on people found carrying a knife.

The Government is suggesting that the offence of a cat chasing a lizard is the same as the offence of a person carrying a knife—that is certainly not my idea of a reasonable set of penalties. In conclusion, this Government needs to revisit the legislation. All honourable members agree that there is a need for this type of legislation and that many

sections of the bill are worthy of support. However, the current bill contains too many flaws. It should be left on the table, looked at again and sorted out. The Government should then introduce a bill that can be supported unanimously by the House.

Mr KERR (Cronulla) [11.16 a.m.]: There is a dramatic need for this Government to re-examine the bill. The Minister for Local Government said that he has received 10,000 submissions. However, many people had not heard about the bill before it was introduced in the House and then received substantial publicity. It is impossible to overemphasise the impact of this legislation. Other members have said that there are 1.2 million dogs and 860,000 cats in this State, and that 42 per cent of homes have a dog and 31 per cent of homes have a cat. The bill will have a substantial impact on people in my electorate. The honourable member for Gosford said that a pet represents unconditional love for many people. No matter what has occurred during their day, when they go home their pet welcomes them and makes them feel better.

This bill does nothing to address the problem of the 80,000 animals that are put down each year. Where does the bill provide for education? Where is the incentive for responsible ownership of pets? Where does it examine best practice overseas in relation to animal welfare? This landmark legislation could have been used to bring about substantial changes for the better. As many Opposition members who have addressed the bill have said, pet management must be improved in this State. There is a crying need to protect the public from irresponsible owners. Something must be done about the wanton abandonment of cats and dogs, which is occurring even as I speak. However, this bill neglects and abandons this worthwhile reform.

A pet owner can incur a penalty of thousands of dollars under clause 30 of the bill. The speech of the honourable member for The Hills was interesting. A cat owner would incur a penalty if his cat went next door and dug up a garden but the owner of that property would be protected from civil or criminal consequences as a result of any action he took against that cat. The honourable member for The Hills said:

For many lonely or elderly Australians pet ownership enhances their quality of life and achieves significant health benefits, such as lowering blood pressure and providing 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 friendship bond between her son and his pet.

That situation would apply to the many pet owners in the State. Therefore, the Government should rethink this legislation. The Government is inflicting penalties that are far more draconian than those for the carrying of a knife or other weapon. The community understands that many people have a need for a pet. The Carr Government is showing that it is tough on pets and tough on the causes of pets.

Mr R. W. TURNER (Orange) [11.21 a.m.]: I would like to be able to support the Companion Animals Bill, which contains a number of good intentions. However, it would not be accepted by the average dog or cat owner. Certain dogs, such as rottweilers, have to be kept under control. Cats also need to be kept under control because of the damage they cause if they become feral. On my way to Parliament this morning I read the *Mosman Daily* dated 21 May.

Mr O'Farrell: The workers' paper?

Mr R. W. TURNER: Yes. A letter to the editor puts this matter into context. A lady wrote about dogs and referred to their roaming the streets for many years. Although the writer does not advocate a return to previous conditions, she stated:

However, as far as I know, no-one contracted any hideous disease from being exposed to dog faeces. Dogs slobbering over bubblers is rather revolting but most dog owners have had the odd unasked-for lick on the face—it even happened to Don Burke on national TV.

Mr Jeffery: Did the dog die?

Mr R. W. TURNER: I do not know, maybe it did. The letter continued:

Maybe there are hospital wards full of suffering children who were unfortunate enough to have played on a swing on which a dog had urinated . . .

I believe in the Kirribilli area at least most dog owners are abiding by the law. The streets certainly seem cleaner to me. Even though I do not have a dog at the moment, we need our pets. We are nicer people for having them.

Just because there are a few inconsiderate people doesn't mean everyone should be punished.

I will not read the remainder of her letter onto the record. Honourable members have received many letters from different lobby groups. I received one from Animal Liberation. After the mauling that group gave me regarding my poultry farm—it sought to destroy me; fortunately it did not succeed—it had the audacity to send me a letter addressed "Dear Mr Turner" seeking my support for the Companion Animals Bill. Because the extremists

of Animal Liberation do not believe that we should keep any pets in captivity for any reason it is sheer hypocrisy that they now support the Companion Animals Bill. Unfortunately, a lot of this draconian legislation will have to be administered by local government if it is passed. However, I have not heard honourable members raise concerns about how local governments will fund the enforcement of this legislation and manage the extra responsibilities incurred. Quite often local government cops the flak. The Local Government and Shires Associations of New South Wales' "Weekly Circular" referred to the confusion regarding the intent of the legislation and how it will be financed. The document dated 8 May stated:

The Minister has acknowledged the costs of the new arrangements to Local Government. It is expected that the majority of the funds for implementation will come from dog and cat owners via registration fees.

Page 55 of the bill states:

Part 10 Companion Animals Fund

84 Establishment of the Fund

- (1) There is established in the Special Deposits Account an account to be called the Companion Animals Fund into which is to be paid:
 - (a) registration fees and all other fees paid under this Act.

We need to clarify whether the local councils or the Government will get the registration fees. Is this to be another tax for the State Government? Will it end up like the Builders Licensing Superannuation Fund, from which the Government has milked \$180 million? I seek an assurance from the Minister as to where the registration fees will go.

Mr E. T. Page: You seek an assurance?

Mr R. W. TURNER: Yes, will the Minister let me know where the registration fees will go? Some local governments think that they will get it but that part of the bill suggests that the Government will get it. We need to do something to control the number of feral cats and animals. A lot of pre-loved cats have been dumped in the bush. Honourable members have referred to pets given as Christmas gifts that are dumped in the bush and strays that end up in the bush. Those animals become feral. In the early history of Australia cats and foxes ravaged our wildlife and almost eliminated bilbies, potoroos, numbats and wallaroos. Feral animals have destroyed millions of nocturnal animals and some species have become extinct.

We have tried to re-establish colonies of animals that formerly roamed Australia so that they can be reintroduced into the bush. I congratulate Dr John Walmsley from South Australia. As a councillor of Orange City Council I had the pleasure of visiting his earth sanctuaries, one at Yookamurra and another at Warrawong. In the Adelaide hills he has fenced off one 10,000 hectare sanctuary and another 1,000 hectare sanctuary. He has been successful in re-establishing endangered animals. I was impressed with his projects; and Orange council is in the first stages of establishing an earth sanctuary on the outskirts of Orange. It has demolished a pine forest and used the proceeds to fence off 200 acres.

Mr Scully: You are a tree hater, an environmental vandal.

Mr R. W. TURNER: No, it was pine forest, not native bushland; they were farmed trees. We will re-establish that area and reintroduce native animals. For the first time children will be able to see animals they have seen only in books. I am concerned that these provisions will impose extra costs on councils, especially Orange City Council. I ask the Minister to detail how the moneys collected in registration fees will be spent. I am concerned that councils will have to employ additional staff to administer the system and will incur additional costs in terms of purchasing the scanners to scan implanted microchips. I understand that the bill provides for a one-off levy to be imposed under the guise of an environmental levy or whatever councils may choose to call it. The Minister said that the Government will consider recognising additional costs in determining the rate pegging limit for 1999-2000, and that the undertakings given largely address the revenue aspects of the new legislation that were taken up with the Minister by the Local Government and Shires Associations. The legislation does not detail how the moneys collected will be disbursed to councils. It must be pointed out that 60 per cent of ratepayers do not have a companion animal or a pet.

Mr Scully: Why not?

Mr R. W. TURNER: They have made that decision, sadly, for many reasons. For example, it is not practical for people in home units and nursing homes to have pets. The bill provides for councils to impose a levy on ratepayers to meet any shortfall in the costs of the scheme. That means that a levy will be imposed on ratepayers who do not have a pet, and that is unfair. It is fair to impose a levy on ratepayers who own a pet, but to impose a levy on ratepayers who do not own a pet to meet the costs

of administering a scheme introduced by the Government, which wants to build a large coffer in Macquarie Street, is totally out of order. The imposition of such a levy will make the coalition's job of regaining government next year so much easier. I hope the bill is passed by the Parliament because people will be in an uproar when they realise the implications of it—how the scheme will be administered, how it will affect people in their day-to-day lives and the fact that the scheme will affect people who cannot afford to own a pet. Owning a pet costs more than the amount of the registration fee and the cost of having a microchip implanted.

Under this bill the only people permitted to breed dogs and cats will be registered breeders. People will no longer be able to get a loving dog or cat for free from a pet shop or virtually for free through an advertisement in a local newspaper. It will be impossible for people to get a pet other than from a registered breeder. That means that people will pay about \$100 for a pet that was free in the past, and they will have paid about \$200 once the pet has been registered and had a microchip implanted. I hope I am wrong but I do not think I am far off the mark.

As I said, I would have liked to support this bill. I support some aspects of it, but its restrictive and draconian provisions will create angst among ordinary people who for many years have owned pets as low-cost companions. I warn the Government that it must amend this bill before it is too late. Before long amending legislation will be introduced to try to make it workable, and by that time it will be too late because the Government will have created more enemies, just as it created enemies with other legislation.

Debate adjourned on motion by Mr Chappell.

ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [11.35 a.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Road Transport (Vehicle Registration) Act 1997 to enable

transfer of some regulation making powers from the Traffic Act 1909 and to make some minor amendments of a machinery nature. In December 1997 honourable members supported the introduction of the national registration scheme in New South Wales. The basic model for this scheme is the Commonwealth Road Transport Reform (Heavy Vehicle Registration) Act 1997 developed, with this Government's support, by the National Road Transport Commission. This scheme is designed to improve road safety and transport efficiency and to reduce the costs of the administration of road transport. These minor amendments will enable the legislation already supported to operate more effectively.

The amendments proposed are the transfer of some regulation making powers from the Traffic Act 1909 and some minor alterations of a machinery nature. It is proposed to transfer the vehicle standards and inspection regulation making powers from the Traffic Act to ensure that registration-related legislation is encompassed in the Road Transport (Vehicle Registration) Act 1997 and not just the areas covered by the basic Commonwealth model. This will integrate vehicle registration provisions in one Act and regulation. The Act also includes a minor expansion of regulation making powers to cater for existing anomalies such as the power to amend an error in the register and deeming notices of service as being served.

The other machinery amendments in the bill are minor in nature. For instance, minor amendments are proposed to include the ability to suspend the exemption provisions provided in the regulations. Other amendments include replicating the requirement in the Traffic Legislation Amendment Act for the Minister to consult before excluding areas from the application of the Act and an amendment to assist the operation of the written-off vehicle identification scheme. In addition, the opportunity has been taken to improve the operation of the Motor Accidents Act 1988. At the moment that Act allows cancellation of the compulsory third-party insurance policy covering a vehicle the registration of which has been cancelled.

As the national registration scheme provides for a period during which a registration must be suspended before it can be cancelled, it is now proposed that insurers should warn operators whose premium cheques have been dishonoured that suspension is imminent and that unless payment is made cancellation will follow. It is also necessary to introduce new terminology, taken from the national scheme into the definition of "owner" in the Motor Accidents Act. The term will include both registered

operators and owners. The result will be that both will enjoy full cover under the compulsory third-party policy. The amendments, together with the registration regulations to be made, will enable the national registration scheme for heavy vehicles and the light vehicle registration scheme, which is similar to the national scheme, to commence shortly. I commend the bill to the House.

Debate adjourned on motion by Mr Souris.

TRAFFIC AMENDMENT (PENALTIES AND DISQUALIFICATIONS) BILL

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [11.39 a.m.]: I move:

That this bill now be read a second time.

The purpose of the Traffic Amendment (Penalties and Disqualifications) Bill is to make our roads safer by implementing new and increased penalties for certain serious traffic offences. Adoption of the legislation will give effect to new penalties that aim to reflect the safety implications of the offences, decreases in real value of fines since the current provisions were put in place and increased community concern about road safety issues, particularly when driver behaviour is regarded as highly irresponsible. The increased penalties greatly enhance the deterrent effect of our road penalties and will help to improve road safety.

All motorists will be informed in loud and clear terms that those who commit serious traffic offences can expect tough penalties, and those who break the law repeatedly can expect even heavier penalties. The penalties were examined by the interdepartmental penalty review committee, which was set up by the Premier and convened under my supervision. The committee's membership included officers from the Roads and Traffic Authority, the Police Service and the Attorney General's Department. Many penalties currently in place for serious traffic offences have not been reviewed for more than a decade.

The Government is strongly of the view that the risk these offences pose to public safety are not adequately reflected in current penalties for some serious traffic offences. The New South Wales road toll has fallen steadily during the term of office of this Government. However, there is a risk of

complacency if strategies dealing with road deaths are not continually reviewed. More than 500 people died on New South Wales roads last year and each death was a tragedy. The Government is committed to doing everything possible to further reduce the road toll. For example, drink-driving is still a major contributor to motor vehicle accidents and was regarded as a major priority for review.

I shall draw the attention of the House to the key features of the bill. It is appropriate to explain that the intricacies of traffic law make a degree of technical complexity unavoidable in a measure of this kind. For the information of honourable members, I table the explanatory note contained in the bill. The bill deals first with negligent driving causing death or grievous bodily harm. All honourable members would agree that they are most serious offences. Maximum court-imposed fines will be increased and imprisonment terms will be lengthened. These offences will be termed "major offences" under section 10A of the Traffic Act 1909, thereby invoking an automatic period of licence cancellation and limiting the application of section 556A of the Crimes Act, which relates to the circumstances when a court may decline to convict notwithstanding that an offence has been proved.

Speeding has been shown to be a major factor in crashes. Not only does speeding increase the likelihood of a crash, it also increases crash severity. The community views high-level speeding as unacceptable driver behaviour. Roads and Traffic Authority statistics show that speeding is a factor in 38 per cent of fatal accidents. The maximum court-imposed fine for a speeding offence at the top of the range, that is, speeding in excess of 45 kilometres above the speed limit, will increase from \$2,200 to \$3,300. Traffic infringement notice penalties will double. For the next speeding offence tier, that is, speeding in excess of 30 kilometres per hour but not more than 45 kilometres per hour above the speed limit, the infringement notice penalty will be increased from \$345 to \$500 for light- and mid-range vehicles, and from \$517 to \$800 for heavy vehicles. There is no change to the maximum court-imposed penalty of \$2,200. A mandatory licence cancellation period of one month will also be imposed. Victoria has already a similar cancellation period. No change is proposed for the penalty for speeding up to 30 kilometres per hour above the speed limit.

I turn now to offences related to alcohol and drugs, which are factors in a high proportion of crashes, particularly serious crashes. Clearly the community does not tolerate drink-driving, as shown by the wide acceptance of random breath testing.

For prescribed concentration of alcohol offences, it is proposed to at least double the maximum court-imposed fines. The minimum disqualification period for either a special-range or low-range PCA offence will rise from, effectively, zero to three months. All other minimum disqualification periods will also increase by being doubled. For example, a high-range PCA offence under the new regime of penalties will be subject to a maximum court-imposed fine of \$3,300, a maximum term of imprisonment of 18 months and a minimum disqualification period of 12 months. Repeat offenders will receive heavier penalties. For drivers detected with a mid-range blood alcohol concentration of 0.08 per cent or higher, it is proposed to introduce an immediate licence suspension similar to the present provision for drivers detected with a high-range blood alcohol reading of 0.15 per cent or above. Drink-drivers detected in this range will not be allowed to drive before their court cases are heard.

The community knows that the legal limit is 0.05 per cent and the drivers in the examples just given would have been driving substantially above the legal limit. Swift action for those offences is clearly justified. Honourable Members should note that the proposed increases for PCA offences will apply also to other drug- and alcohol-related offences, which now attract the same penalties as PCA offences. Some examples are refusing a breath analysis test and wilfully altering the blood alcohol concentration. I turn now to the various forms of unlicensed driving offences for which increased penalties are proposed, particularly driving while disqualified, cancelled, suspended or refused by the RTA.

These heavy penalties apply when a court or the Roads and Traffic Authority has explicitly informed a driver that he or she must not drive. Heavy penalties are clearly justified in these circumstances. The driver licensing system exists to ensure that those who drive on our roads achieve a minimum acceptable level of competence before they take to the roads unaccompanied. Unlicensed drivers contribute to a disproportionately high level of accidents that result in death or serious injury. For a driver who has never bothered to obtain a licence, it is proposed to prohibit such a person from obtaining a licence for three years.

I turn now to the offence of failing to stop after an accident involving death or injury. This is highly irresponsible behaviour because the offender leaves the scene without giving assistance to other people involved, and attempts to avoid the possibility of a police officer laying serious charges

against him or her. The bill proposes that the maximum court-imposed fines, maximum terms of imprisonment and minimum disqualification periods be marked with due severity. Firm action and harsh penalties are needed for people who repeatedly commit serious offences. The community has clearly displayed its views that such irresponsible driver behaviour is not acceptable. An habitual offender scheme will be introduced. A court will declare a driver an habitual offender if the person has been convicted of three serious offences in five years.

Once declared, the driver will be disqualified from driving for five years unless the court orders a lesser period, which must not be shorter than two years. The court is required to consider the total driving record of the offender and the special circumstances of the case. The offences included in the habitual offender scheme are all serious offences, including offences under the Crimes Act, such as dangerous driving; Traffic Act offences of high-range PCA; drug-driving offences; extreme speeding over 45 kilometres per hour above the speed limit; driving while cancelled, disqualified, suspended or refused; driving without ever having held a licence; and other serious unsafe driving practices such as driving in a dangerous manner or menacing driving.

The scheme will provide for severe penalties, including the possibility of a gaol term, for those who drive while declared, and hence disqualified, under the habitual offender provisions. I shall promulgate regulations dealing with a number of other initiatives recommended by the interdepartmental committee and shall implement the traffic infringement notice increases to which I have referred. The Government is committed to making every possible effort to reduce the New South Wales road toll. These initiatives are designed to deter people from committing serious driving offences that put at risk the lives of ordinary road users and to reflect the seriousness of the community's view of those who repeatedly breach our traffic laws. I commend the bill to the House.

Debate adjourned on motion by Mr Souris.

COMPANION ANIMALS BILL

Second Reading

Debate resumed from an earlier hour.

Mr CHAPPELL (Northern Tablelands) [11.50 a.m.]: I congratulate the Minister for Local Government on his efforts to introduce legislation to deal with a serious and long-term problem that has

beset all of us as citizens, as neighbours, as pet owners and as members of Parliament. Over time, in one capacity or another, we have all been concerned about this issue. The Minister is to be commended for grappling with the problem. At the end of the day I do not support the bill as it presently stands, although I consider there is a great deal to commend in the legislation. I do not propose to traipse through the various reservations I have about the legislation. However, I will make some general comments which I hope the Minister will take on board when he responds to the Opposition's concerns about the bill.

I want to relate two stories that came to my attention last Monday before I left my office to catch the plane to Sydney for the sittings of the House. I recently performed the opening ceremony of a new centre, a cottage, for the Armidale family support group. While I was at the cottage I spoke to a man by the name of Allan Waters, the owner of the adjoining property, who was a guest at the opening of the centre and whom I have known for 38 years. For the whole of that time he has lived in the house next door to the cottage I was officially opening. Allan is a great scout. He was born physically handicapped but has battled through life. He worked as a labourer and boilerman at the University of New England. I first got to know Allan at the university when I worked there as pay clerk 38 years ago.

Allan is a lifelong supporter of the local Armidale rugby league club and he is an all-round good bloke, much admired and loved by all who know him. Allan told me a story that comes from a couple of years ago when he fell over one night in his home, where he lives alone. He could not be heard by his neighbours and he did not have his medical alert device with him. He lay on the floor on a cold winter's night for six hours; I understand the temperature was minus six degrees. Only his old bitser pet dog, which answers to the fairly common name of Patch, was aware from Allan's call that there was something wrong with him. The dog went out to the front of the house, stood underneath Allan's bedroom window and barked for some time. Eventually the neighbours, knowing that the barking was out of character, realised that something must be wrong. They found Allan injured, phoned his nephew and asked him to come and care for him. Allan was picked up, put back to bed and later recovered.

Given the circumstances of that evening, and Allan's inability to move because of his infirmity, he might have died. Allan and hundreds of others like him throughout the State depend on their companion

animals for comfort, safety and security. The last phone call I took before I left for the airport was from a gentleman from Tenterfield. He said, "For God's sake, when is someone going to do something about cats?" I said, "Interestingly, we are likely to have a debate in the House on that subject this week. What is the problem?" He said, if I may use a colloquialism, "Those bloody cats from next door are the bane of my life. Something has to be done about them." I told him I would send him a copy of the discussion papers that have been circulated in the community and agreed to raise his concerns when the legislation was being debated.

They are the two sides of the coin: a number of cats causing great distress to a neighbour, and a companion animal who became his master's saviour. Those two stories highlight the two aspects of the problem. If I correctly read the message in what has been said in this debate and what has been said on community radio stations during the past few days, the devil of this legislation is in the detail. People are concerned because they know enough about the legislation to be concerned, but they do not know enough about the regulations to appreciate that there are some aspects they do not have to be concerned about. However, there are perhaps other regulations they should be concerned about. People want to know the detail.

As members of Parliament we want to know, on behalf of our constituents, exactly what regulations will accompany this legislation, the impact they will have on local councils, the cost to councils, and the correct interpretation of some of the clauses. I will refer to one or two of those shortly. It is that type of detail that concerns so many people in the community. It goes without saying—and I believe the Minister will acknowledge this following the public expressions of concern, particularly on radio—that many people believe they and their pets are personally under threat. I hope they will be relieved of that sense of threat when they learn the details of the regulations.

It was the practice in the past, particularly under the former Government, to put controversial legislation on public display. An exposure draft of the bill was distributed so that people could see the details of the legislation. I suggest to the Minister that he ought to distribute for public consideration an exposure draft of the regulations that he proposes to introduce to back up this bill if it becomes law. That would be a worthwhile exercise. The Minister and Cabinet should be absolutely honest with the community and put those regulations on public

display to provide yet another opportunity for members of the community to respond. As I say, it is with the detail that the concern arises.

Members of this House have received numerous submissions about this legislation. The Minister has acknowledged receipt of approximately 10,000 such submissions. I want to draw to his attention three or four from my electorate that I believe are particularly worthwhile. The submission from Inverell Shire Council was a genuine effort to address the arguments for and against the legislation and to make a contribution to the discussion paper. John Overell, a friend of mine who has moved to Coffs Harbour to live, suffers from a long-term illness. He has a serious cancer. His companion dog is very important to him and he acknowledges just how important companion animals of one kind or another have been to other people who suffer from serious medical problems.

When he came to see me he touched a chord in me when he spoke about how essential it is for such people to feel secure about the future of their animals. Included in the equation is their ability to fund the cost of maintaining a pet. If they are priced out of the market, so to speak, the cost will be borne by the community by way of extra medical costs. We do not often realise the benefit that a pet can provide to individuals, to their wellbeing and sense of adjustment to their circumstances. A number of letters I have received from R. E. Butler of Logan Street, Tenterfield, have been forwarded to the Minister. Another letter that I considered worthy of the Minister's personal consideration came from Arthur and Jillian McGill of Pinkett, a little settlement just outside of Glen Innes. They are registered breeders of dogs and had some very worthwhile comments to make.

I acknowledge that the Minister has given substantial attention to working dogs in rural communities, about which people were concerned earlier on. I acknowledge that he has done the right thing in that regard. This bill provides many opportunities for vexatious action by one neighbour against another. Only in the detail that I have asked the Minister to provide by way of regulation will some of those opportunities for vexatious action between neighbours be restricted a little. It is important that we as members of Parliament do not add to the potential for disputes between neighbours. We have all suffered problems with someone else's cat or dog, or our cat or dog has caused concern for others. We need to be neighbourly about that. In the long term, education about pet ownership will be much more constructive than policing.

If I read this bill correctly, there is much more policing and control inherent in the legislation than there is education. Educating people to be good pet owners is probably like educating people to be good parents. It is a difficult task and one that will never be satisfactorily achieved. But I plead with the Minister to give a great deal more attention to education about good pet ownership. Most of us at some time would probably have visited markets where one of our children has seen a fluffy little thing in a box—a kitten or a puppy—and wants it. Sometimes parents succumb without realising how big, ugly or antisocial that dog or cat may turn out to be. We would like the community to know there is a real choice with pet ownership, and an appropriately chosen pet is much more likely to be a valuable companion and much less of a threat to the environment and to neighbours.

I plead with the Minister to give a lot more attention to the role of educating than to policing. If that is done, we will have built good homes and good neighbourhoods, and we will have controlled a problem that has existed in the community for a long time. This is a worthwhile attempt by the Minister to grapple with an extraordinarily difficult social problem. Unfortunately it is not yet right, and for that reason I will oppose it, as will the Opposition. However, the bill provides the bones for worthwhile legislation. I encourage the Minister to take on board the points made in this debate. At the end of the day I would like to think that I will be able to fully support amended legislation that will achieve all the things we would like the Companion Animals Bill to achieve.

Mr E. T. PAGE (Coogee—Minister for Local Government) [12.01 p.m.], in reply: I thank honourable members for their contributions. I am somewhat disappointed with the position taken by the Opposition, but this is a very controversial issue, as was demonstrated on radio today. So there can be no suggestion that I am dodging the issues, I will go through the general points raised by honourable members, although I will not refer to them by name. I have 13 amendments that have arisen from the debate. Honourable members know that the bill is the result of a process involving 10,000 public and organisational submissions. As far as cats are concerned, the requests have varied from having them declared a protected native species, on the one hand, to desexing all animals, including cats, and imposing overnight curfews. When one tries to plot a course in the middle, groups will be polarised and will not agree with whatever decision is made. With an issue such as this it is impossible to satisfy groups whose views are diametrically opposed. Consequently, whatever is decided by this

Government, or by a coalition government in the future, cannot satisfy everyone. The bill has taken a line between the extreme viewpoints. Because of that, some people are not happy with the result.

One of the problems with this debate is that the thrust of the bill has been somewhat sidelined. The bill is designed to look after the welfare of the animals. If one does the right thing by cats and dogs, decisions that are made on that premise will be the correct ones. I have always believed that the decisions I have made have been for the benefit of the animals. Unfortunately, in our community more than 80,000 animals are euthanased every year. That is pretty barbaric in a civilised society. Many people say that companion animals are great, and members of the Opposition have said, quite correctly, that older people and those with impairments receive a tremendous benefit from having companion animals. I agree with that. Some years ago I helped prepare a case for a woman who moved into my area. The body corporate refused to allow her to have a cat in her flat. I got the information that honourable members have been talking about, and she won her appeal; she was able to keep the cat in the block of flats. I wholeheartedly agree with that.

There is a general view in the community, although it is not universal, that something needs to be done about identifying cats. It is difficult to argue that it is not right to require a cat to be identified, when tens of thousands of cats end up in pounds, and virtually none are returned to their owners. It is like telling your children that if they get lost they are not to tell the person who finds them what their names are or where they live, thus ensuring that they cannot return home. That is barbaric. Cats need to be identified for their own protection and in the interests of responsible owners. Microchip technology makes it cheap and easy to identify cats and dogs.

Councils have a major problem with finances under the current Dog Act. At the moment they do not receive enough money from the registration of dogs to cover the costs of proper dog control. Councils have had no incentive to spend money on proper dog control, because the money comes out of the rest of their budget. On a conservative estimate the income councils will receive from this new arrangement will at least treble and may be five or six times what they get now. There will be real incentives to spend money on dog and cat control, and councils will do a better job because they will have the funds. There has been a suggestion that councils will receive \$5 from each registration fee. That is not true. Councils will receive 85 per cent of the fee. That will give them a substantial increase in

funding, so they will be able to have proper animal control. The associations have written in support of this proposal because they see it as a good thing for local government.

It is often suggested that the State Government is putting another responsibility onto local government. I refute that. In past decades that has been a problem that has hampered the proper response of local government to changing times. Some 25 years ago councils in the eastern suburbs used to dump their refuse at Sydney (Kingsford Smith) Airport. Seagulls had a great time there, but they used to get sucked into the jet engines, and the Civil Aviation Authority banned the dumping of rubbish at that facility. The response by a group of organisations that had exclusive control over the collection of the garbage said it was too hard, they could not handle it. The State Government at the time, which was not of my persuasion, said, not illogically, that it would set up the Metropolitan Waste Disposal Authority to look after the disposal of refuse. Local government gave away part of its responsibilities. A more expensive structure was set up to handle the problem. Local government bodies retained their offices, other facilities and the staff that did the job previously, but a more expensive structure was set up to take over the responsibility.

This has tended to be a problem with local government. Very often when faced with a new responsibility local government decides that it does not want to take that on. Local government has been pulling itself into a corner by not being adventurous enough to take up new challenges and extended responsibilities. It would be preferable for local government to recognise that it has adequate infrastructure and is able to take over extended approval responsibilities, thus obviating the need for State government to spend more money than is required to carry out the responsibilities. It is a good thing for councils that this bill will extend their responsibilities to include cats. Councils are being given a firmer place in the government of this State and have a chance to increase their responsibilities and their standing in the community. I take no backward step on the matter of this being an imposition on councils. In my view, this is a reasonable responsibility for councils and councils should be happy with their extended responsibilities.

Honourable members have raised several matters of concern. It has been said that each year 80,000 animals are euthanased. There is no doubt that figure will decrease substantially once the requirements for identification and permanent registration of cats and dogs are in force. It is significant that councils will no longer have to chase

people year after year for registration fees. Once an animal is registered, that will be it. Individual councils are to register animals on a register which will be available 24 hours a day. The bill will provide a strong incentive for the desexing of dogs and cats, as it is proposed to set a \$35 registration fee for desexed cats and dogs and a \$100 registration fee for an entire animal. There has been a suggestion that the Government is not doing anything about the desexing of animals, but that is not so.

I did not adopt the proposal that there be compulsory desexing of cats and dogs that are not required for breeding. My decision not to go that far is being criticised by some who believe that desexing should be mandatory. I am also being criticised by others who say that cats should not be identified or registered. I have taken the middle ground, which I believe to be a reasonable position. The provisions of this legislation will mean that more animals are desexed. This will substantially reduce the number of stray animals and unwanted pregnancies among animals, which result in tens of thousands of animals ending up in pounds and being euthanased. The new system will have sufficient fees to encourage councils to take a more pro-active role. The 15 per cent of the fee that does not go to councils will go to the Companion Animals Advisory Board, which will be responsible for undertaking an intensive education program to inform the community about owners' responsibilities under the legislation and the desirability of having animals identified so that they can be returned to their owner if they are lost or injured.

It is my belief that there will be much greater compliance with this companion animals legislation than there has been with the Dog Act, and that has to be of advantage to everyone. If councils wish to raise more money through the rating system, they will have the ability, as a one-off measure, to impose a limited increase in rates to obtain money over and above that received from the registration fees. Before councils are able to impose that increase they will be required to institute a companion animal management plan for their area. That is desirable, and most councils would choose to undertake such a program anyway. All the money raised will go into council coffers; none will go back to the tribunal. My approach to the legislation is that the outcomes will be very positive and beneficial for animals and animal owners.

Mention has been made of farm dogs. As I indicated in my second reading speech, farm dogs will be exempt from registration and identification requirements. That is of advantage. At present farm

dogs are covered under the Dog Act, but they will not come under the provisions of the companion animal legislation. There has been much discussion about and criticism of penalties. Penalties that have been criticised are maximum penalties that will be imposed by a magistrate if a matter goes to court. The whole basis of this bill's approach is that matters will not go to court immediately. There are provisions for mediation between neighbours if there is a problem relating to the control of an animal, and for on-the-spot fines, which will be significantly lower than the maximum fine stipulated.

Owners who are not responsible will receive an early warning about a series of events that are deemed to constitute antisocial behaviour and will be told that they have a responsibility to their animal and to the community for such events not to occur. On-the-spot fines will not be issued on the first offence; there will be mediation and discussion with the council in the hope that a problem may be solved without having to go through the courts or the owner having to face the possibility of a fine. Several honourable members have spoken about the maximum fine of \$4,400. That fine applies only to dangerous dogs that have shown they have a propensity to attack people. An owner will be warned that he or she has a dangerous dog and that he or she faces a substantial fine if it continues to offend or attack people. I have no quibble with that fine. If someone has a dangerous dog that has attacked people, that owner has to be warned that he or she faces a substantial fine if the dog offends again.

For some Opposition members to highlight that fine as a problem ignores the difficulty raised by the honourable member for Southern Highlands, who described a savage dog attack on a child on private property. If a dog were to attack someone on the street, the owner could—in my view logically—be taken to court and face a substantial fine. The fines that have been criticised are maximum fines, as I have said. Opposition members have spoken as though they will apply to first offences and could be imposed by councils without the councils having undertaken any prior activity. That is not true. It is the responsibility of adults to supervise dogs on private property; it is not a matter that should be dealt with by way of legislation. It is commonsense that young children should not be left with a large dog without adult supervision, regardless of this legislation. There can be no guarantee that something will not cause the dog to attack the child. The child should be properly supervised by an adult who is concerned about the welfare of both the child

and the animal. There has been much discussion in this House and in the media about clause 31—

Mr Smith: That is the garden spade.

Mr E. T. PAGE: Yes. All sorts of interpretations have been put on clause 31 which are inconsistent with the wording of the legislation. 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 . . .

I am surprised that the honourable member for Dubbo has never seen a feral cat.

Mr Cochran: He is very short-sighted.

Mr E. T. PAGE: Yes. There are probably hundreds of thousands of feral cats in rural New South Wales and many in Sydney. If a child in a pram in a backyard is attacked by a feral cat, the legislation does not state that the mother of the child should stand by and watch because she does not believe she is entitled to injure the cat. In those circumstances it would be entirely reasonable for the mother to defend the child. If a working dog or a sheep on a farm is attacked by a crazed feral cat, the farmer has every right to take action to save the dog or sheep. If the farmer believes it is reasonable and necessary for the protection of that animal to injure or destroy the cat, it is not unreasonable for the farmer to make that decision.

However, I will water down that provision to meet the concerns that have been raised in the community. I will not take away the right of a person to defend a child or animal from such an attack, but in view of public concern I will remove reference to destroying the animal. In doing so I acknowledge that some people may believe I should not do that. The honourable member for Tamworth shakes his head. No doubt his animals have been attacked by feral cats, and he would believe that in those circumstances he should have legal protection if he acts in a reasonable and necessary manner to defend his animals. I will say more about that at the Committee stage.

The honourable member for Bligh referred to the cost to councils and to the possibility of granting subsidies and reduced fees. Unfortunately that is not possible. I have maintained the fees at a reasonable level consistent with the responsibility of owning a companion animal, and yet allowed councils to raise enough money to ensure adequate control. The worst that can happen is that dogs which are not controlled

by responsible owners will behave irresponsibly. Each time a child is savagely attacked by a dog it has an impact on all those who own a large dog, because people surmise that all large dogs should be banned and action should be taken against people who are, by and large, their responsible owners.

We need a system that will provide councils with enough money to follow up on dangerous dogs and make sure that their impact on the community is minimised, so responsible owners are not put under threat. Unfortunately the existing registration arrangements cannot be altered any further. It would be impractical to have subsidies for people who wish to own companion animals, and it would undermine the system. Councils would be justified if they decided to raise funds from ratepayers. Stray animals are not the responsibility per se of responsible dog owners; they are the responsibility of the whole community, and the whole community should pay if the council wants to raise funds.

It was said that the bill does not contain any reference to education. That is far from the truth. I referred to education in my second reading speech. An extensive education program will encourage responsible animal ownership and suggest that people look after their animals properly because of the requirement for them to be identified and registered. The requirement for animals to be microchipped before they are sold will have a dramatic impact on the sale of animals at markets. Although the legislation does not specifically prohibit the sale of animals at markets, it will become more difficult for market operators to do so. I agree with the honourable member for Manly in regard to free-range areas. This morning I was with my dog at the free-range area at Coogee, where she has socialised for most of her life. She loves to socialise with other animals and human beings.

I will certainly do whatever I can to encourage councils to provide free-range areas. I support the suggestion of the honourable member for Manly that dog owners be required to pick up faeces. The free-range area at Coogee has two specially designed bins for faeces, and plastic bags are available, but most people take their own plastic bags. One honourable member said that the devil is in the detail of the regulations. Unfortunately, in legislation as complicated as this many matters are covered in regulations. That is the way the legal system operates. I did not invent it. I have made no decisions about what should be in the legislation and what should be in the regulations; that is determined

by the Parliamentary Counsel. If he says that is the way it has to be, that is his job; it is not mine. The regulations are drafted by Parliamentary Counsel.

Last year, the Opposition supported legislation proposed by my colleague the Minister for Urban Affairs and Planning on the integrated assessment planning system. The Opposition supported that proposal and did not take the point that the majority of that legislation was covered by regulations. Each regulation is open to scrutiny by both Houses of Parliament; it is quite competent for the Opposition to disagree with any part of a regulation. It has been suggested that I am putting up regulations in a devious move to ensure that matters are not raised in the House. That is not true. The legislative system operates in a manner that ensures that regulations cannot be put through surreptitiously and that they are available for scrutiny by both Houses of Parliament. If people have a difficulty with a regulation they should talk to me about it. A member of either House can move to disallow sections of the regulation.

My staff and I are always available to discuss these matters. I have not dodged any discussions with members of the Opposition, the shadow minister or anyone else on these issues. If any parts of the regulations cause a problem for Opposition or crossbench members I will be quite happy to talk about them. I have had discussions in this regard with the honourable member for Tamworth, the honourable member for Manly, the honourable member for Bligh and the Hon. R. S. L. Jones, who foreshadowed that he would move amendments in the upper House. I have taken on board the concerns raised by honourable members and the community. I have not run away from discussions with anyone. I am happy to talk about the legislation in any forum. In my view and in the view of the members of the task force, the basis of the legislation is: what is good for cats and dogs is good for the community and animal owners. The views of people in relation to companion animals will be polarised. A number of people will vehemently disagree with what has been decided. Although my plea will fall on deaf ears, I ask the House to support the legislation. I thank honourable members for their contributions to the second reading debate.

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

The House divided.

Ayes, 47

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Mr Moss
Mr Aquilina	Mr Nagle
Mrs Beamer	Mr Neilly
Mr Debus	Ms Nori
Mr Face	Mr E. T. Page
Mr Gaudry	Mr Price
Mr Gibson	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 Knowles	Mr Tripodi
Mr Langton	Mr Watkins
Mrs Lo Po'	Mr Whelan
Mr Lynch	Mr Windsor
Dr Macdonald	Mr Woods
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

Noes, 41

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
Ms Moore	Mr R. W. Turner
Mr Oakeshott	<i>Tellers,</i>
Mr O'Doherty	Mr Fraser
Mr O'Farrell	Mr Kerr

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Brogden
Mr Crittenden	Dr Kernohan
Mr Knight	Mr Merton
Mr Yeadon	Mr D. L. Page

Question so resolved in the affirmative.**Motion agreed to.****Bill read a second time.****In Committee****Clause 3**

Dr MACDONALD (Manly) [12.46 p.m.]: I move amendment No. 1 standing in my name as follows:

No. 1 Page 4, clause 3, line 24. Omit "55". Insert instead "54".

My amendments 2 to 42 are consequential amendments. I have moved this amendment as I am concerned about the bill's provisions relating to the management of dogs on private property. During my contribution to the second reading debate I said that I was not prepared to support this bill until those provisions had been amended. Clause 12 provides that a dog on private property must be securely confined when the owner is not present, and that it is securely confined only if it is tethered or restrained in such a way as to prevent it from attacking or chasing a person lawfully on the property. That sounds reasonable in the sense that we want to prevent animals from attacking people on properties. I understand that the Government's intention in clause 12 is to protect meter readers from being attacked or nipped by a dog. As I read the clause—and I am happy for the Minister to correct me if I am wrong—this means that all dogs on private property must be tethered, confined or restrained, whether by being fenced in or by being placed in a yard or kennel. These provisions have enormous implications. I understand that once a dog is confined within the boundary of a private property the owner can decide whether the dog is allowed to roam throughout the property. Clearly, if a dog is dangerous or is of a restricted class it must be tethered and properly confined within the property. However, clause 12 means that a domestic pet must be confined or tethered within a private property.

Many people own dogs for security reasons. A guard dog will bark and deter people who should not be on the property from getting onto the property. The example of meter readers being attacked is not valid because with modern technology meters can be read from a distance. How could a dog make the distinction between people who are lawfully on the property and people who are unlawfully on the property? If someone is about to break in and burgle a house—which is a common

problem in metropolitan areas—how would a dog make the distinction? Certainly if a dog were tethered it would not be able to act as an effective guard dog. I do not want to tell the community it is good to have dogs permanently confined and tethered in the yard when no-one is at home. Such a measure would probably produce an aggressive and difficult dog.

Dogs should be allowed to be masters of their own domain, securely confined within the boundaries of the property. I have no time for dogs wandering the streets. I shall give all support to good management of dogs outside properties, but once a dog is inside an owner's property it should be allowed to roam as the owner sees fit. Some owners will put their dogs in a kennel or on a chain, and others will allow them to roam freely. The amendment I have moved and the remaining 41 consequential amendments were provided at late notice and I appreciate the difficulty the Minister and his staff may have in indicating agreement or disagreement to them at the moment. I seek a clear response that the Minister understands my concerns. The bill must go to another place for determination. The Minister could take on board my proposed amendments and, if necessary, make corrections, but he should respond with something acceptable. During the second reading debate last night and today I have made it clear that I will not support the bill if it means that all dogs must be tethered or chained on private properties.

Mr WINDSOR (Tamworth) [12.51 p.m.]: I have not read the amendments proposed by the honourable member for Manly, but his remarks on clause 12(3) regarding the confinement of the animal present real concerns for some of my constituents. I support the honourable member for Manly in asking the Minister to take on board his amendments and perhaps make adjustments in the upper House, or in his reply to tell us whether clause 12(3) means that the dog will have to be confined, tethered or chained whilst in the back yard even though the yard may be a secure place.

Ms MOORE (Bligh) [12.52 p.m.]: This situation is indicative of the problems I have with the bill. Notwithstanding the enormous amount of time that went into the bill's preparation—I strongly support the green paper, the white paper and the principles enunciated in the Minister's second reading speech—it contains serious problems and must be amended. I cannot support it in its present form. The rush with which we are now trying to deal with an important amendment by the

honourable member for Manly is indicative of unseemly haste. It is not possible for us to deal with the matter appropriately. This is landmark legislation and it should lie on the table for 28 days or be referred to a legislation committee for examination. At the end of that process legislation will be introduced in this House that all honourable members will be proud to promote and support.

Mr KINROSS (Gordon) [12.52 p.m.]: I should like to comment on clause 3 and the definition of "companion animal". Indeed, I should have raised my concern about clause 1: the title of the bill. In my contribution to the second reading debate I said that the title was deceptive. Section 15AB of the Interpretation Act states that notes to definitions can elicit or improve the understanding of the operation of the Act. The note to the definition of "companion animal" in clause 3(1) states:

The fact that an animal is not strictly a "companion" does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs and police dogs.

The definition embraces all animals. If the intention of the bill is to include only companion animals, the definition should be rewritten, watered down or described in some other way. The honourable member for Bligh expressed her sentiments about the progress of the bill being deferred for a period to allow further consultation on it. Honourable members will remember the excellent work of the former Minister for Local Government, the honourable member for Dubbo, the Hon. Gerry Peacocke, on the progress of the Local Government Bill, to which approximately 365 amendments were moved. Debate on that bill progressed for three days and the then Minister produced what was regarded as exemplary legislation.

The present Minister for Local Government has not accepted the same offer of assistance. Consultation on some provisions in the bill culminated in a number of submissions, but that consultation relates only up to the introduction of this bill. Now that the bill has been introduced, why have further amendments not surfaced? Constituents have called their local members about the problems and this morning even John Laws said the bill was a mess and a farce. Despite the Opposition's objection to the bill, the House is still embroiled in this farce of seeking amendments and explanations. The progress of the bill should be deferred to allow people to have more effective input. The bill generates a welter of problems, not the least of which is the title—there could be no greater

misnomer. Nothing could be more misleading than to attempt to include in the provisions of the Companion Animals Bill all animals, irrespective of whether they are companions.

Progress reported from Committee and leave granted to sit again.

[Mr Speaker left the Chair at 12.59 p.m. The House resumed at 2.15 p.m.]

BILLS UNPROCLAIMED

Mr SPEAKER: Pursuant to standing orders, I table a list detailing all legislation unproclaimed as at 21 May 1998.

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.**

Ryde Hospital

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

Land Tax

Petition 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 **Mrs Skinner.**

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.**

Home Invasion Legislation

Petition praying that the laws regarding protection of persons and property be reviewed to enable property owners to defend their homes and property against intruders and thieves, received from **Mr Blackmore.**

Coffs Harbour Jetty

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

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.**

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.**

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

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COMPANION ANIMALS LEGISLATION

Mr COLLINS: My question is to the Premier. Did Charles Wright, Chief Executive of the RSPCA, say today he was horrified when he saw the wording of the Companion Animals Bill and that there was no way he would support moves to injure or destroy domestic animals? As patron of the RSPCA—as Premier—why did you allow such flawed legislation to waste the time of this Parliament?

Mr CARR: The Leader of the Opposition has given notice of a motion relating to events in Indonesia, and his opening question is about a bill that is presently being debated in this House. I could submit that his question is out of order, but I will give him a break. I did have a conversation, amiable as always, with Mr Charles Wright. I am proud to be patron of the RSPCA. I believe, as Thomas Jefferson did, that one can judge society by the way it treats other species. I have always been generous—

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

Mr CARR: Before the Parliament is legislation that will update the statutes relating to companion animals.

Mr SPEAKER: Order! I place the honourable member for Ermington on three calls to order.

Mr CARR: As the honourable member for Ermington has confirmed, he speaks with great authority. His voice will no doubt be heard in this debate. I make the point that any submissions the RSPCA wishes to make while the legislation is being debated will be seriously weighed and considered by the Government.

SYDNEY WATERWAYS OVERFLOW STRATEGY

Mr ANDERSON: My question without notice is to the Minister for Planning and Urban Affairs. What is the Government doing to protect Sydney, the Illawarra and the Blue Mountains from sewage pollution?

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

Mr KNOWLES: Last year the Premier announced the Government's \$3 billion waterways package. It is no exaggeration to say that package is the greatest assault on stormwater pollution and sewage overflows ever seen in this State.

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

Mr KNOWLES: Indeed, Ian Kiernan has already hailed the Government's \$3 billion waterways package as a great initiative which will solve the problems of Sydney's sewage and stormwater overflows.

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

Mr KNOWLES: It will deliver cleaner beaches, cleaner rivers and a cleaner harbour by massive reinvestment in a sewerage and stormwater system that is, in some parts of Sydney, more than 100 years old. The recent rains in Sydney have demonstrated why this investment is so important and necessary.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber. The honourable member for Georges River will remain silent. I call the honourable member for Georges River to order for the second time.

Mr KNOWLES: Heavy rains caused stormwater and sewage to enter Sydney's rivers, harbours and beaches. Everyone will have seen the television images of sewage and stormwater. The Government is determined to fix the problem. Undeniably it is a problem that remains the biggest threat to our waterways. Research conducted by Sydney Water shows that while the frequency of the wet weather overflows varies from system to system, overflows can occur up to 20 times each year. Our plans will see these overflows reduced by up to 90 per cent.

Sydney Water operates 27 separate sewerage systems across the greater Sydney region. As part of its program the Government is now in the process of licensing overflows from each sewerage system. This means that for the first time ever Sydney Water's sewage overflows will be regulated by the Environment Protection Authority and will be subject to the most stringent environmental controls. Already 27 environmental impact statements have been forwarded to the EPA.

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

Mr KNOWLES: Once these have been assessed, Sydney Water will be required to meet strict targets to reduce sewage overflows into Sydney's waterways as well as in the Blue Mountains and the Illawarra. Failure to comply will lead to prosecution by the EPA. That can mean fines of up to \$1 million and even, in the most extreme circumstances, the withdrawal of Sydney Water's operating licence.

This is an important step in a proper regulatory regime for Sydney Water. Members will recall that under the former Government licensing sewage overflows was regarded as simply too hard. Our

plans demonstrate not only that it can be done, but it is entirely necessary, to maintain rigorous environmental standards and to achieve our objectives of cleaner beaches, rivers and harbours. The waterways package will see \$1.16 billion spent to overhaul Sydney's ageing sewerage system and treatment facilities. It is a system made up of more than 20,000 kilometres of sewerage lines, 29 treatment plants and dozens of pumping stations and rising mains.

This will be complemented by the \$375 million northside storage tunnel, which is now under construction. It will ensure that up to 90 per cent of the sewage overflows that currently occur in Sydney Harbour are captured and treated and, in the long term, reused and recycled. A further \$400 million will be spent to improve dry-weather overflows that occur as a result of cracks and breaks in the system. In addition, the first stage of our \$60 million stormwater abatement program is well under way, with many local councils already benefiting from funds that allow them to clean up local areas that have long been neglected.

Mr SPEAKER: Order! If members want to engage in private conversations, they should do so outside the Chamber.

Mr KNOWLES: The licensing of these sewage overflows will be a first in Australia and will achieve world's best-practice status. The program proposes a set of solutions that will protect our waterways based on community concerns and the ecological sensitivity of the receiving waters. The proposals will go on display from 1 July, and the general community will have an opportunity to have its say about the detail of them. Something the coalition said was simply too hard and not possible has now been done. The people of Sydney, the Blue Mountains and the Illawarra will be the lasting beneficiaries.

COMPANION ANIMALS LEGISLATION

Mr DEBNAM: I ask the Minister for Local Government how he justifies the Companion Animals Bill imposing higher penalties on pet owners than are imposed on people carrying dangerous knives. Given that the Minister has had 2½ years to work on the companion animals legislation, how could he have got it so wrong as to have some pet owners treated more criminally than knife wielders?

Mr Whelan: On a point of order. The honourable member for Vacluse has asked a series of questions.

Mr SPEAKER: Order! I do not need to hear the Leader of the House further. In the past the Chair has ruled that members may ask one question but not a series of questions. I will permit the member for Vacluse to rephrase the question.

Mr Whelan: I also draw your attention to Standing Order 137, which provides that questions cannot indicate discussion upon an order of the day or any other matter. Having said that, I concede I would not be taking this point of order if the debate on this legislation were limited. However, debate on the Companion Animals Bill took place last night and this morning. There has been ample opportunity for debate; every member has had the opportunity to speak for 20 minutes. My point of order is that in this case, given that the House has been dealing with this issue, a substantial number of members have spoken in the debate and that all members have had the opportunity to make a contribution to debate on the second reading of the bill, during which this issue should have been raised, I ask that you rule the question out of order.

Mr SPEAKER: Order! Yesterday, when ruling on a similar point of order, I reminded the House that it is a longstanding tradition that members are not precluded from asking questions about legislation that is before the House. However, consideration in Committee of the legislation that is the subject matter of the question was adjourned immediately prior to question time. It seems to me that question time will be wasted if Ministers are asked questions about matters that can be dealt with in Committee. I will not rule the question out of order because it has not been asked in a rephrased form. When the member for Vacluse asks the question I will decide whether it is in order.

FLOWER EXPORT MARKET

Mrs BEAMER: My question without notice is addressed to the Minister for Regional Development, and Minister for Rural Affairs. What is the Government doing to boost international exports for New South Wales flower growers?

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

Mr WOODS: The honourable member for Badgerys Creek has a great appreciation of the beauty of flowers and the value of the cut flower industry to Australia. As I understand it many flower growers reside in her electorate. Many millions of people throughout the world like to have

flowers around them. Mind you, listening to honourable members on the other side of the Chamber I am reminded more of a pile of noxious weeds.

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

Mr WOODS: One can tell there are no flowers on that side of the House; flowers have a sweet smell about them. The State Government is boosting exports of cut flowers by actively encouraging new market-driven initiatives. Markets such as Japan and Hong Kong want Australian native flowers for their multimillion-dollar floristry industries. The Government wants more than the 10 per cent share that Australia currently has of the international export flower market.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. It seems to me that members are interjecting merely to hear the sounds of their own voices. The member for Murrumbidgee and those seated near him will listen to the Minister's answer in silence.

Mr WOODS: Opposition members really are like weeds. They do not like success; their success is built on the failure of more valuable products. The Government is not going to sit back and let North America, South Africa and Israel take a permanent hold of what should be Australian export markets. The previous Government ignored this growth industry; it did nothing. The State Labor Government is out there helping the rural industries that will create new jobs and economic opportunities in regional New South Wales. Some of those opportunities are to be found in the cut flower industry, which employs about 3,000 people in New South Wales—that is 3,000 jobs, and the number is growing and has great potential to grow further. In the past couple of years New South Wales cut flower exports have been growing at the rate of about 25 per cent a year. That has been achieved by giving growers the information and the help they need to make market-driven decisions. The Federal coalition, when elected, was quick to drop the business assistance for rural areas program.

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

Mr WOODS: The National Party should recognise that the Federal Government, which is suffering from flat earth disease, will not support regional growth in this or any other industry. The Federal Government did not like agribusinesses such as the cut flower industry. It did not recognise that

those businesses needed help. It did not consider that regional areas deserved a hand to develop new industries and create new jobs. But this Government has appointed 12 agribusiness advisers and six export advisers. Once again, this Government has taken up the programs—the industry support—dropped by the Federal coalition in one of its ideologically driven programs.

The State Government has established the agribusiness alternatives program. Under that program agribusiness advisers cover every region in New South Wales. The agribusiness advisers are helping primary producers to grow their business by diversifying, adding value and exporting. The Government is growing country businesses and creating country jobs. Export advisers are helping regional industries win export markets—creating the sustainable jobs of the future. Regional industries are growing exports and replacing imports. The Government has helped set up the New South Wales cut-flower export forum—a group of industry and government representatives working to increase the New South Wales share of flower exports.

The State Government is also helping to boost exports by sponsoring regional seminars that give potential investors the information they need to gain a foothold in the cut flower export industry. The second of those conferences will be held in Grafton this weekend. That conference follows an inland cut flower industry conference held in Wagga Wagga in July 1997. More than 100 growers and potential growers attended the Wagga Wagga conference and it is expected that more than 160 of them will attend this weekend's conference in Grafton. The conferences give a real boost to the cut-flower industry. If one wants to get started in a new industry one needs practical information, and that is what is provided at the forums. Those forums, the agribusiness alternatives program and the export advisers are all part of a raft of State Government commitments to a new era of diverse, export-capable agribusinesses. Those export-capable and sustainable agribusinesses will create the new rural jobs of the future.

Cut flowers, particularly our native flowers, provide an excellent opportunity for the small-scale primary producer. One needs only a couple of acres to produce quite a valuable crop of flowers. Australia has missed not only export opportunities to date; missed domestic opportunities have also been identified. In 1995-96 the value of Australian production was around \$270 million. Almost 90 per cent of that went to the domestic market. New South Wales production is now \$70 million and \$100 million at the farm gate. That makes this State the

second biggest producer in Australia. But Sydney is Australia's major flower produce market and accounts for more than 80 per cent of domestic flowers and sales of wildflowers.

Mr Hartcher: On a point of order. When answering a question the Minister is required to be relevant and truthful. He is not telling the House about the cancellation of the garden festival at Gosford by the Premier with the loss of millions of dollars of investment and thousands of jobs.

Mr SPEAKER: Order! The member for Gosford may ask a question at the appropriate time if he so desires. He will resume his seat. The House will come to order.

Mr WOODS: It is certainly not surprising that a fellow from Sydney's north shore is not too interested in the cut flower industry.

[Interruption]

The House will understand my mistake. They all look the same on that side of the House. I can tell the difference between the backs. We know all about Smiley over there and what the *Daily Liberal* in Wagga Wagga said about him.

Mr SPEAKER: Order! The Minister will resume his answer without any further embellishment.

Mr WOODS: New South Wales will have to work to make sure the State's growers get their share of that market and, more important, their share of the native export market. The value of Australian flower exports has increased from less than \$3 million in 1982 to \$27 million in 1996-97. The majority of flowers produced for export are Australian natives and South African proteas. The Rural Industries Research and Development Corporation believes a growing interest in Australian natives could result in the value of exports increasing to \$75 million during the next four or five years.

More conservative industry estimates put that figure at around \$40 million but, as is the case with other commodities, success in cut flower exports will come to those who maintain a market focus. A great example of a market-focused, export-orientated cut flower business is Phillip and Susie Miller's protea and foliage farm at Orange. Last week I had the opportunity to visit their farm. Phillip Miller is being helped by one of the State Government's agribusiness advisers to expand and export.

Mr Armstrong: Don't you take the credit away from him!

Mr WOODS: This week it was great to hear the Millers have won a New South Wales microbusiness award.

Mr SPEAKER: Order! I place the Leader of the National Party on two calls to order.

Mr WOODS: The Leader of the National Party likes failure.

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

Mr WOODS: The Leader of the National Party does not like success. He builds his success on enthusiastically encouraging failure. He is no industry champion!

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

Mr WOODS: The House should know this mob opposite like I know them. They run around rural New South Wales—

Mr SPEAKER: Order! The House is most unruly. All members who have been called to order are now deemed to be on three calls to order.

Mr WOODS: The treachery explicitly imposed on country people by the Opposition is obvious to all. More and more headlines are appearing—

Mr Kerr: On a point of order. Earlier you directed the Minister to return to his answer. In my submission that is what he should be doing rather than trying to bait the Opposition.

Mr SPEAKER: Order! There is no point of order. However, the Minister should direct his remarks through the Chair.

Mr WOODS: That explicit treachery is shown in the attitude of the Opposition to the sugar industry. The Opposition walked out on the New South Wales sugar industry; it allowed it to be done over by the Federal and Queensland governments.

Mr Photios: On a point of order. A number of points of order have been taken about relevance and you have given appropriate guidance to the Minister. Immediately after you directed the Minister to return to his answer to the question, he turned to sugar. He

has gone from flowers to sugar at the same time as you have directed him to return to the answer to the question.

Mr SPEAKER: Order! No point of order is involved. However, I remind all members who have been called to order that they are now deemed to be on three calls to order. I have taken that step because of the number of interjections, the majority of which have come from the Opposition. It is difficult for a Minister to remain calm and not to respond to interjections. The Minister was provoked into responding to the last interjection. The member for Ermington would be best advised to ask to his colleagues to cease interjecting.

Mr WOODS: It is only recently that Australian industry has started exploiting our natural competitive advantage in commercial production. The State Government is right behind that initiative. It is putting resources into grower networks and it has agribusiness advisers and export advisers in the field. The State Government is supporting new rural industries that the Liberal and National parties have abandoned.

COMPANION ANIMALS LEGISLATION

Mr DEBNAM: My question is to the Minister for Local Government. How does the Minister justify the Companion Animals Bill imposing higher penalties on pet owners than on people carrying dangerous knives?

Mr Whelan: On a point of order. I took the same point of order earlier. If this question is ruled to be in order question time will become another Committee stage of the bill. The bill is important legislation. Probably 20 or 30 members have spoken in the debate. The honourable member for Vacluse had the opportunity to raise these issues with the Minister during the second reading debate, and he now has another opportunity in the Committee stage, which will continue either later today or next week. Standing Order 137(5) states:

(5) Questions cannot anticipate discussion on an Order of the Day or other matter.

The appropriate forum for a discussion of the subject matter of the question is during the Committee stage of the bill.

Mr SPEAKER: Order! A number of recent questions have sought answers from Ministers about legislation that is before the House. Yesterday a question of a general nature sought such information. I ruled that question in order. Earlier

today I also ruled a question asked by the Leader of the Opposition in order. That question related to community concern about a bill and not to any specific provision of the bill. The question as posed by the honourable member for Vacluse, however, falls into a different category. His question is specific and relates to the penalty provisions of a bill that is at the Committee stage. Indeed, the intent of the question may be to change those provisions. I rule the question out of order. The subject matter of the question may be dealt with at the Committee stage of the bill.

M5 EAST EXTENSION

Mr SOURIS: My question is directed to the Minister for Transport, and Minister for Roads. Why did the Minister refuse repeated requests by an 80-year-old woman for an extra two days to vacate her home, which was compulsorily acquired for the M5 East, so her daughter could help her move this weekend? Why did the Minister change his mind when the removal van turned up this morning, along with a front-end loader and representatives of the *Daily Telegraph*, and after the woman suffered an asthma attack last night?

Mr SCULLY: An inquiry in relation to this property was referred to the Roads and Traffic Authority.

Mr SPEAKER: Order! I place the Deputy Leader of the National Party on three calls to order.

Mr SCULLY: Do honourable members recall the question addressed to my colleague the Minister for Corrective Services yesterday which was similar to this one? Members of the Opposition ought to check their questions with their tactics committee before they dish them up. First, the purchase of Mrs Bashall's property at Beverly Hills was an agreed sale between the parties; it was not a resumption. Did the Government nominate the date of settlement? Guess who nominated the date of settlement? Mrs Bashall did, with her solicitor. Members of the Opposition are not interested in facts. If they remain quiet they will hear the facts.

The RTA was approached by Mrs Bashall's son, who requested that she be allowed to leave her furniture on the premises for a number of days after settlement. No request was received for Mrs Bashall to remain in occupation after settlement. The RTA acted in accordance with normal commercial practice, which requires vacant possession on settlement. Surprise, surprise! When one enters into a normal commercial contract one normally requires vacant possession on settlement. I am sure that most

members of the Opposition who have some familiarity with commercial transactions will realise that. However, this is a compassionate Government. I am pleased to inform the House that when those facts were brought to the attention—

Mr SPEAKER: Order! I ask the Serjeant-at-Arms to remove the honourable member for Eastwood.

[The honourable member for Eastwood left the Chamber, accompanied by the Serjeant-at-Arms.]

Mr SCULLY: I understand the distress that Mrs Bashall experienced at that time and, notwithstanding the terms of the contract, which required vacant possession on settlement, the Chief Executive of the Roads and Traffic Authority, Ron Christie, has advised me that as soon as the matter was brought to his attention he issued a direction that the Roads and Traffic Authority must be compassionate and flexible in matters such as this. He has also reminded appropriate officers that they must be reasonable in cases of need. I concur with the chief executive's sentiments. I am pleased to advise the House that arrangements have been made to resolve Mrs Bashall's concerns. Agreement has been reached to allow her an extra week to move her furniture before the RTA takes possession of the property.

As the question relates to the M5 this may be a timely opportunity to clear up the confusion between the Leader of the Opposition and the shadow minister for roads. Would honourable members like me to tell them about the confusion? Do they want to hear about the confusion? On 18 November 1997 the shadow minister for roads told the House that the M5 East should be a tollway. Fine! On 26 November 1997 the shadow minister for roads told the *Liverpool City Champion*, in coalition-speak, that "should" is not the same as "would". Whilst there should be a toll that does not mean that there would be a toll. The shadow minister for roads, again not wanting to muddy the waters, told the *St George and Sutherland Shire Messenger* that "claims . . . that the Coalition would impose a toll on the M5 East" were "absolute bull...t".

The Leader of the Opposition said that there ought to be a toll and the shadow minister said that is bull—dust—I assume that is the word he used—and that there will not be a toll. The Leader of the Opposition said that the money the Government proposed to spend on the M5 East should be spent somewhere else. An ancient tradition of the Labor Party is that fuel taxes collected by good people

across country, regional and city New South Wales should be spent on roads. The Leader of the Opposition said the money should be spent somewhere else. The Leader of the Opposition said the coalition supports Cashback. The shadow minister for roads says that there should not be a toll but he says there will be a toll; there will not be a toll; there will be Cashback.

I am delighted to have the opportunity to address the concerns raised by the Opposition in relation to Mrs Bashall. Honourable members should bear in mind that in relation to the M5 East the Government will continue to be compassionate and flexible and to deal with the concerns of the local community, as it has all along. The project will proceed and, despite the confusion between the Leader of the Opposition and the shadow minister for roads, it will be without a toll.

Mr SOURIS: I ask a supplementary question. Given the answer the House has heard about the caring approach taken by the Minister to advise Mrs Bashall that she will be able to stay a little longer in her home rather than being evicted by bulldozers and removal vans this morning, why is it that the advice came to her via a telephone call from the RTA to the *Daily Telegraph*, which had to advise Mrs Bashall because she had not been told anything?

Mr SCULLY: No request was received by the RTA from Mrs Bashall to remain in the property after settlement. The honourable member should not confuse or mislead this house. How many times do I have to say it? The approach to the RTA was by Mrs Bashall's son requesting she be permitted to leave furniture after settlement. Accommodation has been arranged. No request was made to the RTA for her to remain there. The request was only in respect of the furniture. The Government is compassionate and flexible and is endeavouring to meet her concerns.

PORK IMPORTS

Mr NEILLY: My question without notice is directed to the Minister for Agriculture, and Minister for Land and Water Conservation. What is the Government's response to the Commonwealth Government's decision to allow Danish and Canadian pork into Australia?

Mr AMERY: I commend the honourable member for Cessnock for his keen interest in various agricultural and rural matters. I welcome the opportunity to say a few words about the desperate plight of this country's pig farmers. In one week we

have seen a contrast between what a Labor government will do for our farming community—namely, this Government's decision to protect our dairy farmers—and the actions of a Federal coalition government. The Federal Government's decisions and so-called free trade policies are hurting not only the pork industry but many other agricultural industries. Pig farmers in New South Wales and throughout Australia are struggling to survive because of increased pork imports from Denmark and Canada. They are facing their worst crisis in living memory. The actions of the Federal Government, especially the primary industries Minister, John Anderson, have brought this country's pig farming industry to its knees. John Howard and John Anderson have allowed an increasing level of pork imports from Canada and Denmark, and that is forcing our pig farmers out of business.

It is a tragic fact that the number of pig farmers in Australia has decreased from about 40,000 in the 1960s to just 3,200 now. New South Wales has the largest share of Australia's pig farming industry—some 31.1 per cent of the market. We must work to preserve that vital market. The pig industry has a farm gate value of \$700 million. However, the industry is at risk and some 12,000 direct jobs, as well as a further 40,000 jobs in associated industries such as animal health, feed grain and transport, could be affected as a result. One-third of all those jobs are in New South Wales. Pork producers are currently losing an average of 50¢ per kilogram or \$35 per pig, a price fall which has been felt since just before Christmas last year.

[*Interruption*]

The honourable member for Coffs Harbour should keep quiet about what his colleagues in Canberra are doing. In 1997 producers could sell their pigs for \$2.35 a kilogram; this year they are lucky to get \$1.50. These prices are the lowest prices in three decades—and all National Party members can do is sneer, joke and laugh. On average, producers have lost 25 per cent of their income over the past year because they do not have the same flexibility as other livestock industries. For example, a piggery with 100 sows can produce an average of 32 pigs for sale each week. However, in the current climate that piggery is losing \$1,120 a week. Understandably, there has been a mass exodus from the industry, which has resulted in further unemployment and the loss of regional infrastructure which has been built up over decades.

The pork industry simply cannot hold back stock while prices are low. To state the obvious,

pigs must be fed while they grow, but if they grow too much they cannot be sold. Such an industry simply cannot pause, as other industries do, while the market tries to correct itself. Import markets have severely damaged the Australian pork industry, particularly as the playing field is not level. In Canada, for example, pork production attracts a subsidy of between 11 per cent and 16 per cent. The agricultural industry in Europe is also heavily subsidised. However, Australian pig producers must pay tariffs of up to \$3,500 a tonne to ship their product to Europe.

Clearly, the so-called level playing field is tilted firmly against Australian producers. That is another example of Australia practising free trade while its overseas competitors are cushioned from the realities of the marketplace by subsidies and tariffs. We simply cannot compete against corrupted world prices. The Federal Government must protect our pig industry. I call on the Federal primary industries Minister, John Anderson, to act immediately. Indeed, today I have written a letter to him asking that he give exceptional circumstances assistance to the pork industry under the assistance scheme jointly funded by the Federal and State governments. Pork producers should be eligible for exceptional circumstances assistance and should be encouraged to access a number of advisory, financial and training schemes.

Although this is primarily a Federal government issue, the Carr Government has had extensive consultations with representatives of the pork industry and is more than ready to help when it can. I eagerly await John Anderson's reply to my letter. Members opposite should acknowledge the crisis facing pig farmers and should lobby the Federal coalition Government to pledge support for this struggling industry. I also ask members opposite to lobby the Federal Minister John Anderson and the Prime Minister to ensure that the Federal Government does not penalise this Government's decision relating to the dairy industry.

SYDNEY CITY COUNCIL VOTING RIGHTS

Mr PHILLIPS: My question without notice is addressed to the Minister for Local Government. Did the Minister tell John Laws on the radio on Tuesday that he had received no official approach from Sydney City Council about his plans to rort the next council election by excluding 40 per cent of the business vote? Given that his department has received at least two letters and has held discussions with council representatives on this issue, why did the Minister lie to John Laws and his listeners?

Mr Whelan: On a point of order. Clearly, the honourable member's question is out of order. It is argumentative, it contains an inference and an imputation, and it refers to matters in the media. I ask that the Deputy Leader of the Opposition be given an opportunity to rephrase the question.

Mr Hartcher: On the point of order. The question seeks to elicit information from the Minister relating to his duties as a Minister in this State and about information he supplied to the people of New South Wales during a radio program. The question is not argumentative, because it specifically asks the Minister why he lied during a radio program.

Mr SPEAKER: Order! The question specifically asks about comments made by the Minister in the public arena, that is, in a radio interview. I rule the question in order.

Mr E. T. PAGE: On the John Laws program on Tuesday I was asked a question relating to the voting rights of some businesses in the city of Sydney and Government proposals to remove any entitlements. That was the subject. When asked if I had received submissions from the city council on the issue I said that I had not, which is absolutely true. I have received no submission from the city council on this issue. Correspondence from the council to my department addressed other matters.

[Interruption]

That is not an excuse; it is simply a fact. Members opposite should hear the facts. They will not absorb the facts but they should hear them. The correspondence from the council did not address the issue of multiple voting entitlements being discussed by John Laws. I am aware of those other submissions, as I have been for some time. On the issue of multiple voting entitlements, the matter at hand, my department confirmed to me yesterday that no submission has been received from the council. I stand by my comments on the John Laws program, as I stand by the legislation I introduced yesterday, which will ensure that the electoral system in the city of Sydney is consistent with that which applies to the other 176 councils in New South Wales.

SPORTSPEOPLE WITH DISABILITIES

Ms NORI: My question without notice is addressed to the Minister for Sport and Recreation. What is the Government doing to assist sportspeople with disabilities?

Ms HARRISON: The honourable member for Port Jackson takes a significant interest in sport, and paralympics in particular. This Government has devoted considerable effort and funding to develop opportunities for people with disabilities to participate in some form of sport or recreational activity. The Government regards the development of the talents of people with disabilities as being of immense benefit to the individual and to society. The Department of Sport and Recreation currently has a number of initiatives in place to ensure that people with disabilities have the same access to sport as able-bodied members of the community.

Ongoing consultation with bodies such as the Australian Paralympic Federation and the New South Wales Sports Council for the Disabled and implementation of a disability strategic plan are part of our commitment to this important group of people. Recently the department, in conjunction with the Motor Accidents Authority, developed the active and able project. This project will help to provide, promote and maintain sport and recreation programs essentially for one special category of people with disabilities—those with disabilities resulting from motor vehicle accidents. The project will aim to provide services that improve active participation in sporting and recreational pursuits by catering for diverse sport and recreation needs.

While the programs will be developed initially for people who have been involved in motor vehicle accidents, they will be made available eventually to anyone with a severe disability. Industry training courses developed through the Sport and Recreation Industry Training and Advisory Board will be used to increase the skill and knowledge levels of potential program leaders to ensure a high standard of instruction. My department will be involved also in producing attractive promotional material to reach the target market. This will help to increase awareness of and participation in the project. The active and able project will produce a more co-ordinated delivery of services for people with a disability through the development of networks and partnerships with groups working in the areas.

Those groups will be identified in locations across the State to initiate a more co-ordinated delivery of programs and services for people with a disability, and to ensure that the programs are maintained and developed in the future. Applications for a program co-ordinator are presently being assessed. I hope to make further announcements shortly about the areas in which the program will operate initially. I repeat, this Government has a

strong commitment to provide opportunities for people with disabilities to allow them to pursue the same healthy and active lifestyles as able-bodied members of the community.

NATIVE TITLE LAND CLAIMS

Mr ARMSTRONG: Did the Premier say early last year that he would not let farmers down on the issue of native title? Why has the State Government chosen not to appear on behalf of farmers in the test case currently before the Supreme Court?

Mr CARR: If the Leader of the National Party addressed the question to the Minister for Agriculture, I am sure he would be satisfied with the answer.

Mr ARMSTRONG: I ask a supplementary question. In view of the Premier's answer, will he now make assistance available to farmers to help them defend their land title in the Supreme Court?

Mr CARR: I refer to my previous answer.

WESTERN SYDNEY ORBITAL ROAD CONSTRUCTION

Ms MEAGHER: My question without notice is to the Minister for Transport, and Minister for Roads. What is the State Government's response to the Commonwealth Government's failure to fund the western Sydney orbital road and other road projects across the State?

Mr SCULLY: The honourable member for Cabramatta is a tireless advocate for the people of western Sydney. The western Sydney orbital road is a crucial link between the F5 at Prestons, near Liverpool, and the M2 at west Baulkham Hills. It will form part of the future national highway link through Sydney. As such, funding for its construction is the responsibility of the Federal Government. The western Sydney orbital will be a key link to the existing Sydney airport and Port Botany. Western Sydney desperately needs this road to get heavy vehicles off existing routes such as the Cumberland Highway, and to relieve vehicular traffic noise and pollution.

The western Sydney orbital will boost economic developments in western Sydney, which all honourable members know is the heart and soul of this great city of Sydney. The project will provide an estimated 13,000 jobs during its construction phase and an additional 2,400 permanent jobs in western Sydney industries through reduced transport

costs. Western Sydney Regional Organisation of Councils—WSROC—identified the project as top priority and has joined with the State Government in calling for Federal funding to commence construction as soon as possible. For the 1998-99 financial year I asked the Federal Government for \$60 million and for the 1999-2000 financial year I asked for \$140 million. How much did I receive? Not one cent! I regarded my request as pretty modest considering that the Federal Government had a surplus of more than \$2 billion.

The Carr Government regards the Federal Government's contempt for western Sydney as despicable. The previous Federal Labor Government committed \$260 million for the construction of the western Sydney orbital, to commence in 1996. The current Federal Government reneged on that commitment and this State received only modest amounts for alleged acquisition costs and planning. The 1998-99 forward estimates show funding from the Federal Government for the western Sydney orbital was zero. I thought that must have been a joke, that surely something would be provided for 1998-99. So I looked at the forward estimates for 1999-2000; they also showed zero funding.

I thought perhaps a little money would be provided in the 2000-2001 forward estimates for work to begin on the western Sydney orbital—the most important national highway project in the country, and certainly the most important in western Sydney—but zero funds were provided! Perhaps post-Olympics forward estimates would produce some funds. I turned the page and looked at the forward estimates for the western Sydney orbital for 2001-2002, and how much do they provide? Zero! This is a slap in the face for the people of western Sydney. The honourable member for The Hills is present. Where is the honourable member for Camden?

Mr Debnam: She's sick.

Mr SCULLY: I am sure she would join with the honourable member for The Hills and with me in expressing contempt for the Federal Government's treatment of western Sydney. But what about the Federal Liberal members for western Sydney? Where are the Federal members for Macarthur, Macquarie, Penrith or Parramatta?

Mr Knowles: They're in a phone box.

Mr SCULLY: In a phone box! Government members should ask John Fahey and his western Sydney Federal Liberal colleagues about their attitudes to the construction of the western Sydney

orbital. The honourable member for Hawkesbury, a former Speaker of this House, should be outraged at the lack of funding from the Federal Government. Where is the money? The honourable member for Hawkesbury shares this Government's concerns about the Federal Liberal Government's contempt. Perhaps he has seen the light and realises that the only way the western Sydney orbital will be constructed is through a Federal Government commitment similar to that given by the previous Federal Labor Government to provide \$260 million. The Federal coalition Government's mismanagement of the Federation Fund clearly demonstrates that it does not care about western Sydney or New South Wales. The only reason this Government is being dealt a poor hand out of the Federation Fund is that New South Wales has a Labor Government.

Mr Knowles: It is pure spite.

Mr SCULLY: That is right, it is spite. Out of spite for the people of New South Wales, to somehow penalise those people because they elected a Labor Government, the Federal Government has been vindictive and mean spirited in denying the people of this State a reasonable share of the Federation Fund.

Mr Tripodi: It is political discrimination.

Mr SCULLY: As the honourable member for Fairfield said, it is political discrimination. New South Wales will get a measly bridge on the Murray River at a cost of \$12 million. Guess whose electorate it will be in? It will be in Tim Fischer's electorate; that is what the Federal Government is committed to. There will be projects all around the country. They roll off the Prime Minister's tongue and demonstrate his great concern for infrastructure, but when it comes to New South Wales he has a big X on the map.

Mr Knowles: Send him a road map.

Mr SCULLY: I will send him a road map. To the 1.5 million people who live in western Sydney the western Sydney orbital is the type of infrastructure project that the Prime Minister could be congratulated on for having the vision and foresight to have a commitment to it. The honourable member for Hawkesbury, who is almost the father of the House, should stand up for his constituents. He should stand up and be counted and show to his colleagues, the west-of-Sydney liberals, that we will not tolerate the contempt that the Federal Government has shown for western Sydney. The honourable member for The Hills and the honourable member for Hawkesbury were at the

meeting at WSROC. I said "This is an opportunity for liberals in the north west of Sydney"—

[Interruption]

He said if the people of western Sydney were lucky, they could one day graduate and aspire to live in The Hills. The Hills is a great place. My parents-in-law live in The Hills, but if they found out that he is the local member I think they would move. I am delighted with the support for the western Sydney orbital from members on this side of the House. Members opposite should be under no illusion; they have not heard the last of the western Sydney orbital. I know members opposite do not consider it important, but it is the most important road project in western Sydney. I am sure honourable members on this side of the House will put up their hands when the Government calls for support, when it takes the case to the Federal Government and says we are sick and tired of being discriminated against under the Federation Fund. We are sick and tired of hearing the Federal Government's commitment. Labor States get zero; Liberal States get untold red-carpet treatment in regard to Federal Government spending.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Federal Goods and Services Tax

Mr MILLS (Wallsend) [3.22 p.m.]: My motion is urgent because the Prime Minister is reported to have told the joint coalition meeting in Canberra last week that this will be the last session of the Thirty-eighth Federal Parliament. The motion is urgent because of the gravity of this Parliament's responsibility for the delivery of public health services in New South Wales. Because of the impending Federal election there will not be enough time or exposure to gauge the adverse impact of a goods and services tax on the provision of public health services. The motion is urgent because the New South Wales coalition needs an opportunity before the Sunday newspapers are published to wake up and admit what a disaster their liberal mates in Canberra have created by their wastage and their reduction in funding for health services.

Mr Hartcher: On a point of order. The standing orders are explicit. The honourable member must demonstrate why his motion should have priority over that of the honourable member for Vaucluse. He is talking about the Sunday papers and how members of the Opposition should react to them. That is not an argument for priority. I ask you

to draw him back to the leave of the motion, as we are going to hear from the honourable member for Londonderry, whom I welcome back today.

Ms Moore: On the point of order. Notwithstanding your previous rulings, I ask you to uphold this standing order and allow the member to have five minutes to establish the priority of his motion so that the House can vote accordingly.

Mr SPEAKER: Order! The point of order taken by the member for Gosford is that the member for Wallsend should be advancing reasons why his motion should receive priority and not debating the substantive issue. I uphold the point of order.

Mr MILLS: The motion is urgent and should be debated because, unlike the motion proposed by the honourable member for Vacluse—

Mr Rozzoli: On a point of order. I very much regret having to take a point of order against my very great friend the honourable member for Wallsend, with whom I agree on many issues. The point I raise is not one normally raised in the context of this debate. I suggest that his motion is out of order, or at least part of it is out of order, on the basis that it raises two completely separate issues. In a sense they are linked, in that they both relate to health matters, but the two parts of the motion are completely different.

The first part of the motion calls on this House to support the Federal Minister for Health, Dr Michael Wooldridge, in his opposition to a goods and services tax being imposed on health services. That is one subject in its own right. The other part of the motion notes the commitment of the New South Wales Government to provide comprehensive public health care, and that is a completely separate and distinct matter. There has been no attempt to link one to the other and if you rule the motion partly in order, I suggest that you direct the honourable member to delete one or other of the two parts of his motion.

Mr SPEAKER: Order! The point of order taken by the honourable member for Hawkesbury has some substance. However, in the opinion of the Chair opposition to a goods and services tax would be based on financial considerations. The second paragraph of the motion deals with such considerations and I rule that the member for Wallsend is in order.

Mr MILLS: Because of the gravity of health issues, this motion should be debated in preference to the motion of the Opposition, which is an attempt

to intimidate a local government council and a very minor interest in the good governance of New South Wales.

Sydney City Council Elections

Mr DEBNAM (Vacluse) [3.26 p.m.]: The motion I present is urgent because the Minister for Local Government—and I use the term "Minister" loosely—is misleading New South Wales about his proposed roting of the Sydney City Council elections. The motion is urgent because the Carr Government Minister is misleading the community by the deals he has done and just who can vote after—

Mr Whelan: On a point of order. This matter was the subject of a question and an answer during question time today which covered the exact terms of reference in relation to this supposed issue of urgency before the House. The matter has already been considered by the Minister. It is therefore out of order.

Mr SPEAKER: Order! The words used by the Leader of the House could well be used in a speech opposing the motion. However, the House will decide which of the two competing motions should receive priority.

Mr DEBNAM: This motion is urgent because this Minister in the Carr Government has, heaven forbid, been trying to mislead John Laws and millions of radio listeners about the deals he has been negotiating with comrade Frank Sartor on the proposed roting of the council elections.

Mr Gibson: On a point of order. Mine is an important point of order because many Speakers have ruled on this standing order and have ruled in this way: that the honourable member for Vacluse must advance reasons why his motion is urgent. I have said in this Chamber on many occasions that nothing gives him the leniency to move into the substance of the debate. It is not a five-minute free kick for any member of this Chamber to use. He has to establish urgency. If he wants five minutes he can come back at 5.15 and use up five minutes during private members' statements, but he must establish the reason for priority and not move into the substance of the debate.

Mr SPEAKER: Order! There is no point of order.

Mr DEBNAM: This House needs a frank and earnest debate on the issue. The people of New South Wales urgently need to know whether this

Carr Government Minister is simply doing the bidding of comrade Frank. The Minister is sworn to serve the people of New South Wales, not just his little mates.

Mr Gibson: On a point of order.

Mr SPEAKER: Order! I understand the point of order the member for Londonderry is about to take and I uphold it. The member for Vacluse is now moving to the substance of the debate.

Mr DEBNAM: This motion is far more urgent than the one presented by the honourable member for Wallsend. The honourable member is talking about a tax reform proposal that may arise some time in the next few years. My motion relates to a cowardly Minister who has refused to consult with the people he is going to disfranchise. These people are actually about to march in the streets on this issue. It is urgent that it be discussed in the House today. This motion is urgent because we can see another Bob Carr backflip developing. The House needs a frank and earnest debate on this issue before this Carr Government Minister is totally irrelevant, like most of his colleagues and all of the left wing.

Mr Gibson: On a point of order. The member must establish why his motion is more urgent. He is not at liberty to slander any member of this Chamber. He does not get five minutes to do that. He has to establish why his motion should be heard in this Chamber today. He has not done that, and he is not at liberty to move to the substance of his motion.

Mr SPEAKER: Order! The member is straying into the substance of the debate.

Mr DEBNAM: It is far more urgent for the Parliament to discuss this motion today than some nebulous future tax reform proposal. No-one has any idea when that will come up. What I wish to debate is affecting people now. This is a matter of a Carr Government Minister trying to rot democracy in New South Wales. It is urgent because the people of New South Wales have been accustomed to getting from this Minister one blank page after another. Now they are getting one lie after another—one misleading statement here, another misleading statement there. The House must urgently address this issue. I am sure it is a matter that all members of this House would want to debate this afternoon. The Minister for Local Government must be brought urgently to the House to discuss the issue. Clearly, he retired years ago and forgot to tell the Premier. The House needs to debate this rot, which will disfranchise 40 per cent of the business voters in the city of Sydney. It is a rot that has been done in a

deal between comrade Frank and comrade Ernie. We need to discuss it today.

Question—That the motion for urgent consideration of the honourable member for Wallsend be proceed with—put.

The House divided.

Ayes, 45

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 Debus	Mr Neilly
Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
Mr Gibson	Mr Price
Mrs Grusovin	Dr Refshauge
Ms Hall	Mr Rogan
Mr Harrison	Mr Rumble
Ms Harrison	Mr Scully
Mr Hunter	Mr Shedden
Mr Iemma	Mr Stewart
Mr Knight	Mr Sullivan
Mr Knowles	Mr Tripodi
Mr Langton	Mr Watkins
Mrs Lo Po'	Mr Woods
Mr Lynch	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

Noes, 43

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 J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Kerr

Pairs

Mr Carr	Mr Brogden
Mr Clough	Dr Kernohan
Mr Crittenden	Mr Merton
Mr Yeadon	Mr D.L. Page

Question so resolved in the affirmative.**FEDERAL GOODS AND SERVICES TAX****Urgent Motion**

Mr MILLS (Wallsend) [3.40 p.m.]: I move:

That this House:

- (1) supports the Federal health Minister, Dr Michael Wooldridge, in his opposition to a GST being imposed on health services; and
- (2) notes the commitment of the New South Wales Government to provide comprehensive public health care in light of the Commonwealth Government's cuts in excess of \$200 million.

The Federal Minister for Health and Family Services has said that he thinks health should be zero rated in any goods and services tax regime proposed by the Federal Government. But he has also made it clear that it is not up to him; it is a decision the Federal Cabinet is yet to make. Members of this State Parliament must support Dr Wooldridge in his opposition to a goods and services tax being imposed on health. The New South Wales health system needs to be protected from the excesses of a hard-hearted Howard Government. Already we have seen the Federal Government jump from one health blunder to the next. John Howard has ripped millions of dollars from public hospitals—so far the cost to New South Wales is \$103 million. That funding has been cut directly from public hospitals and is equivalent to the cost of treating more than 50,000 patients.

Just a few weeks ago at the recent Senate inquiry those cuts were shown to be completely unjustified. On top of that, the mean-spirited Howard Government decided to attack some of the most vulnerable people in the community by axing the Commonwealth dental health program. The needy, the elderly and the battlers have lost \$94 million in Commonwealth funding for their dental care. John Howard has abandoned thousands of people who suffer painful dental conditions. Since the axing of that program waiting times for dental care have exploded. Then there is the Howard Government's continued attack on the aged, with its nursing homes fiasco. The morning after the Federal budget, the Federal health Minister decided to own

up to the Federal agenda. What he owned up to was that the Federal agenda was to cut, cut and then cut some more.

Michael Wooldridge told his audience that, while the Howard Government was unpopular, it had been very good at cost containment. It is hard to believe that he proudly declared that health spending has declined as a proportion of government outlays and as a proportion of gross domestic product. Revealing the truth behind John Howard's health policy, Dr Wooldridge went on to say that under the Howard Government health expenditure in terms of GDP is now the third lowest in the Western World. What an admission! Australia prides itself on being a caring country, yet the Federal coalition Government is bragging about the money it has been able to rip from the people who need it most—the sick, the poor and the elderly.

Just yesterday there was more evidence of the Federal Government's spectacular failure on private health insurance levels. Across Australia there has been another 0.5 per cent decrease in private health insurance membership. Despite the hundreds of millions of dollars being ploughed in by the Federal Liberal Government—about \$600 million in this budget year—to prop up private health insurance the Federal Government has still failed, as the decrease in private health insurance membership continues. Those hundreds of millions of dollars should have gone where they were most needed—directly into the wards, public dental health clinics and community health centres.

In face of the onslaught from the Federal Government, here in New South Wales the Carr Government has been trying to protect patients. Under the Carr Government health spending has increased by almost \$1 billion. That is something the honourable member for North Shore has acknowledged. She said that under the Carr Government we have "a \$6 billion health system—\$1 billion more than the former coalition Government." It is good to hear that acknowledgment of the Government's efforts in health. Every year thousands more people are being treated in our public hospitals than when the coalition Government was defeated in March 1995. The Carr Government has embarked on a massive capital works program. Rural areas have been a key priority for the Government. The Government has increased funding for rural areas by a massive 21.3 per cent, or \$166 million. In fact, the Hon. Dr Brian Pezzutti is proving to be a worthwhile crusader for the Carr Government in the bush. On 27 March this year he applauded the Carr Government for putting record funding into rural health.

The Carr Government has been determined to try to protect the patients of this State from the miserable measures of the Federal Government. But now the people of Australia are faced with the spectre of the imposition of a GST on health. That would be disastrous. The whole health system would become much more expensive. It would hit hardest and hurt those least able to afford additional costs. A computer axial tomography scanner is used for diagnostic testing for people suffering from cancer, head injuries, trauma and neurological conditions. A scanner costs about \$1.5 million, but with a GST we would have to add another 10 per cent. A magnetic resonance imager—MRI—is also used in the diagnosis of cancer and in following up progress of treatment, as well as for people with spinal injuries. The cost of an MRI is \$2.5 million—

Ms Ficarra: What does MRI stand for?

Mr MILLS: The honourable member for Georges River was not listening to me before. With a GST we would have to add another 10 per cent on to the cost of a magnetic resonance imaging machine. A linear accelerator for patients undergoing cancer treatment costs between \$1.5 million and \$2 million and, again, with a GST we would have to add another 10 per cent. But it is not only those expensive pieces of equipment that would cost the area health services more. Every aspect of the health system would be affected by the introduction of a goods and services tax. A visit to the pharmacist, the podiatrist, the optometrist or any other health professional would cost more—say 10 per cent more. It would cost more to run immunisation programs, pharmaceutical products would cost 10 per cent more and wheelchairs would cost 10 per cent more.

Regardless of whether a goods and services tax were imposed on health or whether health were zero rated, there would also be massive compliance costs to the tune of millions of dollars for the area health services. New computer systems would be needed to meet the requirements of the new tax regime. It is estimated that the compliance costs for small businesses—those businesses employing 15 people or fewer—would be about \$10,000, so one can imagine the huge compliance costs for an organisation with a budget of \$6 billion, that organisation being the New South Wales public health sector. The implications of a GST on health are massive. But the Prime Minister and his Treasurer have not ruled that out. The Prime Minister and his Treasurer, Mr Costello, have failed to reassure the people of Australia that health should be zero rated if a GST is introduced. On 17 May the Federal health Minister said he thought that health

should be zero rated. But at the same time he said it was not his call, that it was up to the Federal Cabinet and that the issue had at that stage not been discussed.

I urge the House to support this motion. The Government wants to tell the Hon. Michael Wooldridge that it supports him in his opposition to a GST being applied to health in Australia. This afternoon the Government wants to give the Liberal and National parties in New South Wales—the only State coalition to have abrogated its responsibility to work in the best interests of the people—the opportunity to say that John Howard, through his health cuts and through his shilly-shallying about the prospect of a GST on health, is not doing a good job. We want to give coalition members the opportunity to stand up for the people of New South Wales, which was the oath they took when they came into this place. We want coalition members to support the people of New South Wales and their need to stop the Howard cuts. We want to avoid the disaster that a GST would have on health and the way it would impact especially on the poor, the sick and the elderly.

Mrs SKINNER (North Shore) [3.50 p.m.]: The first part of the two-part motion relates to the comments of the Federal Minister for Health and Family Services in relation to a goods and services tax being imposed on health services. The coalition is very happy to congratulate the Federal Minister for his comment and, in particular, to note that he is prepared to enter into community consultation about a GST, a position that is different to that taken by the Labor Party at any level. I hope the New South Wales Labor Party will indicate to the electorate that it is prepared to enter into a debate about the GST, something which it has not done to date. The second part of the motion is obviously nothing more than unwarranted, self-serving congratulations by the Government. For that reason, I move:

That the motion be amended by leaving out all words after the word "notes" with a view to inserting instead:

"the failure of the New South Wales Government to provide comprehensive public health care."

It is very easy for me to move such a motion and then, with almost no notice, speak to it. I thank the honourable member for Wallsend for giving me this opportunity to raise this matter today. The media and people in rural New South Wales have approached me and asked when I would have an opportunity to raise in the House matters about which they were seeking comments from me. I said, "Perhaps the Labor Party will give me an opportunity to speak on health this week." I take this

opportunity to raise the concerns of country people, particularly those in the Macquarie Area Health Service who have been informed by a leaked document—the asset plan for the area—that 187 of the 307 hospital beds in the area are to close. Therefore, only 120 beds of the 307 beds in the Macquarie Area Health Service will remain. The proposal is to close both acute and long-stay beds in 15 small country hospitals. I gave the people of Dubbo and other small country towns a promise that if I had the opportunity I would seek an assurance from the Government that it would not proceed with its plan to close those beds. I gave the following towns an assurance about hospitals: Cobar, Coolah, Coonabarabran, Baradine, Coonamble, Gulargambone, Dunedoo, Gilgandra, Narromine, Nyngan, Trangie, Warren and Wellington.

Mr Mills: On a point of order. I have listened to the honourable member for North Shore making irrelevant comments to the motion before the House for about 1½ minutes. I can understand that she would wish to make a passing reference to the Macquarie Area Health Service to illustrate a point. However, she has continued on the same theme for 1½ minutes, and her comments are irrelevant to the motion before the House. Mr Speaker, I ask you to direct the honourable member to return to the substance of the motion.

Mrs SKINNER: On the point of order. The honourable member was not listening: I moved an amendment to his motion. Therefore, I am entirely within my rights to talk about these matters. Mr Speaker, I ask you to rule his point of order out of order.

Mr SPEAKER: Order! The amendment reads, *inter alia*, "the failure of the New South Wales Government to provide comprehensive public health care". The member for North Shore was merely giving examples of that alleged failure.

Mrs SKINNER: Those hospitals are concerned because they face the prospect of the closure of 187 of their 307 beds. Is it any wonder they are concerned? They will be delighted that I had the opportunity to raise this matter in Parliament. A number of other people are concerned about the failure of the Carr Government to provide comprehensive public health care, including people who are involved in the delivery of health services. During question time today word came to me that industrial action has been foreshadowed by doctors who have not been paid for overdue bills. Five doctors at Wellington hospital are owed \$50,000 and are threatening strike action unless they are paid. At

Baradine a doctor who is owed \$17,000 is threatening strike action if he is not paid. Doctors at Coonabarabran have not been paid and are threatening strike action if the Government does not bring up to date its capacity to pay these bills that are overdue by more than 45 days.

Fifteen months ago the Opposition brought to the attention of the House and the community that the Government owed a total of \$45 million in bills overdue by more than 45 days. At that time the response of the Minister for Health was to lend them money to pay off their debts. It was a classic case of giving them a Visa card to pay their Mastercard. As a result, these area health services and hospitals have gone into spiralling debt. This situation was pointed out to the Government, just in case it did not understand the pitfalls of that management technique. The Government did not understand that it had lost control of the health system. Last December the Auditor-General said in his report to this Parliament that most of the rural health services—in fact, six of the eight—were living on dangerously high borrowings. He warned that long-term borrowings to pay short-term debts were sending them into an absolute crisis.

I have no doubt that the Minister has no idea how to manage the health budget. Our hospitals are out of control. The Minister has an absolute responsibility to use resources in the most effective way to get the best health outcomes for the people of this State and he is failing to do that. He is alienating the doctors in places such as Wellington and Coonabarabran, and dental technicians such as Mr Robert Stack from Glen Innes. He came to Parliament House earlier this week to raise with me and the media the fact that he had not been paid \$7,000, a good portion of which was outstanding for well over 45 days. The outstanding money was for dentures. Therefore, his patients without dentures and his patients who require maintenance or repairs to dentures are suffering. Surprise, surprise! Mr Stack got his cheque for that overdue amount by the end of that day.

I was extremely pleased that as a result of my action money was paid to these overdue creditors. I have invited individuals or companies who are owed money by the Department of Health that is overdue by 45 days to come to me. I will be happy to take their matter to the media and to raise it in this place. That is obviously the best way for them to get their bills paid. The same sort of thing applies not just in the country areas but also in metropolitan areas. The South Eastern Sydney Area Health Service owes millions of dollars in overdue debts, including

money to a drug company for intravenous fluid supplies, syringes and saline solutions.

I contacted this company and it is concerned that it may be the only supplier of this product. Although the company has not been paid for three months it has a moral obligation not to withdraw its service. Because it puts quality of life and the care and health of its patients first, it is obliged to carry the can for the Department of Health. In other words, the company's overdraft is being run up because the Department of Health, through the Minister for Health, has refused to pay its bills on time. The Opposition's amendment deserves support. The Government should be condemned for its failure to provide comprehensive public health services. I would be happy to send a copy of today's *Hansard* containing my speech and the Minister's response to people have been owed money for more than 45 days and to people who want to know what is happening about the bed closures in the Macquarie Area Health Service.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [4.00 p.m.]: On many occasions I have had cause to disagree with the Federal Minister for Health and Family Services about funding, private health-care initiatives and Medicare, but this is not one of those occasions. Regarding a goods and services tax—GST—on health, the Carr Government gives Michael Wooldridge wholehearted support. He has called for health—health care, health services, health promotion and health supplies—to be zero rated under the possible imposition of a goods and services tax, a Howard and Costello tax. Michael Wooldridge has certainly got it right on this issue. The Carr Government opposes the imposition of a goods and services tax on any product or service; but it is particularly insidious when it hits essential products and services of such profound importance as health care.

Quality health care is one of the cornerstones on which our fine society is built. We must continue to protect the primary status of health in our community. The Carr Government has consistently given health a top priority status as it works to secure a better future for the people of New South Wales. In just three Carr Government budgets health funding has increased by almost a billion dollars to an historic \$5.591 billion. This week the Opposition spokeswoman on health, the honourable member for North Shore, gave this historic increase due acknowledgment in one of her fine press releases, and the Government thanks her for that. The Carr

Government's record stands in stark contrast to the Howard Government's cuts of more than \$200 million to the New South Wales health system. John "undermine Medicare" Howard and Peter "Fightback revisited" Costello are obviously determined to continue on this disastrous path.

The Prime Minister and his misguided Treasurer have failed to definitively state that health would be zero rated if a GST were introduced. Yet their health Minister knows that a GST on health would be a disaster for Australia. The whole system would become vastly more expensive and would again hit hardest those least able to afford additional costs. Dr Wooldridge knows that a GST on health would devastate hundreds of thousands of people seeking care. He knows that if a GST were introduced the Commonwealth would have to provide more funding to the States, because of the dramatically increased costs of running health systems. Health Ministers around the country have already put a strong and comprehensive argument that the increasing costs of new technology and new drugs are forcing up the costs of running public hospitals.

With a GST the situation would get a lot worse, and it would get a lot worse very quickly. The cost of a gama camera, \$1 million, would increase by 10 per cent with a GST. Ultrasound equipment, which is used in teaching hospitals for pregnant women and in the treatment of heart, kidney and gall bladder conditions, costs up to \$750,000. Another 10 per cent would be added to that cost with the Howard-Costello GST. A health GST would signal the end of bulk billing. The implications of a GST are massive and alarming. It is a particularly alarming assault on the vulnerable and marginalised in our community. Yet it appears that this is what Howard and Costello are contemplating in their ideological zeal to decimate our public hospitals. I urge all honourable members to support Dr Wooldridge in his opposition to a GST on health and stop this disaster from happening to our health system.

Ms FICARRA (Georges River) [4.04 p.m.]: The Federal Minister for Health and Family Services, Dr Michael Wooldridge, has argued that health services should not be subject to a goods and services tax. The coalition is confident that the Federal Government will agree with Dr Wooldridge, and time will prove us to be right. Dr Wooldridge has argued that health should be treated the way that had been proposed under the coalition's Fightback plan in 1993. It would be zero rated, meaning that

neither health services nor inputs into the system would be subject to tax. His comments reflect a lot of private views that both health and education should be zero rated in the new GST. On the Channel 7 program *Face to Face* he said as much. Time will prove the Opposition right on that account.

I refer to the amendment and the dreadful mismanagement of the health system by the Carr Government and the Minister for Health. The number of people waiting more than a year for elective surgery in a public hospital has more than doubled during the Government's time in office. Waiting list times have more than doubled and more than 52,000 people are now waiting for elective surgery. What has the Government done with all the money? The Government has raised far more revenue per capita than any other State Government. It has raised money through the property boom, sales tax, gambling taxes, land tax—13 new taxes. Every household in New South Wales is paying more than a thousand dollars more in tax under the Carr Government. What is it doing with that money? Government Ministers mismanage every portfolio. Money given to any Labor Government—State or Commonwealth—is certain to mess up the system.

Unfortunately the coalition will have to pick up Labor's financial mismanagement mistakes. It will do that, as it has in the past, in every State and at the Federal level. The St George Hospital, which is in my area, has experienced the biggest ever escalation of waiting lists—2,500 patients are waiting for a bed. The Minister should be concerned about that. The Government holds the marginal seat of Kogarah and the poorly performing local member did not turn up to the rally to save the hospital when the Minister foolishly wanted to give it to St Vincents. The coalition sent the Minister a clear message, and it is waiting for 27 March 1999 to send him another message. We will also send the honourable member for Kogarah a big message—and if the honourable member for Rockdale does not wake up about the M5 he will get the message too. The Government mismanaged that issue and has mismanaged every portfolio.

The Minister has the hide to come into this House and condemn the Federal Government, which is doing very well in the polls, thank you very much. The Government is going down the gurgler in its daily urgency routine. I refer to the budget crisis. The South Eastern Sydney Area Health Service has known for more than seven months that creditor payments would have to be delayed to avoid it going into overdraft. The Government would have

received leaked information advising it that the South Eastern Sydney Area Health Service was \$12.7 million in debt, that the projected final budget deficit for 1997-98 was \$15 million, that it was using its capital works budget for creditor payments and that it would have to delay creditor payments to ensure that its bank account did not go into overdraft.

The service owes one drug company \$3 million; a major supplier of intravenous fluids has not been paid since February, despite it providing the service with \$300,000 worth of goods each month; and a supplier of syringes is owed \$150,000. What would happen if that supplier did not supply the hospital with saline or Haemaccel? There would be a scandal if people got to operating theatres and no intravenous fluid or syringes were available. What a joke! Under the former Minister for Health, the much-loved Deputy Leader of the Opposition—who is respected by doctors and nurses—New South Wales was a shining bastion in the health system. The Minister for Health is not respected. He is not welcome in the St George area. He should not visit. [*Time expired.*]

Ms HALL (Swansea) [4.09 p.m.]: Members on this side of the House are maintaining their rage about the savage Federal health funding cuts, as have Liberal Premiers and health Ministers across the country, but not those sitting opposite. John Howard and Peter Costello are secretly working on their tax package, which will include a goods and services tax. That is the same GST that John Howard said he would never introduce. What a monumental turnaround! There is not a newspaper in the country that does not have a story about either health or the GST. It is important not to lose sight of what the cut of millions of dollars from the health budget means. The same is true for the GST. It is all about hype for the tax package, lower income tax and a broad-based consumption tax. What does it that mean for the people of Australia?

John Howard goes on about economic rationalism and how the coalition Government is a good financial manager. John Howard was elected to manage the country and to improve the quality of life of the community. In their haste to cut the deficit, John Howard and Peter Costello have forgotten the elderly, the infirm and the needy. They have forgotten Mrs Outram of Floraville, who is waiting for a hip replacement operation. They forgot the people of Belmont and Swansea when they closed the Medicare office in that area. Guess what? When they closed that office they forgot that they

still had to pay rent. The office is still fully equipped and staff are still employed at the Charlestown Medicare office. I do not understand why that office was closed because I cannot understand what savings were made. But according to the Federal Government that is good economic management.

If the \$200 million cut from the health budget were returned to the public health system an extra 500 nurses and 500 ambulance officers could be employed, an extra 150 ambulances could be on the road, and an extra 2,500 patients could have hip replacement surgery. And Shirley Outram would have her operation if an extra \$200 million were invested in the public health system. An extra 10,000 patients could have cataract surgery, an extra 2,100 patients could have heart bypass surgery, an extra 370 mental health patients could receive community residential care, an extra 800 patients could receive dialysis treatment in their home and the Commonwealth dental health program, which has been cut by the Howard Government, could be re-established.

If health services are subject to a GST, who will be hit hardest? It will affect those who can least afford to pay: the sick, the elderly and the needy. People would have to pay an extra 10 per cent for antibiotics, bandages, flu vaccines, pain-killers, dentures and visits to the doctor. The Howard Government has already dramatically increased the fees for people in nursing homes and hostels. Under the Federal Government's total mismanagement of aged care, nursing home and hostel fees would increase by a further 10 per cent. John Howard must stop turning his back on the sick, the elderly and the needy. I demand that John Howard return the \$200 million to the health budget to ensure that our world-class, comprehensive health system is protected.

Mr MILLS (Wallsend) [4.13 p.m.], in reply: I thank the Minister for Health, the honourable member for Swansea, the honourable member for Georges River and the honourable member for North Shore for their contributions to the debate. I am disappointed that National Party members have once again let down the people in the bush by failing to take part in a debate on health. I commend the motion to the House and indicate that the Government will oppose the amendment.

Question—That the words stand—put.

The House divided.

Ayes, 47

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 Debus	Mr Neilly
Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
Mr Gibson	Mr Price
Mrs Grusovin	Dr Refshaug
Ms Hall	Mr Rogan
Mr Harrison	Mr Rumble
Ms Harrison	Mr Scully
Mr Hunter	Mr Shedden
Mr Iemma	Mr Stewart
Mr Knight	Mr Sullivan
Mr Knowles	Mr Tripodi
Mrs Lo Po'	Mr Watkins
Mr Lynch	Mr Whelan
Dr Macdonald	Mr Woods
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

Noes, 39

Mr Armstrong	Mr Phillips
Mr Beck	Mr Photios
Mr Blackmore	Mr Richardson
Mr Chappell	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 J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Mr Oakeshott	Mr Windsor
Mr O'Doherty	<i>Tellers,</i>
Mr O'Farrell	Mr Fraser
Mr Peacocke	Mr Kerr

Pairs

Mr Carr	Mr Brogden
Mr Clough	Mrs Chikarovski
Mr Crittenden	Dr Kernohan
Mr Langton	Mr Merton
Mr Yeadon	Mr D. L. Page

Question so resolved in the affirmative.

Amendment negatived.

Mr SPEAKER: Order! Pursuant to a request by the member for North Shore under Standing Order 157 I propose to put the paragraphs of the motion as separate questions.

Paragraph (1) of the motion agreed to.

Question— That paragraph (2) of the motion be agreed to—put.

The House divided.

Ayes, 47

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 Debus	Mr Neilly
Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
Mr Gibson	Mr Price
Mrs Grusovin	Dr Refshauge
Ms Hall	Mr Rogan
Mr Harrison	Mr Rumble
Ms Harrison	Mr Scully
Mr Hunter	Mr Shedden
Mr Iemma	Mr Stewart
Mr Knight	Mr Sullivan
Mr Knowles	Mr Tripodi
Mrs Lo Po'	Mr Watkins
Mr Lynch	Mr Whelan
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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 J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Mr Oakeshott	Mr Windsor
Mr O'Doherty	<i>Tellers,</i>
Mr O'Farrell	Mr Fraser
Mr Peacocke	Mr Kerr

Pairs

Mr Carr	Mr Brogden
Mr Clough	Mrs Chikarovski
Mr Crittenden	Dr Kernohan
Mr Langton	Mr Merton
Mr Yeadon	Mr D. L. Page

Question so resolved in the affirmative.

Paragraph (2) of the motion agreed to.

PRIVATE MEMBERS' STATEMENTS

ARMENIAN GENOCIDE COMMEMORATION

Mr LYNCH (Liverpool) [4.27 p.m.]: I draw to the attention of the House the concerns of my constituents of Turkish background not only about the now well-publicised decision of this Parliament relating to the Armenian genocide memorial, but to some comments in that debate. I have received a number of representations from organisations concerning this issue. More significantly, I have had discussions with some of my constituents concerning the matters raised. Last Sunday afternoon I had lengthy discussions with Ercan Basafacan, a prominent figure in my community who is associated with the Feza Foundation and Sule College at Prestons. Ercan is also a friend of mine.

Considerable disquiet has arisen about claims made in this place relating to events in the Ottoman Empire in 1915. The concern is that the House heard only one side of an historical debate and that too many people who pretended to be historians were simply journalists and politicians. At this stage I am not saying that one side is correct and the other is wrong. Decisions in this place should be based not upon partial exposure to historical evidence, but on a full and proper assessment of what occurred. To do anything else is contrary to the principles of multiculturalism. The concerns of my constituents are well set out in a letter dated 13 May from Nurhan Kurangil, who is the President of the Association of Australian Turkish Womens Helping Hand. The letter states:

I was compelled to write having learnt that on 17 April 1997 the Legislative Assembly of the NSW Parliament agreed to a motion to declare April 24 as the so-called "Armenian Genocide Day" and that Premier Bob Carr initiated a project to install an "Armenian Genocide Memorial" in the NSW Parliament.

These were shocking news for the Turkish community of Australia of which I am proud to be a member.

From the eleventh to the second half of the nineteenth century, Turks and Armenians of Anatolia lead a peaceful coexistence. No major conflict or armed struggle brought these two communities against one another.

However, between 1914 and 1922, eleven conventional wars broke out between Armenia and the Ottomans, Georgians, Azerbaijanis and Russians. Civil wars also took place in Armenia itself. In all these hostilities, Armenians inflicted sufferings on the other side and they themselves lost their lives.

The First World War also inflicted other sufferings on them. Having been attacked from behind, the Ottoman Government had to evacuate the Armenians from eastern Anatolia, under severe conditions of war, inclement weather, epidemics and famine. Hundreds of thousands of lives were lost on both sides.

This was indeed a tragedy but it cannot be called genocide. The incidents that occurred lacked the essential element for the qualification of the crime of genocide as defined in the 1948 Convention for the Prevention and Repression of the Crime of Genocide, which is the intention to annihilate in part or as a whole an ethnic group.

Today, the Armenians of diaspora are trying to distort history. They are injecting hatred into the hearts and minds of Armenian children. Armenian terrorists killed more than 50 Turks, most of them diplomats and their immediate family members as well as other innocent people since 1974.

In contrast, Armenians in Turkey are living in harmony with the Turks today. Turkey is a unitary republic based on the equality of its citizens before the law without distinction of race, religion or language. Furthermore, their rights have been guaranteed by the International Treaty of Lausanne signed on 24 July 1923.

At present there are more than 20 Armenian nursery, primary, secondary and high schools teaching the Armenian language in Turkey. Armenians have over 30 functioning churches, in all of which services are held freely. They have their own hospitals. Two Armenian daily newspapers and a few periodicals are published. The members of the Armenian community are economically in better shape than the average Turkish citizens of Istanbul and Izmir in particular and Turkey as a whole.

Therefore, to admit to Armenian genocide would be tantamount to admitting to a non-truth, insulting the Turkish nation who has distinguished itself as one of the most tolerant of the world, and succumbing to propaganda, violence and terror thus encouraging hatred and hostility between us and the Turks and the Armenians living in Australia.

It seems to me that it is not the role of this Chamber to take sides. I do not necessarily adopt or disagree with what I have read to the House, but it is important that all sides of this debate are heard. That is certainly not the only letter I have received; I have also received other representations. I received a letter from the President of the New South Wales Council of Turkish Associations, dated 11 May, which, although it did not deal in as much detail with the specific items of concern, certainly indicated that it was unhappy that things had been

said with which the council did not agree. These are matters I have read about over a number of years, certainly well before I became a member of this House. The one positive thing I could say is that although these matters clearly relate to a massive tragedy in which a great many people lost their lives, the actual origin of them is certainly a matter of considerable historical debate and this House would do well to consider that debate very carefully before it adopts one side of the argument rather than the other.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.32 p.m.]: The honourable member for Liverpool takes a keen interest in the Armenian and Turkish communities, and I commend him for bringing the matter before this House.

INDONESIAN CRISIS

Ms MEAGHER (Cabramatta) [4.32 p.m.]: I bring to the attention of the House public concern about the current situation in Indonesia, particularly the persecution of the ethnic Chinese minority. I have been approached by constituents whose family members and friends are currently trapped in Indonesia and are suffering greatly in the mob violence which has overtaken the streets in recent weeks. As we witness on our television screens each night, our closest neighbour has been caught up in an economic and social catastrophe which is clearly beyond the control of its government. That situation has been exacerbated by the intransigence of the current political system, a system that has been dominated by the military and a single political party led by a family which has been accused of nepotism and corruption.

A time bomb was slowly ticking as people became increasingly hungry and frustrated. The recent economic crisis sparked the explosion of chaotic anger and violence we have seen recently. Earlier this week I received a copy of a letter from Mr Sam Giang, who lives in the electorate of Cabramatta. The letter was addressed to the Prime Minister and was a plea for assistance on behalf of the ethnic Chinese in Indonesia. In his letter Mr Giang said:

Dear sir, I am a Chinese Vietnamese who came to Australia in 1985. I love this country very much as it is peaceful and the Australian are friendly. I realise that Australia is a helpful country who is willing to help others in need. This is the reason I write this letter to you.

As you know, Indonesia is having a very serious crisis now, especially the ethnic Chinese. They have always been the scapegoats if there is something wrong going on there . . .

Lately they have been attacked by the native Indonesians who are demonstrating against Soeharto . . . When I heard that they wanted to protest against the government there, I thought their purpose was sacred and for the advantage of everyone, but what they are doing now is just horrible.

Mr Giang went on to detail shocking incidents of senseless violence that have been perpetrated against his friends and relatives, acts of violence and terror being waged against people for no reason other than their ethnicity. Mr Giang relayed an incident which occurred a few days ago to some close friends of his fiancée in Jakarta who were stopped by rioters when they were on their way to the airport.

They took their luggage, they beat up the men and raped the women right in public. They then left them beside the road without their clothes and burnt their passports.

As Indonesia teeters on the brink of collapse hungry and frustrated citizens have vented their anger on ethnic Chinese citizens, innocent people who fear for their lives. Hundreds were killed by troops, and many more caught in burning shops and warehouses have died. There have been reports that many of the mobs that were robbing and terrorising innocent Chinese Indonesians were being actively encouraged by some political leaders who stand to benefit from the chaos. Honourable members have undoubtedly witnessed the many television reports of sections of the military standing by, watching, whilst ethnic Chinese were persecuted. I spent three months in Indonesia a few years ago and it was apparent then, as it is now, that there is a huge disparity between the rich and the poor in Indonesia; and many of the rich and middle class are ethnic Chinese.

It is also clear that widespread violence has been directed at people of Chinese appearance, and they have been judged and persecuted on the basis of their race. Most of those people are in fact third or fourth generation Chinese Indonesians who, although they may retain contact with relatives and friends in places such as China and Hong Kong where their families originated, are to all intents and purposes Indonesian citizens. Many poor and hard-working Chinese have been brutalised and victimised, even though they have suffered equally as much as anyone in the current crisis. It is not appropriate to speculate in this House on the causes of or possible solutions to ethnic tensions in Indonesia, but I join with my constituent, Mr Giang, and implore the Federal Government to pressure the United Nations to take action.

As I speak, there are many in Indonesia who have endured unspeakable atrocities and are living in fear of their lives. As a State Legislature we are unable to take action directly or offer assistance to

those in need, but I am sure I speak for all honourable members when I say that we are hoping and praying for a speedy resolution to the economic crisis and civil unrest. There is no doubt that the dismantling of the Soeharto regime will be difficult, but we all pray that there will be no further bloodshed or persecution of innocent people. I take this opportunity to extend my sincere sympathies to my constituents who have friends and relatives trapped in the Indonesian conflict.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.36 p.m.]: I commend the honourable member for Cabramatta for highlighting the situation of the ethnic minority Chinese in Indonesia, many of whom were born there. The honourable member's constituents are people of various nationalities. Many of them were born overseas, and she has been dealing with the concerns of her constituents, in particular Mr Giang, who outlined the atrocities and the sad situation that television has been brought into our living rooms each night. I know honourable members will join me and the honourable member for Cabramatta in calling for a speedy resolution to this appalling conflict.

SOUTHERN HIGHLANDS ELECTORATE POLICE PRISONER ESCORTS

Ms SEATON (Southern Highlands) [4.37 p.m.]: I draw to the attention of the House the burden of prisoner escort duties placed on police in my electorate, particularly in the context of growing fears and insecurity about rising crime and different types of crime in the southern highlands region. Since the Carr Government restructured the Police Service throughout New South Wales we have found ourselves at a significant disadvantage. The electorate of Southern Highlands has approximately seven-eighths of the land mass of the greater Hume area, but has only one-seventh of the resources. There is a police base at Camden but we rarely see those officers and local police do the best they can with what they have. The electorate has experienced a drain of resources to the more populous areas to the north and that makes it even more difficult to cope with the vast distances between some of the centres in my electorate, between Bowral and Bundanoon, for example, Bowral being where the police patrol is based.

I have tried to find ways to realistically achieve a better use of our resources. I have sought ideas from police and from the community. One achievable way in which to do this is to have local police relieved of the prisoner escort duties that they

currently undertake. That is unusual, I have to say, because many other areas have already managed to divest police officers of those prisoner escort duties and get them back into local policing. I have widespread support for this proposal from the chambers of commerce in Moss Vale, Bowral and Mittagong, from Neighbourhood Watch groups, from the police including my local area commander, and from the Bundanoon community in particular, which is a half-hour ride from Bowral. It is the farthest flung part of my electorate, and is a significant population centre.

Not surprisingly, statistics in relation to prisoner escorts show that police in my area are conducting escorts not only to Goulburn and Long Bay gaols but, in the case of juveniles, to Keelong near Wollongong, and to many other places, including Silverwater. Figures for 1996 show that police conducted 142 prisoner escorts, which occupied 1,029 hours. There were 14 mental patient escorts, which took 102 hours. A total of 151 hours overtime was directly attributable to escorts, and that does not take into account additional overtime due to staff shortages caused by the requirement to provide those escorts. So a significant slab of time has been taken from police resources in my area to conduct prisoner escorts, which often have nothing at all to do with our region.

Imagine what could be done with those extra 1,000 hours per year on the streets in my electorate. I have met with local chambers of commerce and have received very strong support for this proposal. The Mittagong Chamber of Commerce wrote to me and stated that it is very supportive of the proposal. It believes it is not appropriate that police hours should be used up escorting prisoners to and from Goulburn or Berrima gaols or to courts in Moss Vale and other places. It made the point that the Southern Highlands electorate is then vulnerable to increased criminal activity. Robberies in that area have increased by 40 per cent.

I have received the same story from the Moss Vale Chamber of Commerce, and its president has also supported me on this issue. Significant problems exist in Moss Vale, and although Operation Dayton has put some police resources into Moss Vale they are still not enough. Many incidents, including knife attacks and attempted assaults, are left unchecked, particularly around the central business district. The Moss Vale Chamber of Commerce believes that a greater police presence would be a good way to prevent some of those incidents.

I have written to the police Minister and requested him to consider removing the duty of prisoner escorts from police in the Bowral area. I have yet to receive a reply from him. I hope that, having heard this issue raised in the House this afternoon, he might ascertain whether that is possible and take positive action. Those 1,000 hours per year could be used to great effect if police were back on the beat around Bowral, Mittagong and Moss Vale and had the time to do extra patrols in Bundanoon, which has recently had significant problems. Those extra hours could also be used to put an increased police presence in the northern villages and on some of our more remote country roads. I hope the Minister for Police will take note of what I have said today and will take on board the strong support I have from my chambers of commerce, from Neighbourhood Watch, from our local police and, indeed, from the local commander himself. [*Time expired.*]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.42 p.m.]: I will refer the matter raised this afternoon by the honourable member for Southern Highlands to the Minister for Police. I do not think the honourable member would have us believe this has all happened overnight. Usually these things occur following a change of government when matters are raised which, when one is in government, do not seem to be of great concern. The issue of prisoner escorts has been a longstanding problem in country centres generally. Getting relief from them makes for better use of police time. Therefore, I will refer the matter to the Minister.

SHOTBALL FOR SENIORS

Mr ROGAN (East Hills) [4.43 p.m.]: I wish to announce this afternoon what I consider to be an innovative and rather exciting new sport that has been developed by a local group within my electorate—the Panania Probus Club—to be played by our retired and senior citizens. Before referring to the sport itself I should say that it is the advice of health experts that physical activity in the elderly has been linked to the prevention of some cancers, as well as the reduction in the risk of heart disease, hypertension, osteoporosis, obesity, type 2 diabetes, osteoarthritis and abnormal cholesterol levels. It is suggested that 40 to 50 minutes aerobic, weight-bearing exercise be performed three to four days a week. This appears to be adequate to maintain bone mass in older adults.

Physical activity reduces symptoms of anxiety and depression and increases one's positive mood

and general wellbeing, particularly in women and persons over 40. Exercise is associated also with more effective stress management, fewer sleep disorders, enlightened mental outlook, and reduced loneliness. It is recommended that every adult in New South Wales should accumulate 30 minutes or more of moderately intense physical activity each day of the week. Physical activity also reduces the risk of high blood pressure, high cholesterol levels, coronary heart disease, colon cancer, stroke and adult-onset diabetes. Being physically active also has other benefits. It improves circulation, prevents stiffness of joints, improves one's ability to cope with stress, increases muscle strength, and improves quality of sleep.

This exciting and innovative sport has been developed by Mr Ted Schwarzel, who is the President of Panania Probus Club. I give him full credit for coming up with this idea. In addition to my making an announcement in the House about this sport, it will be the subject of a formal representation to the Minister for Sport and Recreation requesting a grant of \$4,800 to promote the sport in Probus clubs and throughout New South Wales. The game is called shotball for seniors. Shotball was introduced to members of the Panania Probus Club and the Revesby Probus Club as physical exercise and social activity for their members.

Panania and Revesby Probus clubs have been invited to stage a demonstration of the game of shotball in November this year at the Probus rendezvous in Goulburn. More than 2,000 Probus clubs throughout Australia have been invited to attend this meeting. It is intended to promote shotball to the 40,000 Probians in New South Wales by inviting each of the 520 Probus clubs in the State to start up a shotball group within their clubs and join with the Panania club for the demonstration game at Goulburn in November.

The aim is to develop shotball into a recognised fun sport for senior groups in the community. The emphasis is on fun and social activity rather than competition. It is envisaged that the main participants of shotball will be seniors, 50 years and over. The rules of the game are fairly simple. I will ask the Minister to recommend to the Department of Sport and Recreation that shotball be accredited as a recognised and approved sport. After it is accredited, the game of shotball will be promoted to senior groups and individuals throughout New South Wales by way of press releases, direct contact and other appropriate and approved methods.

Physically, players need only to be able to walk unaided, be able to catch a ball 200 millimetres or eight inches in diameter, and be able to pass the ball to fellow players. The court should have a level surface, which would be available in most areas and would be inexpensive to hire. It should be divided into three zones so players do not have to walk or move too far during the game. The game will be played in three segments for a maximum time of 10 minutes, with rest periods between each segment. I will provide the Minister with the detailed rules applicable to the game.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.48 p.m.]: I thank the honourable member for East Hills for his contribution this afternoon. I will refer his remarks in regard to shotball being a fun activity that is promoted by Probus to the Minister for her consideration. Probus is an offshoot of Rotary, and for quite a few years it has been one of the most successful organisations to occupy people of senior years. I do not know of any organisation that has grown as dramatically as it has. I congratulate the honourable member on raising the matter this afternoon.

ASSISTANCE FOR PERSONS WITH DISABILITIES

Ms FICARRA (Georges River) [4.50 p.m.]: This evening I have a request for the Minister for Community Services, Minister for Ageing, and Minister for Disability Services in relation to unmet disability needs and the Commonwealth-State disability agreement. I seek the Minister's assistance on behalf of persons with disabilities, their families, carers and service providers not only in the St George region but throughout the State. In 1996 the Australian Institute of Health and Welfare demand study reported upon the unmet need in disability services as it related to people who need a service and are not receiving it or cannot receive it, people who are receiving inappropriate services and people who may soon need a service. Unmet need refers not only to accommodation or respite care but encompasses many other areas such as food and clothing, daily maintenance, health, income, employment and/or meaningful activity, social participation and leisure, rights, independence, personal development and safety. Many of those factors are interdependent.

Well-timed intervention with therapy, equipment or respite can often reduce costs in the long term. Often health and equipment services

reduce the demand for accommodation and respite. The demand study indicated that between 1,000 and 16,000 disabled persons were in need of accommodation or respite. Lack of knowledge of available services to approximately 59,000 principal carers was given as the major reason for their not having used them. In support of the National Disability Advisory Council—NDAC—and the many disabled Australians living constantly in a disadvantaged state, I make the following requests.

I ask that the Federal, State and Territory governments address the full range of unmet needs. I have written to the Federal Minister in charge of the disability portfolio. I ask that State and Territory governments look not only at those persons in crisis but also at those with potential needs—that is, those currently eligible for but not receiving services—and provide an estimated projection of services to fulfil future needs. Early intervention is acknowledged as best in the long term, both socially and financially. My third request is that there be uniformity between Federal, State and Territory disabilities legislation. The Minister should be and has been engaged in discussion with her Federal counterparts and Ministers from other States in an effort to achieve that. The current situation is confusing, archaic and a real hindrance to social progress. Nationally consistent standards for access and service provision are vitally important.

I ask that all governments provide and promote a central information source in each portfolio in relation to disability services, in order to make real inroads into improved lifestyles and health outcomes for people with disabilities and their carers. My final request is that the Commonwealth-State disability agreement contain time frames in relation to objectives, priorities and strategic directions; planning to identify gaps in service provision, especially in rural and remote areas; information-sharing proposals; creation of a national basis to cost sharing; defining performance standards and monitoring performance against agreed outcomes—the NDAC and relevant State advisory bodies to be involved in the development of the standards and indicators; and the co-ordination of better national reporting.

For much too long provision of disability services has been the cinderella of family and community services. Caring governments with a sincere sense of social responsibility must genuinely attempt to make a difference to the lives of thousands of suffering Australians. In relation to my own area, I pay tribute to Patricia Rich and Kevin Byrne, the principal agents behind the St George physical disabilities association, who have done a

great job for many years in fundraising for people with disabilities—providing care, respite care, housing accommodation and social welfare services. I also pay tribute to the Hurstville City Council and particularly the Mayoress, Miss Joanne Josey, and Mayor Peter Olah for devoting a complete year of fundraising to the St George association of people with physical disabilities. I hope that the Minister takes these concerns on board and reports back to both the Hurstville City Council and me.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.55 p.m.]: I shall refer this matter relating to the Commonwealth-State disability agreement to the Minister for Disability Services.

TORONTO COURTHOUSE

Mr HUNTER (Lake Macquarie) [4.55 p.m.]: Honourable members may be aware that the campaign for a courthouse in Toronto has gone on for many years. In fact, an elderly west Lake Macquarie resident, Mr Fred Brown, has told me that as far back as the 1950s local residents have been calling for a court to service the western side of Lake Macquarie. During the term of my father, Merv Hunter, as the member for Lake Macquarie from 1969 to 1991 he worked with local community groups and residents in an effort to gain a courthouse for the area. That effort was successful and in the early 1980s former Attorney General Frank Walker announced that land in Cary Street, Toronto, would be dedicated as a site for a future Toronto courthouse. A plaque was erected on the site indicating clearly that the site was for a future courthouse.

Following this, the push for a courthouse in Toronto began in earnest. My father worked with the local community to gain a commitment from the State government of the time that a courthouse would be built. That commitment was forthcoming in 1987, and plans were drawn for a \$2 million, two-courtroom facility. As part of my campaign to be elected to the Parliament in 1991 the Labor Party, then in opposition, made the commitment that if elected it would build a courthouse on the site. That commitment was necessary because in 1988 the Greiner Government was elected and decided not to proceed with the construction of the \$2 million court facility at Toronto. The decision of the Greiner Government not to proceed with the courthouse was followed by a decision to build any future courthouse at Boolaroo, away from Toronto.

The local community, and particularly the chamber of commerce, was spurred into action. As a

community effort, more than 2,000 people signed petitions and the Greiner Government was successfully lobbied to change its decision. The Greiner Government then announced that the courthouse, if built, would be built at Toronto on the existing site. As I have said, in 1991 the Labor Party promised that if elected it would build the courthouse. Labor did not gain government in 1991. In 1995 the Labor Party again made the commitment that it would build the courthouse if elected. Labor was successful in 1995 and the commitment is being honoured. Last November the Attorney General travelled to Toronto to announce that, at an estimated cost of some \$4.3 million, a new two-courtroom facility would be built on the site.

It has been a long, hard haul to gain a courthouse for Toronto. Just as it appeared that construction of a courthouse would begin this year another obstacle was raised. The Lake Macquarie City Council placed conditions upon the development application, asking that some 40 public car parking spaces be provided at the court facility. Most honourable members would know that it is the policy of this Government, and has been the policy of previous governments, that public car parking facilities not be provided at courthouse sites, for security reasons. Another issue to be raised again in the past months by the Toronto Chamber of Commerce was that it would be better for the courthouse to be co-located with the Toronto police station, which is located directly opposite the dedicated site across Main Road 217.

That proposal was pursued vigorously by the Attorney General's Department and me, and several meetings were held. Unfortunately, it was not possible to obtain land of the size required to construct the courthouse near the police station. One elderly gentleman in particular did not want to sell his home, which he had lived in for some 30 years. The Attorney General decided last year to proceed with construction of the courthouse on the existing site. He said that he was not prepared to throw a gentleman out of his family home just to have the courthouse located next to the police station. The decision was made and a development application lodged with the Lake Macquarie City Council. The council deferred the development application and requested public parking. When no agreement could be reached the issue was referred to the Minister for Urban Affairs and Planning and mediation was called for. I now call on the Minister for Gaming and Racing to advise the House of the outcome of that mediation procedure.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the

Premier on Hunter Development) [5.00 p.m.]: It is true, as the honourable member for Lake Macquarie said, that people have been campaigning since the 1950s for a courthouse on the west side of the lake. It was mooted when, as a police officer, I was sent to the area to investigate a number of serious traffic accidents that resulted in loss of life. Campaigning ceased in 1987 and the alternative site at Boolaroo was thought to be unsuitable. The Minister for Urban Affairs and Planning, and Minister for Housing today signed a recommendation from the Department of Urban Affairs and Planning under section 91A of the Environmental Planning and Assessment Act which states:

... the Minister:

- (a) not agree to the council's proposed condition No. 14 (as set out in the Council's Planning and Environmental Services Committee meeting of 14 January 1998 requiring the provision of 40 car parking spaces on site;
- (b) agree that the car parking on site be provided generally in accordance with the amended parking plan prepared by the Attorney General's Department which provides for 20 parking spaces, in a stack parking arrangement;

I understand that originally there were to be 11 parking spaces. The recommendation continues:

- (c) specify that the council is to issue consent to the application no later than 12th June 1998.

That will allow the site to be developed. As the honourable member for Lake Macquarie said, when I was a member of the police force it was intended to locate the courthouse on the other side of the lake near the police station. However, I realise, as he does, that it would not be compassionate to expect a person to move from the home he has occupied for in excess of 40 years. Therefore I congratulate the Minister for Urban Affairs and Planning and the Attorney General on bringing this matter to finality. It has taken about 40 years, and is long overdue. Toronto is the proper location for the courthouse, as it is the regional centre for west Lake Macquarie.

CABONNE COUNCIL SEWERAGE SERVICE

Mr R. W. TURNER (Orange) [5.02 p.m.]: I draw to the attention of the House the social problems that exist in villages within my electorate. There are also financial problems because of the inability of many older residents to finance a sewerage scheme throughout the villages. While most honourable members realise that something has to be done about some of the old septic systems,

and that it is desirable for the towns to be connected to a sewerage system, a number of older residents suffer considerable financial constraints. As most honourable members are aware, the vast majority of people living in smaller towns throughout New South Wales are older and retired residents.

Orange City Council adopted a sewerage scheme for two small villages within its council area—Spring Hill and Lucknow. Because that council had a much larger rate base it was able to spread the cost of sewerage to those villages throughout the city of Orange and the residents in those towns had to pay very little for the villages to be sewered. In small towns such as Eugowra, Millthorpe, Manildra, Cargo and Canowindra, in the Cabonne council area, this problem is creating a great deal of financial stress to elderly people.

I congratulate Cabonne council on holding public meetings, discussing the matter with the residents and developing the most reasonable and equitable scheme possible. Cabonne will raise a levy for two, three or four years prior to implementing the scheme. By the time the scheme is implemented much of the money will have already been paid to the council. Some people may not consider the amount I am referring to as huge. Depending on the size of the town and the location of the treatment plant it will cost approximately \$3,000 to \$10,000 per household.

Some older residents may have a spare block of land alongside their home on which they would traditionally run a cow or a few sheep, or perhaps they simply want it for privacy. Many small village blocks are worth only about \$5,000 to \$6,000, which is not a great asset. In many cases, if half a dozen people in the same town decided to sell off their spare blocks to finance the block on which their residence stands, they would not find buyers for that number of blocks. That is a real issue, and some people may have to resort to having the cost of the sewerage connection charged against their council rates and eventually taken out of their estate. The council does not believe that is desirable, but in some cases it would be the only solution.

Council was forced to make everyone in the village pay their share. The charge did not apply only to blocks of land on which a house was built; even vacant blocks were included in the scheme so it could benefit as many people as possible. The Government recently announced that local government would be responsible for the annual inspection of all septic tanks within their area. In some areas that would be desirable because some septic tanks have not been upgraded or serviced

correctly and in many instances, especially within the Orange city area, many of those septic tanks are within the water catchment area.

An inspection every five years would suffice, given that such an inspection has not taken place before. Some of those septic tanks are 40 or 50 years old and still function satisfactorily. It would not be necessary to have an annual inspection. The inspection would cost elderly residents approximately \$100, but that sum is still to be determined. It is another cost to local government through the actions of the State Government. Local government has been given the responsibility of carrying out those inspections without due compensation in some instances.

DEATH OF Mrs FREDA MOTT, BEM, OAM

Mr CHAPPELL (Northern Tablelands) [5.07 p.m.]: Yesterday the city of Armidale lost one of its most prominent citizens, the National Party lost one of its stalwart members and many people throughout the State and Australia lost a much-admired and much-loved friend. Mrs Freda Mott, BEM, OAM died quietly yesterday at the Hilton Nursing Home in Armidale in just the way she would want it—with no-one making a fuss. Freda was 92 years of age. She was the last of 10 children of Mr and Mrs George Davis. He was a master butcher who was born in Sussex. He set up shop in Canterbury, on his arrival in Sydney, on what is now part of Canterbury racecourse.

Freda had two daughters: Pattie, now Mrs Pattie Coventry and Peggy, now Mrs Peggy Fletcher. She was always extremely proud of them and of her grandchildren, and they supported her in her enormous commitment to local charities and to community service and in her involvement in the Country Party and subsequently the National Party. Freda was married to Colin Douglas Mott, a grazier in the Armidale area, who served in the infantry in the First World War. He died in 1964.

Freda joined the Country Party, as it then was, 49 years ago yesterday, the date of her death. She held many positions. She was chairman of the Armidale branch of the Country Party from 1973 to 1976, vice-chairman of the electorate council for the old State seat of Armidale, vice-chairman of the Federal electorate council for the seat of New England, a member of the party's central council from 1960 to 1980 and a member of the central executive of the party from 1967 to 1980. In 1967 she was granted life membership of the party in recognition of her work.

Freda was a foundation member of the women's Federal council, a member of the Federal council of the party from 1960 to 1980, campaign director for the Hon. David Drummond from 1949 to 1961, campaign director for Sir Davis Hughes from 1950 to 1973, campaign director for the Rt Hon. Ian Sinclair from 1963 to 1983 and an active supporter of Dr David Leitch, who was the member for Armidale, and of me.

That is just her service to the Country Party and the National Party, but in other community service Freda Mott's organising, leadership and fundraising skills were legendary. She was president of the New South Wales Housekeeping Emergency Service from 1963 to 1966, foundation member of the Armidale Meals on Wheels; foundation member of the United Hospitals Auxiliary in Armidale and president for 27 years. She and her great team of supporters raised an amazing amount of money year after year. She was a member of the Armidale hospital board, a member of the Armidale Pastoral, Agricultural and Horticultural Show Auxiliary and an office-bearer and torchbearer for Legacy.

Although Freda was invariably self-effacing and preferred the spotlight to be on others she was recognised in a number of ways. She received a certificate of appreciation from the Returned Services League in 1948. She was awarded a British Empire Medal for her work with Legacy and the hospital in 1971, life membership of the United Hospitals Auxiliary in 1979, life membership of Torch Bearers for Legacy in 1983 and proclaimed in 1991 to be the Armidale Citizen of the Year. In 1993 she was awarded the medal of the Order of Australia. Typically, Freda Mott left clear instructions that there was to be no fuss about her departure from this life: tomorrow a quiet family funeral will be held in Armidale.

However, she forgot to tell the local branch of the National Party that it could not make a fuss of her going, so it probably will. My wife, Annette, visited Freda on Tuesday, the day before she died. Annette sat on the edge of the bed and yarned with Freda, who still very much had her wits about her, and her daughter Peggy. She was in great spirits and had a good chat. Yesterday morning Freda was up early, as was her wont, and was sitting beside her bed when the nurse asked if she would like a cup of tea. She said she would and the nurse went to get the cup of tea. When the nurse came back Freda had died. She was a great scout and we will miss her a lot. On behalf of Freda's friends in the National Party and in the wider community I extend sincere condolences to her family.

DEATH OF Mr ROBERT WILLIAM PAGE

Mr HAZZARD (Wakehurst) [5.11 p.m.]: I rise in the oldest Parliament in Australia to recognise the life and contributions of a great Australian man who stood head and shoulders above so many others who have contributed in great ways. Robert William Page was one of the greatest. Robert, who was born on 11 March 1931, died on 21 April 1998. Robert, otherwise known as Bob, met his wife, Patricia Jeannette Boshell, when they both worked for the New South Wales police force. Bob was a cadet in the fingerprint section and Pat was a clerk. They were married on 28 September 1950. They had a wonderful life together and produced four wonderful children: Robert, Jeanette, Leanda and Lindsay. Bob was extremely proud of his children, nine grandchildren and one great-grandson. Bob would have liked their names recorded in *Hansard*. They are Susanne Webster, Michael Webster, Sherrilyn Page, Heather Page, Robert Page, Alexandra Page De Mars, Ariel Page De Mars, Erin McCamley, Hollie McCamley, and his great-grandson Kadden Sloan.

Bob was a man who contributed in a myriad of ways. He joined the police cadets on 27 January 1948, became a probationary constable on 11 March 1950 and a constable on 11 January 1951. He commenced service at North Sydney in 1950 and moved to special duties with 21 Division in 1954. In 1956 he moved to general duties. By 1967 Bob had become a sergeant third class. In 1969 he became Assistant General Secretary of the Police Association, in which position he served for three years, and later became General Secretary, serving a total of 17 years. He spent another seven years setting up the secretariat for the Federation of Australian and New Zealand Police Associations.

Bob retired in 1993 at the age of 62, when perhaps he should have been thinking about slowing down, and he decided to keep busy and contribute in other ways. He was elected as a councillor with Warringah Council and served for three years. He did an excellent job. In addition to his service as a police officer he served for a number of years in a variety of other community activities. The one that stands out most was his contribution as a bush fire fighter. He was a very active bush fire fighter and as late as December 1997 was out fighting bushfires. He was a member of the Beacon Hill Bushfire Brigade—now known as the Rural Fire Service—for 40 years. He served as its captain for five years and as its president for 17 years, which office he held when he died.

Bob Page was a man amongst men and stood out in many ways. His enormous contributions were

finally recognised on 26 January this year—Australia Day—when he was awarded the Order of Australia medal. I know that Bob, Patricia and the whole family were very proud of that. However, it is sad that that medal was not presented to Bob personally; his wife collected it some two weeks after he died. Pat attended Government House and was presented with the award that perhaps Bob should have been given much earlier in his life. Bob should be remembered for his enthusiasm for life and, as Pat said to the Governor when she accepted his medal, "He was a man who crammed three lifetimes into one lifetime, the majority of which was for the community." Bob Page, we will miss you, you were a great person, a man that we are all pleased and honoured to have known.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.17 p.m.]: I thank the honourable member for Wakehurst for his recognition in this House of the late Bob Page. On behalf of the Government, and personally, I strongly support his words and pass on my condolences and deepest sympathy to Pat and his extended family. I was a member of the New South Wales police force from 1970 to 1983. During those years the police force went through many changes. New laws came in, particularly those following the election of the Wran Labor Government in 1976, which, for the first time, not only brought the police force into active political involvement but also made various changes to work practices and wages.

The police force became an active organisation in both the industrial and political fields. It was during this time that the name and face of Bob Page became identified as the public face of the New South Wales police force. When I was a young police officer it was Bob's face I often saw on the television, in the newspapers and so on when the police force was in conflict with government, whether fighting for wages or working conditions. He was certainly a great worker for the police. Many conditions that police now enjoy were achieved through the tireless work by people like Bob Page during the 1970s and early 1980s.

When I came to Parliament I became involved in many community activities, including the credit union movement. As shadow minister for consumer affairs I became heavily involved with credit unions. It was great to see that this man, who was actively involved in my previous profession in the police force, was also a strong advocate of the credit union movement and a strong member of the New South Wales Police Employees Credit Union. I extend my condolences to Pat and the family. They can look

back on Bob's history with great pride. As the honourable member for Wakehurst said, he was a great Australian. My sympathies go out to his family.

DEATH OF Mr PETER DALAMANGAS

Mr IEMMA (Hurstville) [5.19 p.m.]: Section 18(1) of the Crimes Act 1900 defines "murder" as an act committed with reckless indifference to human life or with intent to kill or inflict grievous bodily harm. Examination of the compilation video material provided to the Dalamangas family of Hilton Avenue, Roselands, following the death of their son, Peter, earlier this year raises a strong suspicion that the actions of the Star City casino security guards satisfy that requirement in the Act. However, no action has been taken against security officers at the casino, although investigation of the matter has continued for the past three months. The excuse given for not taking action is that the matter is the subject of a coronial inquiry and a brief to the Director of Public Prosecutions and, therefore, there is no opportunity at present to take action against any casino staff. That is simply not the case.

The compilation video material of the incident shows that while Peter Dalamangas was standing at the entrance to the casino he was grabbed around the neck and dragged back into the casino. He was then thrown to the ground near the foot of the escalator and for the next few minutes between three and five security guards were on top of Mr Dalamangas squeezing the life out of him. Mr Dalamangas begged for mercy; he begged for his life. However, the security guards did not give him his life; they crushed it out of him. Mr Dalamangas never threw a punch. Despite the available video material and a large amount of enhanced photographic evidence, which has been provided to the authorities investigating the matter, no action has been taken. The lack of action has caused distress to the family and has been the subject of numerous representations to me, the Ombudsman, ICAC, the Commissioner of Police and the police investigating the incident at the casino.

In coming weeks I shall produce more material that sheds more light on what happened to Peter Dalamangas and his friends on the morning of the incident. It is not necessary for a coronial inquiry or the DPP to give the go-ahead for a murder charge to be laid when the authorities investigating the matter possess statements from eyewitnesses who heard Peter Dalamangas clearly saying, "Get off me. Get off me. I can't breathe." With reckless indifference, the security guards on top of him did not take any action to allow him to breathe or to live. Indeed,

they continued to squeeze the life out of him. If that does not raise a prima facie case of murder under section 18(1) of the Crimes Act, someone is not properly investigating the matter by asking the hard questions and obtaining proper statements from the casino security staff who were involved in the incident that led to the death of Mr Dalamangas. As I said, in coming weeks I shall present material that raises serious questions about those who are now investigating the matter, the officers from Darling Harbour police station who attended the incident and the activities of staff and management at the casino.

The homicide squad was put in charge of the investigation following the less than enthusiastic approach of Darling Harbour police to investigating the death of Peter Dalamangas. It is time the homicide squad, which does not appear to be any

more diligent in getting to the bottom of the death of Peter Dalamangas, treated this matter much more seriously. In coming weeks I shall draw the attention of honourable members to the material presented to me by the family, partly because the family has made a serious allegation that the police have forwarded an incomplete brief to the DPP. The family has alleged that vital evidence about the death of Peter Dalamangas has been omitted from the brief. If that is the case, that is a serious matter which should be brought to the attention of the police commissioner and action taken against those responsible.

Private members' statements noted.

House adjourned at 5.24 p.m.
