

LEGISLATIVE ASSEMBLY

Wednesday, 21 May 1997

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

Mr Speaker offered the Prayer.

TOTALIZATOR AGENCY BOARD PRIVATISATION BILL

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT (MONITORING AND LINKS) BILL

TOTALIZATOR BILL

Bills introduced and read a first time.

Second Reading

Mr FACE (Charlestown - Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.00 a.m.]: I move:

That these bills be now read a second time.

These are historic bills. They lay a foundation for the resurgence of racing in this State and, for that matter, in Australia and give security to the 50,000 people employed in the industry in this State. The bills also allow for the creation of a strong New South Wales based wagering and gaming business, capable of dealing with the rigours of national and international competition. They also demonstrate the Government's commitment to introduce reforms which satisfy both the financial interests of the State and the aspirations of affected stakeholders. The bills deliver on the commitment made prior to the last election by the Premier to reform the taxation of wagering. The Totalizator Agency Board, under the onerous taxation regime which this Government inherited, could not keep pace with the legitimate funding requirements of the racing industry.

While the reserves of the New South Wales TAB continued to be depleted, support for the Victorian industry came close to being doubled following privatisation of the Victorian TAB. However, the Government was not prepared to take the easy way out and merely introduce taxation cuts to silence the critics. It faced up to the hard but honest task of putting in place a genuinely reformed financial structure for the racing industry and the TAB, which, while guaranteeing the racing industry's future, will also place it in a clear commercial context, with responsibility for improving its own performance and determining its own internal funding allocations. The reforms also clearly define the role of the Government as the regulator of wagering and not as its operator with ministerial control of all facets of commercial operations in receipt of a massive 52 per cent share of turnover.

The Government will now be able to fairly and impartially regulate the conduct of the TAB. The fundamental ingredients of the reform, for which the bills provide a framework, can be explained. The proposed legislation provides a competitive taxation structure. The taxation rate on wagering will be reduced from a level equal to 52 per cent of the TAB's wagering revenue to 28.2 per cent - the same level as in Victoria. In common with Victoria, the TAB will, within limits, be able to vary player deductions provided, on average, they are approximately 16 per cent of gross wagering turnover. The TAB will be transformed from a statutory authority to a public company limited by

shares. It will have a commercial board of directors and operate according to the same disciplines as any other public company.

The TAB will be issued with an exclusive licence to conduct off-course totalisator wagering for 15 years. This term is similar to that of the Victorian TAB and will provide a period of certainty for the racing industry prior to moving to completely commercial arrangements. The emphasis of licence regulation will be to ensure the probity of the TAB and its operations and the disclosures which it makes to punters. So as to ensure the protection of the public interest, including the collection of government revenue, the provisions of the legislation place a heavy emphasis on the probity of the TAB, its management and its staff. The bill will also ensure that the Government is able to maintain a vigilant oversight on the operation of the TAB. I emphasise, however, that the progress of the legislation and the terms of the licence will not allow the Government to substitute itself for the TAB in making decisions of a strictly commercial nature.

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The arrangements will allow the TAB to take a 75 per cent interest in a joint venture with the racing industry to conduct wagering in New South Wales. The industry will be responsible for providing racing product, under a commercial contract, and the TAB for operating the off-course betting totalisator network. The joint venture will also include the industry's on-course totalisator operations. In addition, although existing contractual arrangements between racing clubs and totalisator operator companies will not be affected, the TAB will also be licensed to conduct on-course totalisators. The joint venture will be managed by a committee comprising an equal number of appointed representatives from the racing industry and the TAB. In addition, the TAB chief executive will be chairman.

The racing industry's product contract will be incentive based. The onus will be on the industry to improve its product and the effectiveness of its scheme of distributions if it wants more. If wagering turnover is maintained at 1995-96 levels the industry will receive at least \$165 million in 1995-96 dollars, which is \$25 million more than it will receive this year. As an added bonus, the racing industry will receive 25 per cent of the TAB's profits on two new gaming ventures. The TAB will, in this regard, be licensed to provide statewide linked jackpots to participating registered clubs. The system links gaming machines so that players can share jackpots. This should be of considerable value to clubs, particularly to smaller community-based clubs whose clientele may have been attracted by the jackpots on offer at larger clubs that can already link machines internally.

The legislation will also allow the Government at a future date to approve the TAB providing a linked jackpot system for New South Wales hotels. The TAB, which already services hotels and clubs with wagering products and runs a very sophisticated and reliable wagering system, is well placed to develop this new product. This system provides a degree of diversification for the TAB and a greater degree of financial stability into the future. The TAB will also run, under the control of the Government, a central monitoring system, which will eventually report on the operation of all gaming machines in New South Wales hotels and clubs. This arrangement will reduce many administrative costs associated with regulatory compliance for individual clubs and hotels whilst permitting the more efficient payment and collection of gaming revenue. The commercial confidentiality and privacy of all information collected will be strictly protected.

The TAB corporation will be sold by a public float. With the arrangements described above in place individual shareholding will be limited to 5 per cent of issued shares. Organisations with significant gaming or wagering interests will be excluded. This is an important element. The TAB's wagering opportunities will not be able to be hijacked by a future owner and moved offshore or interstate. The TAB's integrity will be able to be judged by examining the calibre of its directors and managers, not by having to investigate shareholders strewn across the world and hiding behind complex legal artifices. The float will allow the whole community, if it so wishes, to invest in the TAB. The proceeds of the float will be strictly applied to reduce government debt, producing a benefit in perpetuity for the taxpayers of the State irrespective of the future operating fortunes of the TAB. However, the float will proceed only if the Government is satisfied that a reserve price that fairly reflects the value of the current taxation stream that is forgone can be met or exceeded.

The bills take account of the legitimate interests of TAB employees. In the transfer of the TAB to a corporation and upon its sale by float the terms and conditions of employment of all staff members will continue to have effect unless lawfully varied. The Government will not permit the sale of the TAB to be used as a subterfuge aimed at undermining the conditions of workers. The bills, and the arrangements which are anticipated, also consider the interests of other stakeholders, including the TAB's existing agents, whose contracts will be carried over to the new company. Registered clubs and hotels were concerned that central monitoring would be expensive and that commercial confidentiality would not be enforced.

The bills provide an absolute guarantee as to the limited use to which the information can be put. In addition, the monitoring fee will be set at a level which fairly balances the benefits which are derived by registered clubs and hotels against the costs of providing the service, including capital costs. Similarly, the linked jackpot system will be made available to registered clubs on a negotiated commercial basis which will maximise the benefits to the club industry as well as the revenues to the TAB. The setting of commission deduction rates and the policy of rounding will no longer be determined by the Government. Within overall parameters, these matters will be dealt with by the TAB, which can act in accordance with market demand. In addition, punters can look forward to an organisation committed to increasing product choice.

The Government recently moved to allow the TAB to conduct parimutuel betting on two-outcome events, and the legislation before the House will

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open the way for the introduction of increased sports betting, subject to Government approval. The legislation will remove all remaining restrictions on the maximum number of race days and the days of the week on which race meetings can be conducted. This follows upon legislation introduced into Parliament in this session to remove restrictions on Sunday racing and night racing, and it is in line with the Government's deregulation commitments. I also stress that the existing legislative scheme which governs totalisator wagering in New South Wales will not be repealed until the new commercial arrangements have been agreed with the racing industry and agreement has been reached on a date for the new arrangements to become operational.

In conclusion, the float of the TAB will be anything but a punt. The bills put the racing industry and the TAB on the right track. What has been a very stable business will benefit from the introduction of new products, its liberation from inappropriate regulation and its placement on a commercial footing. The previous perception of the racing industry of avoiding internal reform and looking to government only for taxation relief has been dispelled. The industry now has the appropriate incentives and the funding to build on its pre-eminence in breeding and training and deliver increasingly attractive racing to the punter. The 50,000 jobs in this State which depend on racing and the tens of thousands of other jobs which also depend on its success will be preserved. These reforms are sensible, considered and long overdue. I commend the bills to the House.

Debate adjourned on motion by Mr Kerr.

AJC PRINCIPAL CLUB AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown - Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.14 a.m.]: I move:

That this bill be now read a second time.

As honourable members would recall, following the 1995 review of thoroughbred racing in New South Wales by Ian Temby, QC, the AJC Principal Club Act was enacted in June 1996 to provide for the establishment of the AJC Principal Club to replace the Australian Jockey Club as the controlling body of thoroughbred racing in New South Wales, known as the principal club. The Act provides that the AJC Principal Club comprises 11 members, 10 of

whom are nominated from five member categories. The remaining member is the chief executive, who does not have voting powers. The representation from each member category is: Australian Jockey Club, four members; Sydney Turf Club, two members; provincial race clubs, one member; country race clubs, two members; and racing industry participants advisory committee, known as RIPAC, one member.

The 10 industry nominees were appointed to the AJC Principal Club late last year while the chief executive was appointed earlier this year and commenced duties in April. It was the Government's intention that the original legislation would include a provision that the election or removal from office of the AJC Principal Club chairperson, or deputy chairperson, would require a majority vote which must include members nominated from at least three of the five voting member categories, known as the 3:5 rule. Unfortunately, this provision was inadvertently omitted from the final bill passed by Parliament, and the Government subsequently gave an undertaking to the racing industry that a legislative amendment would be effected to rectify the oversight.

I should stress here that the Chairman of the AJC Principal Club, Mr Bob Charley, was elected to the position by unanimous vote and that the inclusion of the 3:5 rule in the legislation is designed to honour the Government's undertaking to the industry rather than address any problems associated with the election of Mr Charley. During consideration of the most appropriate manner of including the 3:5 rule in the legislation, it was brought to my attention that there were further inconsistencies within the Act in regard to a number of provisions relating to the operation of appeals and the compatibility of these provisions with the Australian rules of racing. As a result, I directed that the Act be reviewed in conjunction with the rules of racing to enable the drafting of appropriate legislative amendments to rectify any further difficulties or anomalies prior to the AJC Principal Club assuming its governance functions.

This review process resulted in a number of additional amendments being requested by industry participants, including a proposal to change the name of the AJC Principal Club. In this regard I would point out that the Government's original intention was to name the new controlling body the New South Wales Thoroughbred Racing Council, as recommended in the Temby review. However, the Government accommodated a request by the Australian Jockey Club to adopt the title AJC Principal Club. The AJC has subsequently indicated

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its support for a proposal to change the name of the AJC Principal Club, apparently because of concerns in relation to the media, public confusion with the similarity of the titles and a belated appreciation of the merits of the AJC - and other race clubs - being seen to be at arms-length from the governing body. Also, it was causing confusion between what is known as the Australian Principal Clubs.

In the circumstances, and following my discussions with the Chairman of the AJC Principal Club on the issue, the Government has determined that the AJC Principal Club will be renamed the New South Wales Thoroughbred Racing Board. A further amendment to the Act relates to the composition of panels convened to hear individual appeals. In this regard, the Act provides for the establishment of an appeal panel comprising suitably qualified persons and for the appointment of one of the panel members, who is required to be a legal practitioner of at least seven years standing, as the principal member. Individual appeals are to be heard by a panel of at least three members of the appeal panel, including the principal member as convenor. If the principal member is unavailable, including when he or she is already a member of another hearing panel, some other member may convene the panel, provided the member is also a legal practitioner of at least seven years standing.

The role of determining the composition of individual hearing panels was given to the AJC Principal Club chief executive rather than to the principal member to avoid any perception that the principal member might influence the composition of a panel to achieve a particular result. Concern has subsequently been expressed, however, that an adverse perception might also arise in relation to the chief executive selecting a panel, given his executive responsibility for the licensing process, control of the stewards, and so on. An alternative arrangement has been proposed whereby the selection function will be conferred upon the principal member on the basis that he or she will be required to consult the chief executive when determining panel composition. This procedure will provide greater accountability and counter adverse perceptions which might arise if the composition of individual hearing panels is determined solely by either the chief executive or the principal member. The AJC Principal Club supports this approach, and the bill amends the Act accordingly.

The remaining amendments constitute minor changes to the Act accommodating suggestions put to the Government by the AJC Principal Club. These amendments are self-explanatory, and in short provide that, first, the eligibility requirements for AJC Principal Club members also apply to their nominated deputies and, second, that the restriction precluding persons licensed with the thoroughbred racing industry from serving as AJC Principal Club members is extended to include persons licensed with the other two racing codes. I am pleased to report that the AJC Principal Club is well advanced in its negotiations to assume control of the thoroughbred racing industry. In this regard I understand that suitable premises have been obtained at Rosebery and that negotiations with the AJC in relation to the transfer of staff, records and so on are well advanced. I anticipate being in a position to make an order authorising the new controlling body to assume its functions under the Act on 1 July 1997. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown - Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.20 a.m.]: I move:

That this bill be now read a second time.

This legislation has been prepared in response to a situation that has arisen regarding wagering activities in the Northern Territory, along with the recently changed competition environment in Australia. Acting upon an approval given by my predecessor, the Totalizator Agency Board of New South Wales formally entered into a pooling agreement with the Northern Territory TAB on 17 May 1995. The agreement is of ten years duration, from 1 July 1995, unless terminated sooner. Under the agreement New South Wales receives a processing fee of 0.25 per cent of the total amount of investments with the Northern Territory TAB. As an indication of the level of moneys involved, receipts to New South Wales under this agreement have been in the vicinity of \$220,000 per annum. This amount is minuscule relative to the total annual revenues to the New South Wales Government and racing industries from New South Wales TAB turnover.

Included in the written agreement is a clause stating that if the legislation governing the conduct of a party - in the case of this bill the New South Wales TAB - is amended such that the party can no longer fulfil its obligations under the contract it may

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terminate the agreement by giving six months notice in writing. The agreement further provides that the party terminating the agreement under such circumstances will not be liable for any loss. The New South Wales TAB is also currently a party in pooling agreements with three other Australian jurisdictions. However, in each case the agreement is either renewable annually or may be terminated on 28 days notice. Hence, these agreements do not present the same difficulties as the Northern Territory agreement. Further, because of the conditions under which they were entered, such agreements will be unaffected by the proposed legislation.

The benefits to the Northern Territory under the agreement are significant and undisputed. Punters in the Northern Territory have their wagers effectively remitted to the large pools held by the New South Wales TAB and, hence, have access to a parimutuel environment of balanced betting markets which are not susceptible to inordinate fluctuations upon the placement of a significant wager. Clearly, if the Northern Territory TAB attempted to conduct its own pools on the range of events covered by the New South Wales TAB, it would face extreme difficulty attracting the critical mass of punters necessary for an attractive wagering environment. In turn, the Northern Territory Government and racing industry have enjoyed the benefits of high levels of punter interest. In view of developments on two fronts, it is now considered desirable that the New South Wales TAB extricate itself from this

pooling agreement.

Firstly, against a background of the benefits ensuing under such pooling agreement, the Northern Territory Government appears to have embarked on a strategy which has involved the active encouragement of several large bookmaking firms to establish their operations in the Northern Territory, fielding on racing and sporting events. Further, the bookmaking firms involved have unashamedly adopted an overtly predatory strategy aimed at attracting investments from punters in other States - particularly New South Wales. Much of the advertising in New South Wales relating to such services is clearly designed to circumvent the New South Wales Gaming and Betting Act 1912. The activities of these Northern Territory bookmaking firms have, it is felt, resulted over the past few years in heavy losses of revenue to both the New South Wales racing industry and the New South Wales Government.

Secondly, potential problems have now arisen as a result of the new competition regime applicable in all Australian jurisdictions. As a prudent measure and at the request of successive New South Wales racing Ministers, a clause has traditionally been inserted into TAB pooling agreements which prohibits the offering or distribution to punters of incentives. As honourable members would be aware, by virtue of the Competition Policy Reform (New South Wales) Act 1995, the competition code has applied to New South Wales government business, such as the TAB, from 21 July 1996. As a consequence, the TAB is subject to the restrictive trade practices provisions of the Commonwealth Trade Practices Act. In a recent advising, the New South Wales Crown Solicitor opined that there was a real risk that such an anti-inducement clause would be in breach of the Trade Practices Act. There is little doubt that having the New South Wales TAB locked into a long-term pooling agreement, under circumstances in which there may be serious doubts about the legality of such clauses, exposes the TAB and, in turn, the New South Wales Government and the racing industry to unacceptable risks.

If, for example, punters physically present in New South Wales are enticed to wager with a TAB in another jurisdiction which has a pooling agreement with New South Wales, the potential drain on revenue to the New South Wales racing industry and the Government could be severe. The Northern Territory, with its relatively minute population base, has everything to gain and virtually nothing to lose in a competitive Australiawide gambling environment. Hence, it is important to ensure that if the Australian wagering industry moves towards open competition, the New South Wales Government and TAB are not hamstrung by inflexible agreements with other jurisdictions. This is particularly important in view of the proposal currently before the Parliament to privatise the TAB. Formal legal advice has been obtained to the effect that should the New South Wales Parliament enact appropriate legislation, the New South Wales TAB would then be in a position to terminate the pooling agreement by giving six months notice in writing.

Further, under such circumstances, the New South Wales TAB would not be liable for any loss resulting from early termination. In view of the difficulties associated with the inclusion of appropriate protection clauses in such pooling agreements, coupled with the threats posed to government and racing industry revenue by the actions of interstate bookmakers, it is felt that legislation should now be enacted to facilitate the termination of the Northern Territory pooling agreement. I am of the view that this legislation will assist in ensuring that New South Wales will be in a strong strategic position to capitalise on the available

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future opportunities in the Australiawide wagering environment. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

FAIR TRADING LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith - Minister for Fair Trading, and Minister for Women) [10.30 a.m.]: I move:

That this bill be now read a second time.

In late 1995 the Government took action to amalgamate a number of agencies to form the Department of Fair Trading. This included the former Department of Consumer Affairs, the Building Services Corporation, the Office of Real Estate Services and the Registry of Co-operatives. This move was made to bring these services into one consumer protection agency thereby making the full range of consumer protection information, complaints handling, dispute resolution and enforcement easily accessible to the community. The amalgamation also ensures that the functions and services of the agencies are rationalised and integrated to bring cohesion and economy to the delivery of the Government's fair trading programs.

By administrative orders the staff of the agencies were added to the Department of Fair Trading and the director-general assumed responsibility for certain statutory offices. Over the past 18 months the integration of the department has proceeded and from an operational perspective it is now one organisation. However, while the staffing and administrative functions have been transferred to the department, certain statutory structures relating to the agencies continue to exist. These proposals will formally bring these functions under the department but do not impact on the services provided to the public. To achieve the legislative integration, amendments are proposed to the Fair Trading Act, Conveyancers Licensing Act, Home Building Act, Motor Dealers Act, Property, Stock and Business Agents Act and Valuers Registration Act and by repeal of the Property Services Council Act.

The bill establishes a number of advisory councils which take on the advisory functions of the former agencies. The councils will be comprised of persons appointed by the Minister having expertise or qualifications appropriate to their particular field as consumer or industry representatives or otherwise. Their role will be to advise the Minister, not represent particular sectional interests. The establishment of these councils recognises the key role which industry and consumer participation will play in the provision of strategic policy. Those non-advisory functions, which have not already been given to the department, will be vested in the director-general. The bill also replaces certain statutory accounts with new accounts within the departmental framework.

I now turn to the provisions of the bill. A Fair Trading Advisory Council is to be established to furnish advice to the Minister on fair trading and consumer protection issues. This is to be a peak advisory body which will provide a coordinated and integrated approach to the development of fair trading policy on a State and national basis. The council will comprise five persons with expertise or qualifications relating to the area together with the Director-General of the Department of Fair Trading or a nominee. The Fair Trading Advisory Council will play an over-arching role to the other advisory councils established by the bill. The council will examine issues relevant to all the legislation within my administration and provide a strategic focus and greater consistency.

A Motor Trade Advisory Council is to be established comprising five members including the director-general or nominee. The Motor Trade Advisory Council will provide advice to the Minister on issues relevant to the motor trade. The council will also furnish advice as to education or research programs relating to the motor trade that are or might be government funded. The council will take over the advisory role of the existing Motor Dealers Council but with a broader focus on the motor trade generally. As a consequence the provisions of the Motor Dealers Act establishing the Motor Dealers Council will be repealed.

A Property Services Council will be established to advise the Minister on issues relating to the property services industry as well as to any education or research programs for the industry. The council will have 12 members comprising 11 persons appointed by the Minister with appropriate expertise, plus the director-general or nominee. The council will take over the advisory functions currently performed by the existing Property Services Council. Those non-advisory functions of the Property Services Council not already exercised by or delegated to the director-general will be vested in the director-general. These changes will necessitate amendments to the Property, Stock and

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Business Agents Act, Conveyancers Licensing Act and the Valuers Registration Act, as well as the repeal of the Property Services Council Act.

A new Home Building Advisory Council is to be established to advise the Minister on consumer-related issues relevant to the home building industry as well as on the provision of funding for education and research. The council

will consist of 11 members, being 10 persons with appropriate expertise plus the director-general or nominee. This council will replace the existing advisory council established by the Home Building Act. All four councils are to be established under the Fair Trading Act and will share the same provisions relating to matters such as terms of office, vacancies, procedures and meetings.

As I stated at the outset, the bill makes changes relating to certain statutory accounts. A building insurance fund is to be established to hold the reserves necessary to meet claims arising under the former Building Services Corporation insurance scheme. Members will be aware that the BSC scheme was replaced by a new private scheme for the home building industry which commenced on 1 May 1997. The building insurance fund will be held by the Fair Trading Administration Corporation, which is administered by the Minister and the director-general. The three existing statutory accounts established under the Property, Stock and Business Agents Act are to be repealed.

The Property Services Council administration account, into which are paid licence fees from estate agents, conveyancers and valuers, will be closed and the amount standing to its credit is to be paid to the Department of Fair Trading's operating account. A new Property Services statutory interest account is to be established and maintained in the accounting records of the department. This will replace the existing account held under the name of the Property Services Council. It will be funded by a percentage of the interest earned on estate agents' and other licensees' trust accounts together with interest on investments. The amount held in the existing account at its closure will be transferred to the statutory interest account.

To assist in establishing that the obligations regarding payment of interest on trust accounts are complied with, the bill enables regulations to be made to require banks, building societies and credit unions to furnish information concerning the trust accounts. The statutory interest account will be used to supplement the compensation fund - which I will refer to shortly - provide grants or loans for education or research programs relating to the property services industry and meet the cost of administering the legislation relating to the property services industry. The account will also be used for investing in schemes relating to the provision of residential accommodation.

Members may be aware that the existing Property Services Council Compensation Fund provides protection for the public against pecuniary loss caused by the failure to account by licensees or their employees or agents. The existing compensation fund is to be replaced by a new Property Services Compensation Fund maintained in the accounting records of the department. The amount held in the existing compensation fund immediately before its closure will be transferred to the new compensation fund. The compensation fund will be funded by a prescribed contribution paid by licensees as part of their licence fee together with supplementation from the statutory interest account. The compensation fund will operate in the same way as the existing fund and from a claimant's perspective will be identical. In conjunction with these changes to the statutory accounts, the provisions relating to claims against the compensation fund and the examination of accounts of licensees have been rewritten to remove gender bias and otherwise modernise the legislation. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

SMOKING REGULATION BILL

Second Reading

Dr REFSHAUGE (Marrickville - Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs)
[10.38 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce to the Legislative Assembly the Smoking Regulation Bill. This legislation was introduced as a private member's bill in the other place by Reverend the Hon. F. J. Nile. I commend the honourable member in the other place for his work in bringing this legislation before the House. A number of members of the House have played an active role to facilitate the development of this legislation and in securing the support of key interest groups. The risks associated with environmental tobacco smoke, particularly for those who are exposed to such

smoke on a regular basis in the course of their employment, have been well documented.

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The Government has, since its election in March 1995, been firmly committed to working towards a solution to this important issue of health and safety. However, a central concern of the Government has been to ensure that all sections of the community are a part of this review process and that the community supports initiatives in this area. Legislation that has a major social impact on sections of our community must proceed with both care and caution. The bill that I present to the House today will ensure that a process of consultation, review and education will continue during the implementation phase of this legislation while providing a solution to the problems associated with environmental tobacco smoke. The main provisions of the bill are as follows.

Clause 6(1) of the Act will prohibit smoking in an enclosed public place. This prohibition will take effect five years after a regulation is made prescribing air quality standards. Places that are able to comply with the air quality standards prescribed by regulation will be exempt from the prohibition on smoking in an enclosed place. Other enclosed public places are exempted from clause 6(1) by schedule 2 of the Act. Other premises may be exempted from clause 6 by the regulations either outright or in specific circumstances. Clause 7 of the bill provides that a person smoking in contravention of section 6 must obey the direction of an inspector appointed under the Act, or the occupier of an enclosed public place, to cease smoking in an enclosed public place where smoking is prohibited. If the person does not cease smoking, they will commit an offence against the Act.

Clause 8 of the bill will place an obligation on the occupier of premises to ensure that people do not smoke in contravention of section 6. They will have a defence if they did not supply anything to facilitate smoking, such as ashtrays, lighters or matches, and if they were not aware or could not have reasonably been aware that a contravention of the Act was occurring. Clause 16 of the bill will require the Minister for Urban Affairs and Planning to develop a State environmental planning policy to facilitate the provision of outdoor areas by restaurants, cafes, bars, cafeterias and other eating places. I will be introducing a number of minor amendments later in Committee to overcome some difficulties with the provisions as drafted. These amendments have been the subject of consultation with other honourable members.

I wish to draw attention to one particular matter that has arisen since the bill was first introduced and debated in the other place. The Government is aware that this bill will impose an additional set of requirements on occupiers of enclosed public places, particularly those people who occupy public places that are also places of employment. The Occupational Health and Safety Act provides that workers are owed a duty of care to be provided with a safe working environment. In a number of cases this may require smoking to be banned on those premises, even if they are accessible to the public. Problems may arise where an enclosed public place which is also a workplace is exempt under the provisions of this bill.

Let me state unequivocally that it is not the intent of the legislation to undermine the protections provided to employees in New South Wales under the Occupational Health and Safety Act. Clause 15 of the bill explicitly provides that nothing in this Act is to be construed as creating or preserving a right of a person to smoke in an enclosed public place. This provision will ensure that an exemption under the provisions of this bill will not operate to discharge or overturn an employer's obligations under the Occupational Health and Safety Act. However, it is recognised that occupiers of enclosed public places may be confused, and that there may be some inconsistencies from the operation of the two sets of regulatory requirements. I will be moving amendments in Committee to provide that the review of the legislation under clause 18 must include an examination of the relationship between the provisions of this bill, the Occupational Health and Safety Act and other legislation that regulates smoking in enclosed public places, with a view to resolving any inconsistencies.

Let me assure honourable members that the Government is committed to this legislation. The New South Wales Department of Health will construct a comprehensive strategy, with relevant non-government organisations, to support the legislation. A short leaflet in plain English and other community languages explaining the legislation will be prepared. Other educational resources will be developed as required. Further, the Government is committed to developing a program to encourage premises to go smoke free on a voluntary basis during the implementation

period of this bill.

The National Heart Foundation has been funded by the New South Wales Department of Health to consult with managers of hospitality venues to identify barriers to going smoke free. This information will be used to identify and prepare future education strategies including an information kit specifically for the hospitality industry based on the successful National Heart Foundation publication "Going smoke-free - a guide for workplaces". The kit will include resources such as stickers.

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New South Wales Health will be working with industry to encourage venues to introduce smoking restrictions or become smoke free from 1 January 1998. More generally, the New South Wales WorkCover Authority, in association with the New South Wales Cancer Council and the New South Wales Department of Health, is currently finalising a booklet for all employers to encourage them to introduce smoke-free workplaces. In addition, the booklet will inform employers of their obligations under the Occupational Health and Safety Act. This will be released shortly. Again I congratulate the honourable member in the other place for bringing this important public health bill forward. I commend this bill to the house.

Debate adjourned on motion by Mrs Skinner.

Mr SPEAKER: I acknowledge the presence in the gallery of a group of students from Sydney Church of England Girls Grammar School. The honourable member for North Shore is the parent of one of the students and I welcome them to the Parliament.

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Ashfield - Minister for Police) [10.46 a.m.]: I move:

That this bill be now read a second time.

The Children (Protection and Parental Responsibility) Bill will re-enact, with necessary amendment, the provisions of the Children (Parental Responsibility) Act 1994. The bill also includes important new provisions aimed at encouraging the development of community-based crime prevention and support strategies through the facilitation of local crime prevention plans and safer community compacts. The approach taken by the bill reflects this Government's commitment to a holistic approach to juvenile and general crime issues and provides a framework for the development at a local level of a range of pro-active initiatives aimed at addressing the causes of juvenile crime. The Children (Parental Responsibility) Act 1994, introduced by the previous Government, was expressed to be a response to the role that parental neglect can play in relation to criminal behaviour by children.

There is no doubt that family dysfunction is a major contributing factor in juvenile crime and in placing children at risk. However, it is equally clear that it is not the only contributing factor and that the criminal justice response embodied in the 1994 Act, whilst of importance, is by no means a total answer to the problem of poor parenting. The new provisions introduced by part 4 of the bill will encourage local communities to work in partnership with the Government to respond to antisocial behaviour and crime. At the same time the bill seeks to encourage local initiatives to address the causes of such behaviour before the problems arise. We have at our disposal a great deal of research-based knowledge and information about those factors which contribute to the occurrence of crime in our communities.

The New South Wales Bureau of Crime Statistics and Research recently reviewed previous research on the correlates of juvenile offending and other research relevant to offending frequency. The bureau identified a range of

factors including family background, education and schooling, income and employment, drug use, peer relations, and perception of risks and punishment which are known to influence the onset and maintenance of juvenile offending behaviour. It is clear that these factors cannot be adequately addressed by a police or criminal justice response in isolation from a number of other community-orientated initiatives that get to the root of the problem. While it is crucial that the police enforce laws which ensure acceptable and non-threatening behaviour in our community, the responsibility for preventing criminal activities cannot rest solely with the police as they have neither the capacity nor the mandate to address many of the issues which we know contribute significantly to crime.

Recognising this fact, the Government is committed to encouraging and supporting local communities to develop effective responses to local crime problems. Only when an accurate local perspective is developed can communities identify which crime prevention strategies are likely to have an impact. This involves local communities actively working together to identify what their major crime problems are and to pinpoint those factors and influences which are contributing to crime locally. It also requires communities to assess initiatives for their efficacy in the local neighbourhood. The Government recognises that the development of realistic and achievable local crime prevention plans requires both financial support and support from people with expertise in this.

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Accordingly the Government has established the Safer Community Development Fund to assist communities in the development and implementation of such plans. Recurrent funding of \$1.15 million has been set aside for the purposes of the fund. Over the past two years the Crime Prevention Division of the Attorney General's Department has been active in providing training, information and advice to communities throughout New South Wales about effective community crime prevention and the methods for developing viable local crime prevention plans. A number of guides have been produced by the division, including community crime prevention brochures and manuals. It is encouraging to see that more and more communities are seeking to work in partnership with the Government to prevent crime before it occurs. Ultimately this is the most effective response to crime in the community.

The Government is committed to ensuring that resources and expertise are made available to the people of New South Wales to ensure the safety and wellbeing of all members of the community. The provisions introduced by part 4 of the bill will provide a legislative framework upon which to formalise and foster the development of pro-active local crime prevention measures. Division 2 of part 4 establishes a process for the formulation of local crime prevention plans by local councils. Guidelines and assistance in the preparation of plans will be made available by the crime prevention division of the Attorney General's Department. Division 3 of part 4 of the bill seeks to encourage best practice in the development of local crime prevention plans by making provision for the accreditation of local crime prevention plans which meet specified standards as "safer community compacts".

Funds will be made available through the Government's safer community development program to assist in the implementation of initiatives contained in safer community compacts. Funds from the program will also be available to assist more generally in meeting the costs of developing safer community compacts. I should make it clear that the provisions contained in part 4 of the bill do not relate only to the development of plans for the prevention of juvenile crime, but to all types of crime. Moreover the assistance afforded by the part will be available to all councils, and not just those councils that seek the application of the police powers in relation to children contained in part 3 of the bill.

I turn now to parts 2 and 3 of the bill, which relate directly to the initiatives contained in Children (Parental Responsibility) Act 1994. When the 1994 Act was introduced in Parliament, the Labor Party, while generally supporting the thrust of the legislation, expressed concern about the obvious haste with which the legislation was drafted and the lack of consultation in the development of the legislation. The evaluation that has been conducted in relation to the 1994 Act and the trial of part 3 of that Act in the Orange and Gosford area show that those concerns were well founded. Part 2 of the 1994 Act includes provisions allowing courts to require parents to attend criminal proceedings against their children, and specifying a range of undertakings as to future conduct that might be required of children found guilty of an offence, and of their parents.

The evaluation committee set up to review the 1994 Act was particularly critical of the potential for the use of part 2 powers to exacerbate rather than solve family problems in situations where there is a history of family breakdown. A new provision, clause 6 of the bill, has therefore been included to give greater guidance to the courts as to the matters to be taken into account when considering the exercise of part 2 powers. The clause emphasises that, as it should be, the best interests of the child is the paramount consideration. Section 9 of the 1994 Act makes it an offence for a parent, by "wilful default or by neglecting to exercise proper care and guardianship", to contribute to the commission of an offence by a child. The width of and lack of certainty involved in this offence has been the subject of strong criticism. The bill, while retaining an offence in relation to parents contributing to children's offences, qualifies the provision to make it clear that there must be a direct or material relationship between the default and the commission of the offence by the child for the offence to arise.

Part 3 of the 1994 Act allows for police to remove unsupervised children from a public place and take them either home or to a prescribed place of refuge. The previous Government determined that the powers contained in part 3 of the Act would only be made available in two areas, the Gosford and Orange police districts. The general wording of the power contained in the 1994 Act has been strongly criticised. The Government is concerned that powers provided by the Act are not applied so as to unfairly discriminate against young people, and the scope of police powers under the bill has been clarified so as to provide proper guidance to police in the exercise of their powers and to ensure the child welfare objectives of the part are realised.

The revised test for police intervention is contained in clause 19 of the bill. A police officer will have power to remove a child under 16 years of

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age from a public place if the officer believes on reasonable grounds that the child is not subject to the supervision of an adult and is in the public place in circumstances that place the child at risk. A child is at risk for the purposes of this provision if: the child is in danger of being physically harmed or injured; the child is in danger of abuse, including assault and sexual assault, ill treatment and exposure to behaviour that may cause psychological harm to the child; or the child is about to commit an offence. The bill provides for the application of the revised police powers to prescribed "operational areas". Division 1 of part 3 of the bill deals with the procedures for the declaration of an area as an operational area.

Clause 14 sets out the factors that will be considered in determining an application from a local council for the extension of these powers. These factors include: whether there has been consultation with the local community, including young people and the Aboriginal community, and the views expressed; the extent and nature of crime in the area concerned; the nature of any crime prevention or youth support initiatives that have been undertaken in the area, including whether a local crime prevention plan or safer community compact is in force for the area, or is being prepared; the effect of making the declaration on young people in the area; the practicality of applying the powers to the police, including advice from the Commissioner of Police as to the operational capacity of the police to carry out the powers; and whether appropriate arrangements have been made, or are able to be made, to cater for the needs of young people removed pursuant to the powers who are not able to be taken home, including culturally appropriate arrangements for Aboriginal young people.

Before declaring an area to be an operational area the Attorney General, as Minister administering the Act, is to consult with the Minister for Community Services and the Minister for Police. The evaluation of the 1994 Act also pointed to very real practical difficulties with the regime established by the 1994 Act, in particular, the cost and waste involved in establishing separate dedicated safe house accommodation for children taken from a public place under the Act. There can be no doubt that the evaluation revealed that the provision of dedicated safe houses for children picked up under the Act is a colossal waste of money. The evaluation of the 1994 Act revealed that the safe houses in Gosford and Orange cost in excess of \$160,000 in the period from March 1995 to June 1996. As at 30 June 1996, nine young people had been taken to the Orange safe house and nine to the Gosford safe house.

While the Act allows a maximum period of detention of 24 hours, in most cases the young people were in the safe house for only very short periods. Nevertheless it cost the Government over \$10,000 for each young person taken to a safe house. It is clear that the likely usage of safe house facilities does not justify the cost of establishing such facilities. The bill instead provides for a structured approach to dealing with needs of children picked up under

the Act, and stresses the need for regard to be had at all times to taking action which is in the best interests of the child. Clause 21 of the bill emphasises that a police officer who removes a person from a public place should use his or her best endeavours to place the child in the custody of the child's parents or relatives.

Clause 22 deals further with action that may be taken in relation to a child removed pursuant to the Act. The clause allows for children to be placed in the care of the Director-General of the Department of Community Services, or a delegated officer, or in the care of a person approved by the director-general. These provisions will allow for persons to whom children might be taken to be approved in advance, so that police have practical alternatives should it not be possible to take the child home or place the child directly in the care of the Department of Community Services. Clause 24 of the bill contemplates that particular "approved persons" might be nominated in respect of children of a particular cultural background, for example, in relation to Aboriginal children.

As well as offering the advantage of avoiding the need to establish costly specific-purpose accommodation facilities for children picked up under the legislation, this approach will facilitate culturally appropriate responses to the accommodation needs of children. In providing for a comprehensive review and legislative restatement of the initiatives contained in the Children (Parental Responsibility) Act 1994, the Government has recognised the legitimate concerns of many local communities, particularly in rural areas, about juvenile crime. The Children (Protection and Parental Responsibility) Bill represents an expansive and appropriate response to concerns about juvenile crime and crime in general. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

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ANIMAL RESEARCH AMENDMENT BILL

Second Reading

Debate resumed from 7 May.

Mr SLACK-SMITH (Barwon) [11.00 a.m.]: All those who are fond of animals or who own animals and are concerned about their welfare and comfort will support this bill. The object of the bill is to amend the Animal Research Act 1989 by streamlining licensing arrangements to enable approval for research to become a one-stage process; allow research to be conducted on premises other than accredited premises; and establish a working party to oversee the implementation of the Act.

Research and development is necessary not only for animal health but for human health, but it is important also to consider the welfare of animals being used for research. The bill provides that an animal care and ethics committee will be appointed within research and teaching institutions; responsibility for keeping a register of independent researchers will be devolved to the supervising ethics committees; accreditation of research institutions will be issued for a period of three years instead of the current maximum of 12 months; and independent animal suppliers must appoint animal care and ethics committees as a prerequisite for an animal supplier's licence.

Too often we hear of animals suffering unnecessarily in the cause of "research". The bill will clarify the Act for researchers, educators and the general public, and penalties for offences will be increased. The bill includes a requirement that an animal care and ethics committee that has approved a lethality test must annually submit to the Animal Research Review Panel the details of the type of procedure, justification for the lethality test or tests, and any alternatives or modifications that are being developed to replace the need for the test. The Opposition has consulted the Australian Veterinary Association and does not oppose the bill. Furthermore, the Opposition will keep a close eye on animal research. If the legislation proves to be inadequate, I hope the Government will support the Opposition in amending it.

Mr ROGAN (East Hills) [11.04 a.m.]: I commend the Minister for Agriculture for the time he and his officers have devoted to this rather controversial subject of animal research. I am pleased the Opposition will support the

bill, which will go a long way towards addressing the concerns of those who, understandably, do not want animals put through unnecessary suffering. The bill recognises that if animal experimentation in laboratories is essential, it should be carried out as humanely as possible.

The primary objective of the Animal Research Act 1985 is to ensure that animals used in research and education are given appropriate care and protection. As the Minister said in his second reading speech, the Act also aims to ensure that members of the broader community take part in decisions about animal research and education. To give effect to this primary objective the Act established the Animal Research Review Panel to oversee implementation of the Act throughout New South Wales. The Animal Research Review Panel brings together representatives of the research community, including academic institutions and industry, government agencies and animal welfare organisations, and so enables them to have some say in the oversight of animal experimentation.

The Act also provides for the appointment of animal care and ethics committees within research and teaching institutions, to consider research proposals and monitor animal research and education at the local level. Each animal care and ethics committee must include a veterinarian, a researcher, an animal welfare advocate and an independent lay person. All those who have a role in this area are to be included in the animal care and ethics committee. An article in the August-October 1995 issue of *Animals Today* highlights the fact that millions of animals are used each year in Australian research and educational institutions. It asks, "What kind of experiments are carried out on which animals, how many, and why?" The article states:

KEITH EDWARDS reviewed the statistics collected over a three-year period in New South Wales, and found that they give a far from complete picture of what is happening, and that the figures themselves may be unreliable.

In Australia, only New South Wales and Victoria provide detailed statistics of animal use in research and educational institutions. In NSW there are now three full years of data available and these reveal that the total number of animals used in that state varied widely from year to year: ranging from 1,054,548 in 1991/92 to 522,622 in 1992/93 to 1,723,541 in 1993/94.

A considerable number of animals is used each year for research purposes. This bill seeks to amend the primary Act, which oversights the conduct of such experimentation. The article states:

WHAT THE FIGURES DO NOT TELL US

- The fate of animals used is not reported, there is no record of unplanned deaths or euthanasia, and the period of time that animals have been kept is not indicated.

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- There is no record of numbers and species of animals produced by animal suppliers, or of the killing of animals bred in excess of demand ...

- The categories used to describe objectives are broad and do not allow any determination of the degree of pain or stress on the animals.

- The "other" category of objective frequently represents a large proportion of total usage. More specific detail is required.

Clearly, a number of questions need to be answered, and this legislation will go a long way towards that. The bill also provides for oversighting of all those involved in research. I have been approached by Ms E. M. Ahlston, President of the Australian Association for Humane Research Incorporated, which wants to ban animal experimentation. I am sure she would be known to the Minister and other honourable members. I have also been approached by Professor Einstein - a very appropriate name - who understandably makes the point that on her side of the equation it is essential that animals be supplied for experimentation.

The Minister for Agriculture wants to ensure that the least amount of strain, stress and pain is inflicted on animals used for laboratory experiments, and this significant legislation addresses what is understandably an emotional issue in our community. As one who is passionate about animal cruelty and does not want to see it practised anywhere, I support the thrust of the legislation. I again commend the Minister for his compassion and

understanding in addressing both sides of the equation on an emotional issue.

Mr ACTING-SPEAKER (Mr Gaudry): I take this opportunity to welcome to the gallery guests of the honourable member for Gladesville: students from schools in the suburbs of Gladesville and Ryde.

Mr CRUICKSHANK (Murrumbidgee) [11.12 a.m.]: The definition of "disqualified individual", which is set out in section 17 of the Act, is amended by item [11] of the bill. The amended definition now includes a person who "was the holder of an animal research authority or animal supplier's licence that was cancelled by the Director-General within the previous 12 months". The consequences of this are that the holder of that cancelled authority or licence cannot get an authority or a licence for research, or to supply animals, for another 12 months. This is a fair punishment because the reasons for cancellation by the director-general arise from such matters as non-compliance with the conditions of the authority or licence, or if the person has carried out animal research in contravention of the code of practice. The 12-month ban is therefore justified.

However, this situation contrasts significantly with that of a research institution whose accreditation has been cancelled for exactly the same reasons. What happens in that case? Do the circumstances make it a disqualified institution? The answer is no, unless that institution has been convicted of an offence. The Department of Agriculture and the Animal Research Review Panel have not prosecuted an individual or corporation since the Act commenced. No doubt the view would be taken that the cancellation of accreditation is enough punishment. So what are the consequences to the institution? Under amended section 21, which relates to duration of accreditation, if an institution has had its accreditation cancelled within the past 12 months it still gets a further 12 months accreditation the next time around, instead of the benefit of the new three-year accreditation period which this bill introduces. Apparently that is the punishment. However, in the same circumstances an individual would be disqualified for 12 months. I would be grateful if in his reply the Minister could indicate whether this discriminatory provision is merely an oversight or whether it has some justification.

The second matter I raise relates to the definition of "disqualified corporation". This matter was raised by the Animal Research Review Panel in its submission on the Animal Research Regulation 1995. The panel wrote to New South Wales Agriculture stating that when investigating applications for accreditation it should be able to take into account that the applicant may have committed offences in other States under Acts comparable to the Animal Research Act and the Prevention of Cruelty to Animals Act. Parliamentary Counsel's advice was that the regulation could not be expanded unless the definitions of disqualified corporation and disqualified individual in section 17 were similarly expanded to cover comparable offences in other States. I wonder, therefore, why the recommendation of the Animal Research Regulation was not followed up and implemented in conjunction with the present changes being made to the definition.

Section 13 of the Act provides that a corporation can appoint its own ethics committee. Proposed section 13(1) provides that "a person" may appoint an ethics committee. Proposed subsection (2) provides that if a corporation is accredited as a research establishment the ethics committee appointed by that person becomes the ethics committee for the research establishment. Who is this mysterious "a person"? Can I, for instance, Page 8980
appoint an ethics committee and say to the accredited institution, "I have appointed an ethics committee for you."? The problem is that new section 13 does not define the relationship between the research institution and the person appointing the ethics committee.

I could accept that provision if the section said, "A person, with the consent of the research institution, may appoint an ethics committee" or words to that effect. This curious provision could have serious consequences if a dispute arose about the legality of the ethics committee. Item [47] of the bill is designed to increase the accountability of researchers in relation to lethality or mortality tests conducted on animals. These are tests by which a substance is administered to an animal to determine whether it will die. The Minister said that he is determined to implement adequate reporting by ethics committees to ensure that this procedure is used only for significant research and when alternative methods are not available.

That is a somewhat surprising statement because an ethics committee can only authorise experiments to

establish significant information relevant to the understanding of humans and animals. The Minister is apparently acknowledging that these tests are currently being undertaken in cases that do not meet this precondition of the code. It is worrying if that is the case. I ask the Minister, in his reply, to tell the House whether these tests are in fact being used in unjustified research that will now be weeded out. In 1989 the Senate Select Committee on Animal Welfare recommended that Commonwealth, State and Territory governments publish annual accurate and comprehensive information on the extent and forms of animal experimentation conducted within their respective jurisdictions.

In addition, the Senate recommended that government authorities provide some analysis of the statistics to make them meaningful to the public and to reduce the potential for misinterpretation. Consistent with this recommendation, the Regulation Review Committee wrote to the Minister on 18 April 1996 and drew attention to the fact that the panel does not include in its annual report any evaluation of the merits or otherwise of the experimentation of which it has statutory oversight. Consistent with commercial confidentiality, it should have plenty to say because every single experiment should only be for the purpose of obtaining significant information. How many experiments do obtain such information; and how many are just another expedition up a dry gully? Why is it that we are not given this information? Does the Minister's panel provide him with such useful oversight? I think not.

In view of the need for public accountability of those who conduct animal research, the Senate committee's idea is excellent. The committee's report clearly stated that the public should have access to information that is meaningful to it, rather than have to seek it out in esoteric journals. Unfortunately, the committee's suggestion to the Minister was not acted upon. In the course of the recent inquiry into the animal research regulation by the Regulation Review Committee, under the chairmanship of the honourable member for Bankstown, the Animal Research Review Panel was asked about its 1993-94 annual report, which acknowledged that the current statistics on animal research published by the panel did not adequately inform the public about critical aspects of the research being conducted. The panel was asked what had been done at the New South Wales level in the past five years to address the problem.

It was apparent from the information given to the committee at that inquiry that the panel was waiting for national action and that New South Wales would probably end up using a South Australian prototype. But this could be years away. Mr Edwards, a member of the panel, said there was general concern about the recording and presentation of statistics on the use of animals for research, teaching and other purposes. Mr Edwards said that the typical annual report basically gave the numbers of different species that were being used but did not give any information about the impact on the animals, how long they had been involved in certain procedures or where they ended up when the procedure was finished. He also said that the statistics did not give much indication about the implementation of the three Rs - reduce, replace and refine.

At the inquiry Mr Edwards said that one of the problems is that institutions consider it an onerous task to collect and collate these statistics and send them to the Animal Welfare Unit. When I heard this I was reminded of the words of one commentator who said that institutions must always be reminded that animal research is a privilege, not a right. Examination of the bill shows that much of it is directed towards promoting the interests of animal research. For instance, it extends accreditation from a one-year maximum to a three-year maximum. It also streamlines procedures significantly, so that a researcher can get his authority and start work immediately. The research benefits could reasonably be balanced by some more effective reporting requirements or mechanism.

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A second reason Mr Edwards gave against New South Wales introducing amended statistical requirements was that it would be unwise to change the system twice in a relatively short period. What he was getting at was that it might be unwise for New South Wales to take action independently to bring in a relevant statistical reporting system that might be overtaken by a national scheme. But the circumstances indicate that action by this State is required immediately. National arrangements take years to put in place, as I can verify from my experience in the Parliament and on the committee. Parliaments are littered with schemes that politicians are trying to establish. In this particular instance the legislation in other States is so different from that in New South Wales that this State is justified in proceeding independently. I personally support such action wholeheartedly, and I am sure the committee

would also.

When the New South Wales legislation was introduced the Government assured the Parliament that one of its most important features was public accountability. That promise to the public should be respected. I ask the Minister to give serious consideration to instructing his department to expedite the inclusion in the Act and the regulations of adequate statistical requirements that meet the public's needs. After all, the Minister has demonstrated that it can be done in respect of lethality tests. Why should it not be done in respect of other research?

Mr ACTING-SPEAKER (Mr Gaudry): Order! I take this opportunity to welcome to the gallery guests of the honourable member for Illawarra: students from the Coonawarra public school.

Mr RUMBLE (Illawarra) [11.24 a.m.]: I am pleased to speak to this important bill and congratulate the Minister on the notable amendments it will make to the Act. The Minister has a personal interest in animal welfare and is to be commended for that. We pride ourselves on living in an enlightened and civilised society, and if animals must be used in research and education they must be given appropriate care and protection. I have serious doubts whether many of the experiments conducted on animals yield worthwhile results. One of the matters about which I have been most concerned is that different institutions may be performing the same types of useless experiments, and that there is no overall coordinating body to become aware of this extraordinary and alarming situation.

I agree with the Minister's commendable decision to ensure that members of the community, together with representatives of animal welfare organisations, are in a position to participate in decisions about animal research and education. The Animal Research Act established the Animal Research Review Panel, which includes representatives of the research community, including academic institutions, industry, government agencies and animal welfare organisations. The panel has the overall responsibility of ensuring that the Act is adhered to. On the more local front, animal care and ethics committees will be set up within research and teaching institutions. The committees must include a veterinarian, a researcher, an animal welfare advocate and an independent lay person. The responsibility of the committees is to monitor research activities.

The Act will ensure, as far as possible, that there must be cogent reasons for undertaking animal research in the first instance. The animal care and ethics committees will be required to scrutinise and justify research projects, taking into account the qualifications and expertise of researchers, the impact of research on animals and the steps that will be taken to avoid or relieve pain or distress among the animals. Independent researchers will be inspected at the same time as their ethics committees, and it will remain an offence to carry out research without animal care and ethics committee approval. Until now no licence has been required for the breeding and supply of animals for research. The Act will be amended to require a person to appoint an animal care and ethics committee in relation to the breeding and supply of animals for research.

The lethality test is really a death sentence. It is a procedure by which a material or substance is administered to animals to determine whether any of them will die. It is my hope that in the future this kind of procedure will be banned. The Minister is also rightly concerned about lethality tests. The legislation is to be amended to require accountability and publication, and to require a research establishment to state that the procedure is part of significant research and that no alternative method is available. Ethics committees that approve lethality tests will be required to make a report to the Animal Research Review Panel; and to specify annually the type of procedure followed, to justify its approval, and to specify any alternative test or modifications being developed to replace the existing system.

The Minister has also set up a working party to investigate the use of pound animals as a source for experimentation. As the Minister has rightly pointed out, that procedure is unacceptable to the community. The working party will include

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representatives from the Royal Society for the Prevention of Cruelty to Animals, the Animal Welfare League, Humane Society International, the Animal Research Review Panel and the Minister for Local Government. The whole idea is to progressively reduce the number of pound animals used for what would in many cases be classed as dubious experiments. I am pleased to note that the New South Wales Regulation Review Committee, under the

chairmanship of the honourable member for Bankstown, has also investigated this matter and will report to Parliament.

Recently the Minister and I were speaking to a parliamentary colleague who related a story about her daughter's attendance at university many years ago. The experimentation in which she was involved included dissecting a frog. Her daughter refused to participate in the experiment, notwithstanding that the lecturer pressured her to do so. Earlier I mentioned the duplication of some of these dubious experiments. The whole idea behind the Act is to make the entire industry accountable and transparent. In the past I have read that some animal researchers conduct experiments merely to keep themselves in jobs. Obviously in the past incestuous committees have been set up without independent monitoring. A publication has been floating around that points out that dogs are not good models. It says that when used in dogs, oral contraceptives prolong blood clotting times whereas in humans they increase the risk of fatal blood clots. Dogs do not need vitamin C added to their diets as they produce it themselves, but humans lack the ability to produce vitamin C and must include it in their diets.

In addition, the anti-cancer drug Azauridine causes lethal bone marrow depression in dogs after only seven to 10 days, but humans are able to tolerate the drug for comparatively long periods. Aspirin causes birth defects in dogs but not in humans. The arthritis drug Ibuprofen does not cause liver damage in dogs, but was withdrawn after human deaths from liver damage. The amendments proposed by the Minister are both worthwhile and commendable. I ask the Minister to ensure that researchers report appropriately to animal care and welfare bodies, that they in turn report to the animal research panel, and that the panel reports to him on an appropriate basis. The Minister has informed me that in Australia there is no evidence of animal experiments being conducted for the edification of the cosmetic industry. That is a good sign. Although the Minister is overseeing work to phase out pound animals being used in experiments, what measures will the Government take to reduce breeding of dogs for those experiments? Breeding animals for experiments is as objectionable as using pound animals for the same purpose. I congratulate the Minister on the innovations in the bill and thank him for the information he has provided to me.

Mr ROZZOLI (Hawkesbury) [11.33 a.m.]: What pathetic legislation! The bill is almost as disgraceful and inept a piece of legislation as the original legislation, the Animal Research Act, which was introduced in 1985. Those who were members of this House at that time will recall that I bitterly opposed the form in which that legislation was introduced. I voted against both the Government and the Opposition to show my displeasure at the incompetence of the legislation. The amending bill should be called the Animal Research (Further Protection of Researchers) Amendment Bill. It is not designed to protect the welfare of animals used in the insidious and generally useless practice of experimentation. Rather, it is designed to further protect researchers from investigation and scrutiny of the way in which they conduct experiments on animals.

The honourable member for Illawarra pointed out that very few animals are suitable for experimentation on matters relating to human welfare. There could be thousands of examples to support that argument. The metabolism and physical structure of animals are so different as to make them totally unsuitable for that purpose. In most cases those who experiment on animals merely carry out experiments for the sake of doing so. The honourable member for East Hills told the House of the numbers of animals used in experimentation. Clearly, those figures are still far too high, and the reason is that the original Act acts as a support mechanism for researchers rather than seeking to achieve its principal objective, that is, the welfare of animals used in experimentation.

Mr Rumble: What did your Government do in seven years?

Mr Harrison: You had seven years to do something and you did nothing.

Mr ROZZOLI: Government members interject to ask what was done by my side of the House. When the original bill was introduced I voted against both the Government and the Opposition. Frankly, I do not like what either party has done on this issue.

Mr Amery: But Labor is the only party that introduces this type of legislation.

Mr ROZZOLI: The Minister for Agriculture claims that Labor is the only party to do anything.

Whatever form the legislation takes, it should seek to achieve purported aims and objectives. Legislation should not be introduced merely to suit the animal researchers. A bill is needed that adopts as its aim and objective the fundamental premise that there should be no animal experimentation, but, if there is a need to use animals in experiments, it should be done by exclusion from that basic principle. The principal Act and the amending bill reinforce the need for animal experimentation. The bill is facilitation legislation. The basic premise should be that no experimentation is carried out on animals, although under some circumstances there may well be a need to conduct such an experiment. If that is so, the circumstances should be exceptional and the researcher should be required, under stringent conditions, to justify the need for the experimentation.

My comments seem to have raised a certain amount of passion in other members, but I make no apology for being something of an extremist on this issue, in which I have taken an interest for many years. The honourable member for Murrumbidgee commented about the failure of the Act to require accurate and comprehensive reporting about what animal researchers are doing. Although all members who have spoken in the debate have said that the bill is good legislation and will further improve the Act, they have also been somewhat critical of the way the Act operates. Those criticisms are valid, and I know a number of members in this House share my concerns in varying degrees. Other members of this House share my concern about this issue, and I particularly commend the honourable member for Kiama for the work that he has done over the years.

I do not criticise the Government for the form of the legislation, but I believe that its advisers are letting the side down. Bearing in mind the concerns of other honourable members I am disappointed that the amending bill does not deal with the inspections that should be carried out on animal research establishments and accredited areas in which animal experimentation takes place. I suggest that when the Minister is next contemplating further amendments to the Act, he should consider those matters.

There is a great deal of difference between the use of animals for experimentation on matters relating to humans and the use of animals for experiments pertaining to the same breed of animal. Species-specific experimentation - for example, where experiments on sheep are conducted for the purposes of better addressing problems in sheep - should be in a different category from the use of a species for an experiment relating to a completely different species.

The amending bill contains some good provisions providing for better scrutiny and facilitation of field experiments relating to agricultural matters. Those provisions probably enhance and make easier the work done in that area, and I have no great objection to them. My greatest objection is to the use of animals in experiments relating to totally unrelated species where there are unsatisfactory parallels between the breed of animal used and the species for which the research is ultimately intended. The provisions for the inspection of laboratories or other areas in which animal experimentation is carried out should be strengthened. Most importantly, random inspections should be undertaken regularly, at least every six months.

If one knows when inspectors are coming it is easy to whip in and make sure that the rules laid down by ethics committees are complied with and that everything looks appropriate when the inspectors visit. It has been pointed out that the cost of administering the legislation is not excessively high. It was claimed that the legislation is cost effective in relation to its benefits. From my point of view the benefits are dubious, but the cost of the inspectors could hardly be described as overly extravagant because I do not believe they fulfil their fundamental role as well as they should. The results of inspections must be accurately reported. As always, if one is complying with the law one need have no worry about being inspected. The only people who are concerned about random inspections or, indeed, any inspection are those doing the wrong thing.

If the animal experimentalists are complying with the requirements, as they claim, they having nothing to fear from a more rigid inspection process that will present the results in an open and transparent manner. Statistically it is unbelievable that the review panel never finds anything wrong. I cannot believe that any group of human beings is so perfect as to always get everything right. As the honourable member for Murrumbidgee pointed out, one never hears of prosecutions or adverse findings under the Act. I cannot believe that that is an accurate picture. I applaud the Government's intention to set up a working party to investigate animal suppliers. That aspect needs to be tightly

controlled. However, if the number of animals used for experimentation were drastically reduced, the difficulty of regulating supply would also be vastly reduced.

Mr Shedden: Are you looking for a database?

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Mr ROZZOLI: Indeed, I am looking for information. I suggest to the Minister that it would be worth while moving an amendment in another place to provide that local councils, the source of pound animals for experimentation, be required to be licensed as animal suppliers. [*Extension of time agreed to.*]

The local councils that supply animals should be brought under the jurisdiction of ethics committees to ensure that they comply with the same requirements as other animal suppliers. They cannot get around the legislation by supplying animals to another licensed supplier.

Mr Shedden: It is in the bill.

Mr ROZZOLI: The bill does not mention local government specifically, but if it contains those provisions I am pleased. I did not read it as being that explicit, but the legislation must deal with the source that generates the pool of animals for supply purposes. Lethality tests are anathema to me. The purpose and efficacy of using lethality tests on any animal defies imagination. I cannot believe that increasing the amount of a substance administered to the subject animal to the point where it dies has any useful purpose in society. It is clear that lethality tests are not being undertaken to determine how much of a drug needs to be administered to the subject animal to induce death. Lethality tests are being used principally to try to develop a scale by which to judge human tolerance to drugs.

However, it is clear from known scientific evidence that because of their different metabolism there is often little, if any, relationship between the effects of such drugs on animals and humans. Lethality tests should be banned. The attempt in the bill to strengthen the provisions in regard to lethality tests is a weak way of dealing with the matter. It would be much better to eliminate those tests completely. To turn full circle to where I started, the premise of any legislation controlling animal research should be that animals should not be used in experimentation. The Act should contain strong guidelines and implied incentives to encourage researchers to develop alternative, more accurate and more appropriate methods of research.

There should be a trade-off between the interim use of animals for experimentation purposes and the efforts of the same researchers to provide alternative mechanisms. If there is an interim period between the time of reaching the goal and the present time, on the basis that licences or authorities for animal experimentation will be issued under very strict conditions, one of those conditions should be a limitation on the time for the continuation of experimental processes. Unless the experimenters demonstrate that they are doing their utmost to find alternative methods of conducting the same research they will not be allowed, *carte blanche*, to continue to use animals in experimentation in the future.

I would be happier with the amending bill if it incorporated some of those provisions. Those who have other things to do will be pleased to know that it is not my intention to call a division and to sit on my own on this side of the House. As the bill is an amending bill it does not address the core provisions to which I object, and to which I objected in the original Act. While there are some minor improvements in parts of the bill the fundamental principles of it are still flawed. Most of the structure of the bill further facilitates animal research rather than placing barriers or constraints on it. For that reason I certainly, on a personal level, do not support the legislation.

Mr ACTING-SPEAKER (Mr Gaudry): I welcome to the Parliament students from the Truscott Street Public School and students from the electorate of the honourable member for Gladesville.

Mr HARRISON (Keira) [11.51 a.m.]: It is my pleasure to support this bill and to congratulate the Minister for Agriculture on introducing it. The bill goes some of the way, although certainly not all of the way, towards meeting the concerns of many members of this House about the use of animals in research. Before dealing with the

bill I take issue with some of the comments of the honourable member for Hawkesbury. I have great respect for him, and during the term of office of the previous Government when he was the Speaker in this House I never had occasion to make any criticism of him. In fact, at the conclusion of the term of the coalition Government in 1995 I placed on record that he was always extremely fair.

I do not want the honourable member for Hawkesbury to interpret my comments as a personal attack on him, but I resent the comments he made when he commenced his contribution. The allegation that the Government and the Minister have done nothing about animal experimentation is completely false. Because of action taken by the Labor Government led by Neville Wran, New South Wales is the only State in the Commonwealth of Australia that has separate legislation governing animal research other than general provisions contained within the Prevention of Cruelty to Animals Act. It is very easy for the honourable member to indulge in one-upmanship and talk about how he voted

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against the Government and the Opposition when the original legislation was introduced.

In its seven years in office the coalition Government, of which he was a leading member, moved one innocuous bill, on which I congratulated the Government. I remind the honourable member for Hawkesbury that during the course of that contribution he interrupted me and said that I strayed from the leave of the bill. But at that time I was placing on the record the gut feelings that I had about animal welfare. He should not now rage on about the Government doing nothing. The New South Wales Labor Government is the only government in Australia that has done anything. Although the bill does not go far enough, I am pleased to support it; it is an improvement. I am particularly concerned about the conduct of repetitive experiments and that failures are not being reported. When an experiment is an outstanding success, it is widely reported and everyone basks in the reflected glory.

It is no secret that many people involved in animal research are nothing more than glory seekers, who get great satisfaction from writing papers, tripping all over the world to address different gatherings telling everybody how good they are and how they are deserving of adulation. The plain fact is that literally hundreds of failed experiments are being conducted, as the honourable member for Hawkesbury said earlier. They end up going up a dry gully and are never reported, but they certainly should be. No-one wants to report their failures. However, if those failures are not reported other institutions in this country and other parts of the world will repeat the failed experiment over and over again with more and more animals being used for research that has already proved to be unnecessary, inconclusive and of absolutely no benefit to anyone.

Having got those matters off my chest up-front, I turn to the bill. It will allow research institutions to be given accreditation for three years instead of the present maximum of one year. That will be a welcome change provided that the Animal Research Review Panel is able to conduct on-site inspections within a reasonable period of accreditation. Approximately 70 or 80 accredited research institutions are on the books at present. The large number of institutions has made it virtually impossible for the panel people to carry out on-site inspections at the time of accreditation. That led to the ridiculous situation where some institutions might be inspected only after an initial period of accreditation, that is, after the one-year period had already expired. That limited the panel, when it was considering applications for accreditation, to a paper-based investigation. That is an accreditation based solely on examination of panel details in an application which may or may not be reliable.

The panel has a duty under the Act to investigate applications, a duty that is probably not satisfied merely by examining a few pages of paper. I hope the change in the bill will leave that situation behind us. The Annual Report of the Animal Research Review Panel for 1994-95 states that one-third of its members did not go on any site inspections at all. That matter was mentioned at a recent inquiry conducted by the Regulation Review Committee into the Animal Research Regulation 1995. That seems to highlight a structural problem on the panel. The plain fact seems to be that members of the panel, although perhaps not all, have full-time jobs and some of them literally cannot spare the time to participate in essential panel inspections. That is not a reflection on the capacity of the members of the panel, but it is important to the overall effectiveness of the panel.

The chairperson of the inquiry to which I have referred, Professor Rose, said that there was a question of public confidence about the panel's knowledge of what is happening. That goes to the core of one matter that I ask

the Minister to consider. It is no use appointing people to the panel if some of them literally do not have time to commit themselves to conducting inspections, which, according to the panel, is one of its most important functions. The bill now makes it necessary for a person who holds an animal supplier's licence to have the benefit of the oversight of an ethics committee. That was previously not the case, so the activities of a number of animal suppliers were in no way regulated on a day-to-day basis. These changes are welcome but they do not touch one problem that relates to the interstate supply of animals. The Act details provisions to ensure that animals used in research only come from licensed suppliers or from interstate bodies who have been approved by the Animal Research Review Panel. Currently no interstate bodies hold an animal supplier's licence and none has been approved by the panel.

One would assume from this situation that New South Wales research institutions are not using animals from interstate, but that is not the case. I understand that many New South Wales research institutions obtain animals from unlicensed interstate suppliers, simply because those animals are not supplied directly to the institution. During the committee's inquiry, Professor Rose conceded that these provisions were not working adequately. Perhaps in his reply the Minister will tell the House

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why this problem has not been addressed, as it is one of obvious concern to the chairperson of the panel. I turn now to lethality tests. I notice that proposed section 56A refers to keeping records of lethality tests that have been approved by an ethics committee or by a subcommittee. I understand the issue of whether or not subcommittees can legally approve lethality tests is to be taken up by the honourable member for Bankstown. However, I would like to make one point about this aspect.

During the Regulation Review Committee inquiry it was again made very clear that the panel completely opposed delegation to ethics subcommittees of the right to approve any research proposal. Their objection is well based as the Australian code of practice prohibits subcommittees from approving any proposal. I imagine the very last research proposal one would want to put in the hands of a subcommittee, which does not even have the normal constitution of A, B, C and D members, would be a lethality test. The inclusion of this provision in the bill very strongly suggests to me that the panel has not been adequately consulted on the final form of this legislation. It must be evident to the Minister by now, as a result of the feedback to him following the inquiry of the Regulation Review Committee, that New South Wales Agriculture did not afford the panel even the courtesy of showing it the public submissions on the draft new animal research regulation.

It seems inconceivable to me that the bill would contain a provision that refers to approvals by ethics subcommittees of the most deadly test one could imagine, when only a few weeks ago Professor Rose was explaining to the committee the panel's objection to the existing powers of delegation in the New South Wales regulations. On the subject of bleeding animals to death, I wish to mention another matter in connection with the overall issue of lethal tests. During the committee's inquiry Professor Bryden, who is head of the Department of Veterinary Anatomy and Pathology at the University of Sydney, gave detailed evidence concerning the university's practice of deeply anaesthetising animals so that they could be bled to death. Professor Bryden said that the reason for this bleeding-out process was to make the embalming procedure more effective. When the arteries are almost empty, they are injected with a rubberised material so as to make dissection a more acceptable and better procedure. These animals, I might say, are all perfectly healthy specimens.

It seems curious to me that the university does not use animals with particular diseases instead of cutting up healthy specimens. In the course of my questioning of Professor Bryden during the inquiry of the Regulation Review Committee he could not offer a satisfactory explanation about this matter. He said that it was not his duty to teach students anything about diseases, that anatomy is the basic subject that students study and they have to learn from a healthy animal. They then move on to disease processes and alteration of normal structures. Professor Bryden appeared at the inquiry to put the point of view that the university's activities should be excluded from the operation of the Animal Research Act. I do not agree with that proposal and I note that the chairperson of the panel had similar reservations. [*Extension of time agreed to.*]

I want to mention briefly my concern about experiments that take place in schools. I believe that a lot of young children are traumatised by the cutting up of other living creatures - first of all the killing of them and then their dissection. Earlier today the honourable member for Illawarra made mention of a conversation he had had with a

young school student who was very traumatised about cutting up a frog. Experimentation does not stop with frogs; it involves other animals from time to time. The fact is that schools become involved in keeping animals such as sheep, which of necessity are fed every day and treated with kindness. On occasion children find themselves bonding with the animals and if, at a later time, those animals have to be killed, it is a very traumatic experience. I know of no good that comes out of these experiments. It is something we should look very seriously at eliminating from studies in schools throughout New South Wales.

I have attempted to place on record some of my reservations about the bill, as well as my approval for eventually phasing out the use of animals for research or experiments of any kind. I hope that practice will spread to the rest of Australia and to the rest of the world. I had an opportunity recently to see a lady being interviewed on a television program. She was involved in the world of cosmetics. She stated that when she made it known that she had a total abhorrence and objection to the use of animals in cosmetic research, although the approval rating for her products had gone up in most countries in the world, in Japan it had suffered an 8 per cent reduction in sales as a consequence. That is hard to understand, but she was philosophical about it. She is a multi-millionaire and someone who has become heavily involved in opposing animal experimentation and cruelty to animals generally.

I indicate my firm support for the bill and congratulate the Minister for Agriculture, who, I
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believe, has a record unequalled in the history of this House for his concern about animal welfare, animal research and cruelty to animals. Later today honourable members will debate another bill introduced by the Minister relating to the prevention of cruelty to animals. That speaks volumes about his personal concern and affection for other creatures that inhabit this earth. For that reason I am particularly proud to be a member of the Minister's caucus committee. While this bill does not go as far as some people would like, I believe almost every member of this House concedes that it represents a significant improvement. It is a pity that one other speaker, for whom I normally have the same amount of respect, has stooped to miserable one-upmanship, talking about the Government doing nothing and even making the present situation worse. When it was in office for seven years, the Government of which he was a high profile member did absolutely nothing.

There is no apology to be made for the actions of this Government and the actions of the previous Labor Government so far as animal research is concerned. There is no apology to be made by the Minister, who has a genuine concern for the welfare of animals, unequalled by any former Minister for Agriculture or by any member or Minister responsible in any way for animal welfare. It is with pleasure that I indicate my support for the bill and its passage through the House.

Mr SHEDDEN (Bankstown) [12.10 p.m.]: As Chairman of the Regulation Review Committee I found it enlightening to listen to the debates this morning. My committee recently carried out an inquiry into animal research, and I would recommend that those members who contributed to the debate this morning read the report when it is released. I will refer to several provisions in the bill dealing with issues examined by the Regulation Review Committee relating to the operation of the Animal Research Regulation 1995. That regulation supports the Animal Research Act.

New section 56A requires an accredited research establishment to keep a record of lethality tests that are approved by its ethics committee or by an ethics subcommittee. The provision clearly implies that an ethics subcommittee has the legal authority to approve lethality tests. That is incorrect. It is true that section 16 of the Animal Research Act states that the code of practice may empower an ethics committee to delegate specific functions to subcommittees. However, "code of practice" has a special meaning and is defined in schedule 1 to the regulation as comprising the Australian code of practice for the care and use of animals for scientific purposes. The only provision in the regulation relating to delegation is clause 10, which provides:

For the purposes of section 16 of the Act, an ethics committee may delegate any of its functions to its ethics subcommittees.

To comply with section 16 any provision for delegation must be contained in the code of practice, that is, in either the Australian code of practice for the care and use of animals for scientific purposes or in the supplementary provisions to the code contained in schedule 1 to the regulation. Clause 10 is not part of either of those instruments

that make up the code of practice. Accordingly, research proposals cannot legally be authorised by an ethics subcommittee. However, there is a more fundamental objection. Paragraph 2.2.12 of the Australian code specifically states that subcommittees may not approve research proposals.

When the Animal Research Regulation 1995 was gazetted, the Animal Research Review Panel formally objected to the provision in the regulation which purportedly authorised subcommittees to approve research proposals. It also raised that issue in a submission to my committee recently in relation to this regulation. I was surprised, therefore, to see the inclusion in this bill of a further reference to the approval by subcommittees of research proposals. I strongly recommend to the Minister that the new section 56A be amended in Committee by the omission of the words "or by a subcommittee of the committee".

The bill extends the period of accreditation of research establishments from one to three years. The Animal Research Review Panel has the task of investigating applications for accreditation. Approximately 66 accredited institutions exist, and although their accreditation would not lapse at exactly the same time it must impose a great strain on the resources of the panel to ensure that some type of inspection or appraisal is conducted before the accreditation for all 66 institutions expires. The fact that the panel's current policy aim is for each institution to have a complete visit and assessment for reaccreditation every three to five years shows that the panel must have found it difficult to meet the requirements imposed upon it by the one-year accreditation period. The extension of the period must have obvious benefits.

The bill makes a significant change to the procedures governing approval to conduct animal research. At the present time the holder of an animal research authority cannot carry out animal research unless the particular research proposal has been authorised by an ethics committee. The current

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process is for the animal research authority to be first granted by the accredited research establishment and then, in due course, the researcher to put his specific proposal to the ethics committee for approval. Under the changes in the bill, the issue of an animal research authority will carry with it the right to conduct the research to which it relates. I notice, however, that an accredited research establishment may only issue an animal research authority on the recommendation of its animal care and ethics committee.

Further, the animal research authority cannot authorise the carrying out of the animal research unless it has been approved by the animal care and ethics committee and that it is in accordance with the code of practice. The Minister, in his second reading speech, gave an assurance that the role of the animal ethics committee has been in no way diminished. I do not see any personal objection to the revised procedure, although its effectiveness will principally depend on the regulations that have to be subscribed to support the new arrangements. My committee will closely examine them when they are gazetted.

The bill provides that an ethics committee will now be able to levy a fee for services provided to independent researchers. I do not have any particular views on this provision except to say that in the course of my committee's inquiry it was evident that there is strong argument in favour of providing fees for the voluntary services currently provided by the independent member and the welfare member of the ethics committee. The head of the Royal Society for the Prevention of Cruelty to Animals gave evidence of the demands placed on that institution to provide animal welfare members to serve on a large number of committees. Mr Wright said this was forcing the RSPCA to reconsider its policy of providing this service unless there was some type of recompense.

The panel issued a policy document some years ago but that document placed the responsibility of authorising a fee in the lap of the particular ethics committee. As a consequence no action ever eventuated on that issue. My committee will consider providing some appropriate guidance in its report. The bill will require an animal supplier to have an animal care and ethics committee. In the course of its inquiry, my committee noticed that there was no statutory or regulatory provision made for the appointment of an ethics committee to supervise the holder of an animal suppliers licence. However, it is necessary to say that where the accredited institution is also a supplier for its own animals, the ethics committee set up by that establishment supervises the supply aspects of the institution. This is, of course, an informal arrangement which would not give the ethics committee any legal supervisory control. The change is most welcome.

The first schedule to the bill clarifies certain of the powers of the inspectors under the Animal Research Act. The explanatory note states that the purpose of item [39] of that schedule is to make it clear that the powers of inspectors under the Act may be exercised only in relation to animals used in connection with animal research. I am not sure what is intended by that provision. Its purpose appears to be to prevent inspectors exercising powers in relation to other animals which may be on the grounds of the institution. Perhaps the Minister could clarify what problem the provision is addressing.

In passing, it is appropriate to mention that under the Animal Research Act inspectors have the power to enter only those lands the subject of an accredited institution and they have no power to enter lands the subject of an application. This is clear from section 50 of the Animal Research Act. All the powers of an inspector under that section relate only to designated land, which is defined as the land of an already accredited research establishment. This means that New South Wales Agriculture inspectors and panel members have no legal power to enter land that is the subject of an application for accreditation. As a layman I think that this would add to the panel's difficult task of effectively investigating applications for accreditation.

It is also worth noting that although the Animal Research Act gives the Animal Research Review Panel a variety of important statutory duties, it does not give the panel power to enter land to carry out those duties unless panel members are physically accompanied by a New South Wales Agriculture inspector. At the inquiry conducted by the Regulation Review Committee New South Wales Agriculture officers said that they had no statutory duty to undertake inspections, but that as a matter of policy they endeavoured to visit accredited institutions every three to five years. This means that, regardless of the wishes of the Animal Research Review Panel, its members can visit an establishment only if a New South Wales Agriculture inspector accompanies them. I am of the view that consideration should be given to amplifying the powers of the panel. I will be asking my committee, in its report, to give its views on this. However, the matter might have usefully been covered in this bill.

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Mr ANDERSON (St Marys) [12.21 p.m.]: The use of animals in research experiments is a very emotive topic. This debate has shown that honourable members are particularly emotive about this subject. These feelings are not confined to honourable members; the community at large feels the same way about this subject. I shall address some of the comments made by the honourable member for Hawkesbury. The honourable member stands very high in my esteem. I value his advice. He has shown himself to be an excellent member of Parliament and has conducted himself with great dignity in this Chamber. However, some of the things he said must be questioned.

Veterinary and medical research programs have played a major part in the prevention of many diseases, such as heart disease, and been responsible for advancements in many veterinary sciences and in the medical world. Such achievements, including vaccines against smallpox, polio, diphtheria, tetanus, yellow fever, typhoid, tuberculosis, rubella, measles and hepatitis B, have come about as a result of animal experimentation. Antibiotics such as penicillin and tetracycline have been derived from animal experimentation. Other achievements include drugs for the treatment of ulcers, high blood pressure, asthma and some types of cancers; anaesthetics; blood banks; kidney transplants and dialysis for kidney failure; open heart surgery; artificial pacemakers for hearts; insulin for diabetics; hormone and some vitamin therapies; and microsurgery to sew back healthy limbs and fingers.

Animal experimentation has provided enormous benefits. The community has benefited greatly and will certainly benefit in the future as long as animal experiments are allowed to continue. For those reasons I support the Minister's amendments. For all the good that has been done in the past, it does not mean that we can rest there. Many improvements, such as those foreshadowed in the Minister's amendments, can take place. The amendments to the Animal Research Act cover a broad range of matters, including streamlining administrative arrangements to allow resources to be used more efficiently to achieve the aims of the legislation. That will provide benefits for all.

Under this bill animal care and ethics committees will be required to keep and submit as an annual return a register of independent researchers who have applied for an authority. The members of ethics committees whom I know are highly commendable people in the community. My colleague on Blacktown City Council, and the former

Mayor of Blacktown, Councillor Russ Dickens, is on the ethics committee that oversees experiments at the University of Sydney. One could not get a more caring and animal-loving person than Councillor Russ Dickens. I have great faith in the establishment of these ethics committees. They do an excellent job of overseeing the need to provide adequate information on any experimentation that takes place.

This amendment bill provides a requirement for applicants for an animal supplier licence to have duly constituted ethics committees. This means that people held in high regard in the community can oversee animal suppliers to ensure that they do not act badly, that everything is ultimately done above board and in the best interests of the community and the animals. The amendments make it an offence for an individual to submit a protocol for consideration by an ethics committee if that protocol is being submitted to, is being considered by or has been rejected by another ethics committee. That shows that the system is transparent and that safeguards are being put in place to protect the community, to sympathetically and sensitively look after the animals and to ensure that there is no duplication of totally unnecessary experiments. In the interests of brevity I shall terminate my contribution on that note. I support the amendments proposed by the Minister. They should be given consideration by, and the support of, this House.

Ms HALL (Swansea) [12.27 p.m.]: This legislation comes to grips with an ethical dilemma that exists in the community. The honourable member for Mount Druitt -

Mr Anderson: St Marys.

Ms HALL: The honourable member for St Marys touched on the issues -

Mr O'Farrell: Those seats are too small; Federal seats are much bigger.

Ms HALL: The honourable member for Northcott shows his total lack of concern and his inability to look at any issue in any impartial and constructive way. He is capable of addressing issues only from a political point of view. This bill deals with the ethical dilemma of whether animals should be used for experimentation to advance medical research, whilst at the same time providing care for animals that are in a less powerful position than human beings. The use of animals in medical research is only one investigative technique that is available. We must not believe that we will be unable to solve disease if we do not go down the track of animal research. Animals are poorly suited to addressing some health problems. I refer to

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material that demonstrates that dogs are bad models for humans. As mentioned by the honourable member for Illawarra, dogs have a different response to medication from that of humans. Oral contraceptives have increased the risk of fatal blood clots in humans. There are differences in the blood pressure and bone marrow make-up of humans and dogs. Aspirin causes birth defects in dogs but not in humans. It is debatable whether the use of dogs in medical research for humans is helpful.

Rats are not minihumans but they are used extensively in medical research laboratories, mainly because they are cheap and easy to breed. Rats have been used in experiments linking cholesterol levels with heart disease. It has been shown, however, that rats have a much higher level of liver enzyme than humans and that their body metabolism is different from that of a human. The digestive system of the rat is also very different from that of the human; for example, rats do not have a gall bladder. Although rats have been used in cancer research, they convert most or all dietary fibre to vitamin A, whereas humans absorb substantial amounts of vitamin A.

Important medical research conducted by David Wieber and colleagues at the Mayo Clinic, as reported in the journal *Stroke* in 1990, showed that 25 compounds that reduced damage from stroke in rodents, cats and other animals had no effect whatsoever in trials on humans. The findings debunk the argument that we will not be able to research human medical issues adequately without using animals in experimentation. In the 1960s scientists deduced that passive smoking did not cause lung cancer, but reports in the news media now show that the previous conclusions are incorrect. There are many alternatives to the use of animals in research. The Federal food, drug and cosmetics legislation does not require pre-market testing of cosmetics and personal-care products. Test-tube, or vitro, methods are available to test the safety of various medical products. Computer modelling and other methods

can also be used.

I have referred to research into strokes. Currently drugs to be used in the fight against strokes and Alzheimer's disease are being trialed on people suffering from those ailments, because the only way those drugs can be evaluated effectively is to be tried on humans. Given that we as a society accept that there is a need to use animals in medical research, this bill deals with issues that need to be addressed. The honourable member for Hawkesbury said that he still had some concerns about the legislation, and so do I. However, honourable members should recognise that this bill takes into account a number of very important issues. It increases the maximum period of accreditation from one year to three years. One year was much too short. It should be borne in mind that the procedure followed is only a paper accreditation; that if an institution uses the right kind of language and fills out the forms properly, it gains accreditation.

Mr O'Farrell: Like Labor Party material.

Ms HALL: The honourable member for Northcott continues to show his complete lack of interest in any issue of importance in this Chamber. He is capable only of political comments, which does neither him nor his constituents any good. I am sure that those in the galleries will note that the honourable member for Northcott has absolutely no interest in the use of animals for research. I do not believe that paper accreditation of institutions is good enough. The increase in the period of accreditation will allow sufficient time for inspections. At the moment only a limited number of inspections take place. Basically, Department of Agriculture representatives examine the paperwork and visit institutions when they can. At a public hearing of the Regulation Review Committee, of which I am a member, it became evident that there are a number of problems in that regard.

There is a discrepancy in that there has never been a prosecution for cruelty under the Animal Research Act, although prosecutions are made regularly under the Prevention of Cruelty to Animals Act. That discrepancy needs to be addressed. The bill provides that if an institution does not perform properly its period of accreditation will be limited to one year, but it is my belief that the only way to address the deficiency is to make institutions accountable for their actions. Again along with the honourable member for Hawkesbury, I have a problem with lethality tests. If the procedure is to take place, it must be transparent. All along we have had the problem that this legislation is not transparent and details are not available.

What is the justification for the secrecy surrounding animal research? Why is information not made available to the public? In future, information should be more readily accessible. Animal research is one of the matters on which it is most difficult to get information - even the Regulation Review Committee had that problem. This secrecy is not good enough. The Government is supposed to be accountable and open to public scrutiny in all areas. I congratulate the Minister on the inquiry he has ordered into the use of pound animals for medical research, a matter about which I am gravely concerned. The value of pound animals for medical research is questionable in that they

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have not been bred under controlled conditions, their dietary and disease history is unknown, and it is not possible to measure a number of other variables.

Owners of pets may take them to the RSPCA for all sorts of reasons, but I doubt whether they ever take them to that organisation to be used in research. When an animal is subjected to research it is not just euthanased; it suffers stress and, in many cases, the most unbearable conditions. I congratulate the Minister on bringing that matter to our attention. In conclusion, I urge all honourable members to support this legislation. Whilst it is not perfect, it is a move in the right direction. It sets parameters for the future consideration of amendments. I congratulate the Minister on introducing it.

Mr AMERY (Mount Druitt - Minister for Agriculture) [12.39 p.m.], in reply: I thank the honourable members representing the electorates of Barwon, Murrumbidgee, Illawarra, Hawkesbury, Kiama, Bankstown, St Marys and Swansea for their positive and well-researched speeches, irrespective of any criticisms they may have made. The number and quality of the contributions to this debate highlights the importance of animal experimentation among the general public, and from them through to the members of this House. Before commenting about specific issues raised by honourable members, I acknowledge that this bill does not solve all issues raised through animal

experimentation.

I expect benchmarks or milestones along the way to progress. The bill is a small step towards improving accountability for animal experimentation in institutions and other places and providing the public with more detail about the number of animals used in such experiments. Whether it is through prosecutions for offences, scrutiny, reviews or inquiries into animal experimentation, we should act to replace animal experimentation with alternative systems such as the use of computer models and information from other experiments. Where it is impossible to conduct some tests without animals, the number of animals used should be greatly reduced. That is my goal in reforming legislation dealing with animal research in this State.

The honourable member for Barwon led for the Opposition and I thank him for supporting the bill. He spoke about the importance of research, which was highlighted also by the honourable member for St Marys in referring to the number of disease cures found by research, the invention of medications, et cetera. The Government has no intention of doing anything to impede the progress of institutions researching various diseases in order to create substances to improve the public health. The honourable member for Barwon also highlighted, as did other speakers, the importance of protecting animals. That dovetails with my comments about reducing the number of animals involved in experiments.

The honourable member spoke about consultation with the Australian Veterinarians Association and stated that the Opposition will continue to closely monitor relevant legislation. The Government intends to undertake a complete review of the Animal Research Act at an appropriate time after these present amendments have taken effect. I shall comment later about those reviews. I support the comments of the honourable member for Swansea about transparency of experimentation. She asked a rhetorical question about the justification for the perceived secrecy about experiments in institutions. If secrecy is the appropriate word, the answer is that there is no justification for withholding information.

With the passing of this legislation and by other action I intend to find out more about the number of animals used in experiments. I am pleased to receive the support of the honourable member for Swansea and of other members for the Government's review on the use of pound animals for research. She made a number of other comments, including a reference to reviews that can take place under the Prevention of Cruelty to Animals Act. That Act provides that deliberate acts of cruelty can be dealt with as criminal offences. Honourable members have expressed concern that this bill does not provide for prosecutions for cruelty to animals, but I remind them that it is separate from the Prevention of Cruelty to Animals Act, which the Government will strengthen later today.

My second reading speech highlighted that the Animal Research Act established a system to encourage best practice. When people do not comply with the code of practice it is usually because they are ignorant of better alternatives. It is not deliberate cruelty; it is simply a less than perfect situation. The Government is trying to resolve that situation by responding to comments raised today. The honourable member for Kiama, who has a passionate belief in the protection of all animals, has the strongest credentials of all. He has been a keen and regular visitor to my office to speak about the provisions in this legislation. In response to his inquiry about interstate institutions I advise that those institutions may legally supply animals to licensed animal suppliers in New South Wales. Animals do come into New South Wales by this route, but identification of approved interstate suppliers has not been necessary so far.

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The honourable member referred to the annual report and said that one-third of the members of the Animal Research Review Panel have not undertaken on-site inspections. I shall certainly review the work rate of that panel. I thank the honourable member for Kiama for complimenting me and the Government on its record on animal welfare. Concern has been expressed about inappropriate consultation on the bill, and certainly some people may feel they were not contacted about the drafting of this bill. In my second reading speech I said that the proposals for amendments were developed by the Animal Research Review Panel, which circulated a discussion paper and sought public submissions before finalising its recommendations. A formal public consultation process was held, but I take on board that obviously some people felt they were not consulted or would have liked to have made some

contribution to the drafting of the legislation.

I thank the honourable member for Bankstown, who is Chairman of the Regulation Review Committee, for his well-researched contribution to the debate and for his work with other members of the committee - the honourable member for Murrumbidgee, the honourable member for Kiama and others - who will examine the regulations associated with this legislation. My advice about proposed section 56A is that it will simply create an obligation for an accredited research establishment to keep records. It does not empower ethics committees or subcommittees to approve proposals, including lethality tests. Parliamentary Counsel has advised that the provision is legally correct and that an amendment is unnecessary. Once the proposed amendments to the regulations take effect, the phrase "or a subcommittee of the committee" will have no effect because the subcommittee will be unable to approve a lethality test.

A statute law revision bill could delete the phrase, if necessary. I assure the honourable member for Bankstown that I will pursue this matter to ensure, whether through statute law revision legislation or an alteration to the regulations, that the Government makes the appropriate amendments, if necessary. The honourable member for Bankstown referred to the investigative powers of inspectors. There was concern when it was proposed to extend the concept of designated land. In my second reading speech I spoke about the expansion of the definition of where experiments can take place, which may be on a farm and not in an institution. Concern was expressed at the proposal to extend the concept of designated land to other than that occupied by an accredited research establishment.

For example, if on a commercial farm one paddock is being used for sheep grazing trials, it is appropriate that inspectors have powers with respect only to those sheep. The honourable member for Bankstown questioned the role of inspectors with respect to problems in other areas of a farm with animals that are not subject to research? I point out that other animals on that hypothetical farm, which are not subjected to experiments, are properly the province of the Royal Society for the Prevention of Cruelty to Animals and various animal welfare league inspectors, who have responsibility for those animals. I am sure that if research inspectors went into a paddock to do an inspection or to monitor an experiment and, in another paddock, noticed acts of cruelty not related to the experiment, it would be their responsibility to report that incident to the appropriate authority, say the RSPCA, and ensure that it followed up that incident.

The honourable member for Illawarra continually raises animal experimentation issues by way of a private member's statement. I thank him for his contribution. One point he raised was the reduction in the use of purpose-bred dogs, which is one result of the activities of animal care and ethics committees. A committee cannot approve a project unless the species selected is the only choice for that experiment. The experimental justification must outweigh the impact on the animal and there must be no non-animal alternative available. As a result of the work of ethics committees the University of Sydney, for example, has experienced a 90 per cent reduction in the number of dogs used for teaching purposes. That clarifies the roles of the ethics committees in that regard.

The honourable member for Hawkesbury started off strongly by saying that this was pathetic legislation, but he was rightly ticked off by the honourable member for Kiama. All animal experiment legislation in this State has emanated from Labor governments. The original legislation that we are amending today was introduced in 1985 under the Wran Labor Government. Between the Wran Government and the Carr Government there was seven years of coalition Government under which no reviews were carried out and no legislation was introduced to deal with animal experimentation. I therefore acknowledge that rebuttal by the honourable member for Kiama. Whilst we agree that the legislation is not perfect and will not resolve all the problems, it is a bit cheeky for a member of the Liberal Party to say that we are not going far enough.

The original legislation, the continual reviews and this amending legislation are the work of Labor
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governments. Other governments have not shown any interest in this issue. The honourable member for Kiama said it all when he said that New South Wales is the only State with free-standing, purpose-built legislation that covers experimentation on animals. The other issues raised by the honourable member for Hawkesbury will be covered in a comprehensive review of the legislation. I thank the honourable member for East Hills for his contribution and his concern about statistics on animal use and research. This has been a common theme in the contributions from

various members, some of whom also said that there is not enough reporting.

Honourable members stressed that there is a lot of chest beating and bragging about successes in research, but there is very little reporting of failures. The annual report process has been criticised. A system to collect statistics nationally has been developed with the cooperation of the States. This system aims to provide more useful information about the type of procedures to which animals are subjected. Concern was expressed that all States have been asked for their endorsement of this system. I sought advice from my Animal Research Review Panel on the practicality of introducing the system in New South Wales - a matter raised by the honourable member for Murrumbidgee. He said that if we have to wait many months or years, for example, to set up the South Australian protocol, perhaps we should go it alone. I will seek advice as to whether that is practicable.

In the meantime I endorse the principle of national comprehensive statistics on animal use. That will be to the benefit of all. As I have already said, there could be a cross-State supply of animals into New South Wales. The honourable member for Murrumbidgee was concerned, as were other members, about the lack of prosecutions under the Animal Research Act. It is important to appreciate that that Act established a scheme of enforced self-regulation, which is carried out at a local level by the accredited research establishment. Prosecution can be initiated if research is conducted without accreditation. I take on board the comments that there have been no prosecutions, and I will address that issue in my follow-up review of the legislation. In conclusion, the legislation does not resolve all the problems or address all the concerns raised by honourable members. This is really tidying-up legislation to clarify the role of ethics committees and reporting practices. The principal Act will be subjected to review under the competition policy agreement - the Hilmer review process - but sometimes reviews can be too narrow.

As I previously announced, in conjunction with the review of this Act, under the competition policy I will ensure that there is a comprehensive review of all aspects of the original legislation and these amendments, which have received the support of both sides; including reporting and putting more pressure on institutions to reduce or find alternatives to using animals in experiments. The legislation will be the subject of the competition review policy, and in light of the well-researched contributions by members on both sides of the House I will expand the review under the Hilmer process to encompass many other issues. The members of the Regulation Review Committee have given guidance. All the issues raised by the committee will give me, the department and the Government guidance in how to restructure the legislation through the comprehensive review I have announced. I thank honourable members for their contributions.

Motion agreed to.

Bill read a second time and passed through remaining stages.

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

SEOUL METROPOLITAN COUNCIL DELEGATION

Mr SPEAKER: I draw the attention of honourable members to the importance of the sister-State relationship between the parliaments of Seoul Metropolitan Council and New South Wales. This was formalised six years ago when the then Mayor of Seoul, Speaker Rhee, and the then New South Wales Premier, Premier Greiner, signed a joint communique in Sydney.

Last August I was privileged to lead an all-party delegation from this Parliament to the Republic of Korea to participate in the signing ceremony of the agreement for the exchange of visits between the New South Wales Parliament and the Parliament of the Seoul Metropolitan Council. On that occasion I was afforded the great privilege and honour of being the first visiting Australian dignitary to address the plenary session of that Parliament. I am very pleased that today this House has extended the same privilege to our honoured guest.

[Mr Lee, Sun Jae was conducted by the Serjeant-at-Arms onto the floor of the Chamber.]

I also inform the House of the presence in the gallery of a delegation from the Seoul Metropolitan Council in the company of the Vice-President of the Seoul Metropolitan Council, Mr Lee. We welcome those members to this Parliament. I invite Mr Lee, who has taken his seat in the House, to approach the rostrum.

Mr LEE, SUN JAE: Good afternoon. I am Lee, Sun Jae, Leader of the Korean delegation and Deputy Speaker of the Seoul Metropolitan Council, as kindly presented by Mr Speaker.

The Hon. John Murray, Speaker of the Legislative Assembly; the Hon. Max Willis, President of the Legislative Council; the Hon. Bob Carr, Premier; distinguished members of the Legislative Assembly and honoured guests.

First of all, on behalf of the Seoul Metropolitan Council of the Republic of Korea, I would like to express my sincere appreciation to the Speaker of the Legislative Assembly and to the President of the Legislative Council for their kind invitation and wonderful hospitality.

It is a great honour and privilege to be here, to have this opportunity to speak before the Speaker and distinguished members of the Legislative Assembly of New South Wales.

Today I am going to speak about "Friendship and Cooperation between Two Cities for the Future" before members of the House, the delegation from the Seoul Metropolitan Council and distinguished guests.

As you realise, Australia and the Republic of Korea maintained the relationship of alliance consolidated by the blood shed by both nations during the Korean War. Since then in various fields - the political, economic, social, cultural and educational fields - mutual cooperation and a dynamic partnership have advanced impressively each year. In particular, New South Wales and Seoul city are the main pillars in their respective countries. Since the time of signing the sisterhood relationship six years ago, in the spirit of solid friendship exchanges in diverse fields have been expanding and both of us have played a role as a driving force for improving cooperation and strengthening friendly ties between both countries.

In particular, the "Mutual Agreement on Exchanging Visits by the Council Members", signed by the New South Wales Parliament and the Seoul Metropolitan Council in Seoul last year, became a benchmark for a new turning point in expanding exchanges and friendly cooperation by both sides.

Distinguished members of the Legislative Assembly and honoured guests: the twenty-first century will become the Asia-Pacific era. Accordingly, people living in this region should strive harder to create a common sphere of mutual cooperation and a good neighbourly relationship.

While pursuing a common value of democracy and market economy we should also expand political, social and cultural contact and exchanges.

Some people argue about the clashes of different cultures, but I believe that Australia and Korea have wonderful endowments for creating a new and unique culture through harmony between different civilisations.

Both countries have the power to transform the conflicts between different civilisations of the East and West and Asia and Europe, and close cooperation in the spirit of harmony between the two countries respectively located at the northern and southern tip of the Pacific will become a driving force for creating a new community in the Asia-Pacific era.

I am confident that Australia and Korea can become the most ideal partners in cooperation. I also believe that the Parliament of New South Wales and the Seoul Metropolitan Council, as the leading parliaments in both countries, should carry out the pioneering role for promoting that partnership relationship.

Last year during his speech before the Seoul Metropolitan Council, Mr Speaker, the Hon. John Murray,

remarked on New South Wales playing its greatest role in the economic growth and progress of Australia.

As the capital city of the nation, Seoul city also works hard to do its part in achieving the goal of contributing to the common prosperity of the human race and to world peace through economic growth and the advancement of the nation.

This signifies that both Seoul and Sydney are playing central roles in the advancement of Korea and Australia respectively. I would like to emphasise that friendship and cooperation between the two cities are essential for improving relationships between the two countries.

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Mr Speaker and members of the Legislative Assembly: I would like to see a great expansion of exchanges and friendly cooperation between the Parliament of New South Wales and the Seoul Metropolitan Council.

I would like to use my visit to a variety of facilities in the city as a reference in the future for tackling various urban problems in traffic, the environment, education and welfare. I also want to use it as an opportunity for promoting our understanding of the diverse cultures of Australia.

It is our understanding that Australia is a country of limitless possibility with vast natural resources and territory, diverse cultures and a wonderful harmony between nature and civilisation.

Also we can sense the democratic maturity of Australia and the great pioneering spirit of the Australian people from her democratic politics overflowing with vigour and dynamic economic growth.

Today I would like to propose that all the members of the parliaments in the two cities work harder for eternal friendship and the continuous progress of New South Wales and Seoul city.

I have faith that the Sydney Olympics in the year 2000 will become a grand festival for all men and women across the world and will open a new chapter for the coming Asia-Pacific era and an age of new hopes.

In the year 2000 Korea will sponsor the FIFA World Cup match jointly with Japan.

I wish to express a deep sense of satisfaction and pleasure that at the turn of a new century both countries have opportunities to hold global festivals for the harmony and unity of the human race, and it is my earnest wish that both countries will accomplish wonderful records and results in their respective events.

In closing I wish to convey my feeling of deep appreciation to Mr Speaker, the Hon. John Murray, and all the people concerned in arranging this wonderful invitation and hospitality for us. On behalf of the Seoul Metropolitan Council I have the honour to extend a formal invitation to you to visit next year. Thank you.

Mr SPEAKER: I invite the Premier to give an address of welcome to mark this very special occasion.

Mr CARR: Mr Speaker, Mr Vice-President Lee. On behalf of the Parliament I would like to welcome the Hon. Mr Lee, Vice-President of the Seoul Metropolitan Council in the Republic of Korea. We share a close relationship. Indeed, one of my predecessors, Premier Greiner, signed the joint communique five years ago with Seoul Metropolitan Council. Since then the relationship between our great State and your great city has developed and evolved.

Your Mayor, Dr Cho Sun, is a significant figure in the political life of the Republic of Korea. We had a great deal of pleasure in welcoming him to Sydney on his recent visit. He gave a keynote address at the University of Sydney and inspected many of our plans for protecting water quality and enhancing our environment. Korea is a very important source of investment in New South Wales. It is, of course, our number two trading partner. We would like you to take the message back to the dynamic Korean economy that its investment and its trade are very

welcome in New South Wales, Australia.

You hosted the twenty-fourth Olympiad in 1988. No country hosting the Olympics had done it better. You have made our job of hosting the Olympics in the year 2000 even more of a challenge because we have to reach the high standard set by the city of Seoul in the Republic of Korea. We hope to do that. One of our strengths in hosting the Olympics is that we are a multicultural society. Part of that multiculturalism is the presence in our ranks of 20,000 residents of Korean origin. Most live in Sydney's inner west, and the electorate of Lakemba, represented in this Parliament by my colleague the member for Lakemba, has the highest number of Korean residents. He tells me that they are first-class citizens of Australia. Our friend is a very welcome visitor indeed.

[Mr Lee, Sun Jae was conducted by the Serjeant-at-Arms to the Speaker's Gallery.]

ASSENT TO BILLS

Royal assent to the following bills reported:

Education Reform Amendment (Board Inspectors) Bill
Sentencing Amendment (Transitional) Bill
Anti-Discrimination Amendment Bill
Fish Marketing Amendment (Deregulation) Bill

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Friendly Societies (New South Wales) Bill
Gaming and Betting Amendment Bill
Women's College Amendment Bill

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 Armstrong, Mr Blackmore, Mr Brogden, Mrs Chikarovski, Mr Cochran, Mr Collins, Mr Cruickshank, Mr Debnam, Mr Ellis, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Mr Humpherson, Dr Kernohan, Mr Kerr, Mr Kinross, Mr MacCarthy, Mr Merton, Mr O'Doherty, Mr Phillips, Mr Photios, Mr Rozzoli, Mr Schipp, Mr Schultz, Ms Seaton, Mrs Skinner, Mr Smith, Mr Souris and Mr Tink.**

Ethnic Affairs Commission Services in the Illawarra

Petitions praying that the removal of the Macedonian and Italian interpreters from the Ethnic Affairs Commission in the Illawarra be opposed; and that the Ethnic Affairs Commissioner be replaced with a commissioner who truly represents the Illawarra community, received from **Mr Markham, Mr Rumble and Mr Sullivan.**

Ryde Hospital

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

M2 to Gore Hill Freeway Roadworks

Petition praying that proposed work on Epping Road, the Gore Hill Freeway and the M2 be combined into one coherent strategy, which should be subject to a full environmental impact study, received from **Mrs Chikarovski.**

M2 Baulkham Hills Ramps

Petition praying that west-facing ramps be constructed on the M2 Motorway at Windsor Road, Baulkham Hills, received from **Mr Merton**.

Manly Cove

Petition praying that the Manly Cove foreshores be protected, and that the Manly Council policy that limits the height and scale of any Manly Wharf development be respected, received from **Dr Macdonald**.

BUSINESS OF THE HOUSE

Postponement of Business

Business with precedence notice of motion No. 1 postponed by Mr Phillips.

REORDERING OF GENERAL BUSINESS

Crimes Amendment (Assaults on Officers) Bill

Mr TINK (Eastwood) [2.53 p.m.] I move:

That general business order of the day (for bills) No. 17 have precedence on Thursday, 22 May 1997.

I am sure that all honourable members would be horrified by the news today that another police officer has been stabbed in western Sydney. All honourable members would extend their best wishes to that officer. For too long it has been open season on the policemen and policewomen of this State. The public expects the Parliament to unite in a bipartisan manner to deter attacks on police. Having spoken last week to the President of the Police Association, Mr Phil Tunchon, I know what a fundamentally important matter that is to all rank and file members of the Police Service. The Opposition has a bill before the House which would double the penalty for attacks on police.

Opposition members would be happy for the Government to take over the bill, amend it and have a new deterrent in place this week. I would be happy to meet with the Minister for Police, representatives of the Police Association or anyone else who might have an interest in this matter at any time tonight to do all that is necessary to bring on this bill in the same form as it stands on the business paper or in an appropriate amended form, so that the policemen and policewomen of this State may have the protection they deserve before the week is out. For that reason, I propose reordering general business orders of the day for bills as foreshadowed to bring forward the Crimes Amendment (Assaults on Officers) Bill, which I hope has the Government's support.

Mr WHELAN (Ashfield - Minister for Police) [2.55 p.m.]: As honourable members would know, I have already indicated that the Government intends to bring forward a bill to increase the penalties for attacks on police officers. That bill will have the assurance of being passed through both Houses of Parliament.

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

Mr WHELAN: Attacks on police officers have increased by 13 per cent in the past two years. I need only remind the House of the statement I made in Parliament yesterday in answer to a question. Protection of the community is derived from protection for police officers within the State. The Government has a very proud record in the protection of police officers. It has provided new firearms - something that was ignored by the previous Government. It has provided bullet-resistant vests - something that was ignored by the previous Government. It is providing new radios, station upgrades and better communications. Yesterday I announced a \$40 million package to improve the safety of police officers in this State. By providing the police of New South Wales with greater protection and greater security, the Government will provide the community of New South Wales with greater

protection and greater security.

Motion agreed to.

North Lake Macquarie Lead Pollution Remediation

Mr HUNTER (Lake Macquarie) [2.58 p.m.]: I move:

That general business notice of motion No. 56 have precedence on Thursday, 22 May 1997.

Precedence should be given to this notice of motion because it is imperative that the Parliament send a clear message to the community of north Lake Macquarie that it is behind the community in its effort to remediate the local suburbs. Precedence should be given because the Parliament needs to give moral support to those families who are affected by lead pollution and whose homes are listed to be remediated. Precedence should be given to this motion because we must send a clear and unequivocal message to the residents of the area that the New South Wales Parliament supports them and understands the problems associated with lead pollution and that the New South Wales Government is acting to address the problem. Precedence should be given to the motion because families with young children who have elevated blood lead levels must know that the New South Wales Parliament acknowledges their concerns and that the Government is acting to clean up the lead pollution of north Lake Macquarie.

The motion must gain precedence because Parliament must send a message to the families of north Lake Macquarie to allay their fears. The motion deserves precedence because the Government should be commended for committing \$4.5 million to a lead remediation program in north Lake Macquarie. Precedence should be given because the parents of young children in the lead-contaminated areas know that the Minister for Health cares about them and he has committed \$1.5 million to the lead clean-up process. Precedence should be given to this motion so that a clear message can be sent to the residents of the north Lake Macquarie area that they have not been abandoned in a time of need.

Precedence should be given to this motion because high blood lead levels in young children can have detrimental health effects. For that reason the families of those young children must know that the Government and the Parliament care about them and are prepared to do something to help them. They must know that the Government is prepared to support them. Precedence should be given to the motion because the families should know that the Minister for the Environment also cares and has committed \$1.5 million to the lead clean-up process. This motion should have precedence because this House must let the families of north Lake Macquarie know that the Government supports them. I ask all honourable members to support this notice of motion having precedence.

Mr SCHULTZ (Burrinjuck) [3.01 p.m.]: The motion of the honourable member for Lake Macquarie should be defeated because my motion is more important. I move -

Mr SPEAKER: Order! Standing orders do not allow the member to move a motion. However, the member may speak against the motion before the House.

Mr SCHULTZ: My motion simply states that this House supports the retention of "Advance Australia Fair" as Australia's national anthem. Despite the antics of the unpatriotic Premier, who tried to remove the national anthem in August last year -

Mr SPEAKER: Order! Standing orders allow a member to speak for three minutes to the original motion. However, the member is now dealing with the motion he wishes to move. He must address the motion before the House, that is, the motion moved by the honourable member for Lake Macquarie.

Mr SCHULTZ: My motion is more important because it is about tradition and about the expectations -

Mr Langton: On a point of order. The honourable member has already indicated that this matter is no more urgent than the other motion. He waved a piece of paper around and said that it was dated some time last year.

Mr SPEAKER: Order! There is no point of order. Opposition members will cease interjecting so that the honourable member for Burrinjuck can be heard in silence.

Mr SCHULTZ: My motion should take precedence over the motion of the honourable member for Lake Macquarie because it is a matter of extreme importance to the people of this State and this nation. It refers to our rights to retain "Advance Australia Fair" as the national anthem.

Mr SPEAKER: Order! I have already ruled that the member may make passing reference to his proposed motion but cannot debate it. The honourable member's time for speaking has expired.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 47

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

Noes, 46

Mr Beck	Mr O'Farrell
Mr Blackmore	Mr D. L. Page
Mr Brogden	Mr Peacocke
Mr Chappell	Mr Phillips
Mrs Chikarovski	Mr Photios
Mr Cochran	Mr Richardson
Mr Collins	Mr Rixon

Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
Mr Downy	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Dr Kernohan	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Mr Merton	
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Jeffery
Mr O'Doherty	Mr Kerr

Pairs

Mr Knight	Mr Armstrong
Mr Price	Mr Humpherson

Question so resolved in the affirmative.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

MUSLIM STUDENT SEX EDUCATION

Mr COLLINS: My question is addressed to the Minister for Education and Training. Have Muslim families complained to the Minister that their daughters were subjected to explicit sex education while on a Bankstown Girls High School camp at Stanwell Tops two months ago? Were departmental guidelines relating to cultural sensitivities breached when male teachers, specifically contrary to Muslim practice, lectured female Muslim students about various types of sexual activity?

Mr AQUILINA: I recall that the honourable member for Strathfield sent me correspondence on that matter. It was investigated, but I cannot recall

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the specific details in relation to the response. I undertake to get those for the honourable member.

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

RURAL CRIME

Mr BECKROGE: What information can the Premier give on actions that the Government is taking to deal with crime problems in New South Wales country areas?

Mr CARR: Today this Government has honoured two significant commitments to country New South Wales. The Government has introduced the Children (Protection and Parental Responsibility) Bill.

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

Mr CARR: For the first time, through the parental responsibility bill, all country communities will have a real say in strategies to cut crime in their towns and shires. Country communities will be funded and supported to provide local solutions to crime problems. The parental responsibility legislation is a direct result of listening to the concerns of people in the bush, and a strong campaign and support from country mayors.

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

Mr CARR: There was almost unanimous support among the more than 100 country mayors for this Government initiative. Country communities wanted these initiatives and the Government has delivered because it listens to the country, unlike the Howard Government.

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

Mr CARR: Even their supporters know that the Howard Government is ignoring the battlers of the bush.

Mr SPEAKER: Order! The House will come to order. There is no need for interjection from Opposition members. The Premier is capable of answering the question without help from his backbench.

Mr CARR: While some people might criticise this legislation as too tough, I do not back away from the bill.

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

Mr CARR: I say to those critics: why should children under 10 years of age roam unsupervised in the streets of Dubbo, Bourke, Wilcannia, Taree and Grafton at 2 o'clock in the morning? But, most important, these kids need protection and security, and this bill provides it. We must also take action to prevent young people from wandering the streets in the first place. The Government will provide \$1.15 million for the development of local crime prevention plans - a commitment that I recall appears on page 460 of Budget Paper No. 2. These will address particular crime problems and minimise the risk to families, the elderly and young people.

Mr Tink: I bet it was a late initiative.

Mr CARR: Stop whingeing, will you? The honourable member for Eastwood is the greatest whinger in the Parliament. The Government's three-pronged attack will help protect children who are at risk or in danger of being involved in a criminal offence.

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

Mr CARR: It will also assist local communities to develop effective crime prevention strategies tailored to their particular needs and problems. The Government has built on the parental responsibility legislation to create an effective and workable package to help safeguard families and communities. Local communities will also have the benefit of a new, improved youth justice conference scheme.

Mr SPEAKER: Order! There is far too much conversation in the House.

Mr CARR: This juvenile justice strategy will bring offenders face to face with their victims, if the victims agree. This will apply only to minor crimes and not serious offences involving violence, drugs or personal injury. Make no mistake: serious offences will continue to be formally dealt with by the courts. During the conference the young person will come to know what the effects of his or her action has been. The victim will play an active role in determining what kind of restitution is appropriate and will have a right to veto any proposed outcome. It is no soft option.

The scheme forces young offenders to personally confront their victims, apologise and make restitution. For

the first time many young

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offenders will actually see the pain they have caused and make appropriate amends. The Government will train specialist police youth liaison officers to deal with young offenders and assess their cases for referral to the youth conferencing scheme which will be administered by the Department of Juvenile Justice.

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

Mr CARR: This Government has listened to the concerns of the people of country New South Wales. They have a right to live in safety.

GORE HILL FREEWAY - M2 MOTORWAY TUNNEL

Mr SOURIS: My question is directed to the Minister for Roads. Given that the M2 is due to open next week, when does the Minister plan to construct a tunnel for the missing link between the M2 and the Gore Hill Freeway? Is the Minister's failure to deliver this tunnel the real reason that he is boycotting the opening of the M2?

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

Mr SCULLY: When in opposition the Labor Party was extremely critical of the M2 project and its approval processes. In fact, the M2 is an example of how things have changed and I refer to the approval processes involved for the M5 East and the Eastern Distributor. I am a road proponent. It is up to the Minister for Urban Affairs and Planning to approve road proposals put up by me to the Roads and Traffic Authority. That is quite different from what occurred with the M2, when the RTA was basically poacher and gamekeeper, proponent and approver. Having been part of the Opposition which expressed strong concern about and opposition to the M2, it would have been hypocritical of me to suddenly do an about-face and pretend that all the concerns we expressed when in opposition are no longer valid.

Mr SPEAKER: Order! There is far too much interjection.

Mr SCULLY: The Government is not prepared to behave in a hypocritical fashion.

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

Mr SCULLY: Would honourable members have me as a hypocrite? I am not a hypocrite. I will not be at the opening and I will not open the M2. The other part of the question related to the missing link between the end of the M2 on Epping Road and the Gore Hill Freeway. I acknowledge that this issue needs to be addressed. The Deputy Leader of the National Party and the honourable member for Lane Cove have certainly brought their concerns to my attention. I might add that the very good member for Gladesville -

Mr SPEAKER: Order! I call the honourable member for Lane Cove to order. I call the honourable member for Lane Cove to order for the second time. I call the honourable member for Lane Cove to order for the third time. I call the honourable member for Fairfield to order. The Minister will wait until the House comes to order.

Mr SCULLY: The honourable member for Gladesville brought his concerns about that missing link to my attention, and so have other members.

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

Mr SCULLY: Not only do I accept that this matter needs to be addressed but I took steps earlier to do so by establishing a task force chaired by the Parliamentary Secretary for Roads, Grant McBride, the honourable member for The Entrance.

Mr SPEAKER: Order! The Chair has extended some leniency to members. However the Chair will no longer

tolerate interjections. All members who have been called to order are now deemed to be on three calls to order.

Mr SCULLY: The task force will include the mayors of Lane Cove, North Sydney and Ryde, a representative of Willoughby Council, together with senior officers of the RTA. The terms of reference entail some of those concerns raised by the Deputy Leader of the National Party in the House today and in discussions I have had with him. Those terms of reference are: first, to access the responses from the public display of the study by consultants Connell Wagner on options to upgrade the link between the M2 and the Gore Hill Freeway; second, to examine the feasibility of a tolled tunnel under Epping and Longueville roads; third, to lead community discussion on the options, the environmental and community impact of practical issues associated with a tunnel; and, fourth, to monitor the impact of the opening of the M2 on the local road system and what additional traffic management measures may have to be implemented as a result. I will ask the Parliamentary Secretary for Roads to ensure that the views of the Opposition are made known to the task

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force so that the Deputy Leader of the National Party will be able to put his views to the task force, if he so wishes, before a decision is made.

CLOTHING INDUSTRY OUTWORKER PROTECTION

Mr TRIPODI: My question without notice is directed to the Premier. What action is the Government taking to protect outworkers in the clothing industry?

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

Mr CARR: In mid 1994, as Opposition leader, I went round with my colleagues and inspected some of the sweatshops in western Sydney, in which workers, mainly women, were being exploited. The previous Government, as honourable members will recall, had removed the right of union organisers to go into those workplaces. It is no wonder that the honourable member for Lane Cove is busy in loud conversation with one of her colleagues, because she might feel that some of my remarks will draw attention to her record as Minister. Women were being exploited in those places. They had no protection; their pay was as low as \$2 an hour; and the right of unions to go to those workplaces without warning to defend those women had been removed by the infamous Greiner-Fahey Industrial Relations Act.

Mr Harrison: Shameful!

Mr CARR: It was absolutely shameful, as the honourable member for Kiama said. I am proud to say that this Government took the first step last year when it amended the Industrial Relations Act to restore that right and to provide that contractors and subcontractors now face fines of \$10,000 for breaching the new Act.

Mr SPEAKER: Order! The member for Eastwood will resume his seat. I remind the member for Lane Cove that she is already on three calls to order.

Mr CARR: The Government has given additional powers to those inspectors who go out and expose these un-Australian abuses. Nothing could better illustrate the difference between the Government and the coalition in industrial relations than the protection of workers. The coalition failed this group of vulnerable workers, women workers mostly of migrant backgrounds, who were ruthlessly exploited under the previous Government. Who was the person charged with responsibility for protecting these people? The member for Lane Cove was that person. I would like to be able to report to the House that the honourable member took her responsibility seriously and moved to protect outworkers. I would like to be able to do that and honourable members would like me to be able to do that. Alas, propelled by the emotive force of veracity on all occasions, it is something I cannot do. The honourable member for Lane Cove undertook months of intensive research; she had investigations; she established task forces -

Mr SPEAKER: Order! The honourable member for Northcott was placed on three calls to order. On three occasions I asked the House to come to order and I asked members to cease conversing in the Chamber. Serjeant, remove the honourable member for Northcott.

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

Mr SPEAKER: Order! The Chair requires no assistance from the honourable member for Fairfield or from the honourable member for Broken Hill. I remind the House that members who have been called to order are deemed to be on three calls to order.

Mr CARR: The honourable member for Lane Cove had months of research, investigation and task forces into this problem and she revealed her grand plan. She spent \$100,000 and this was her grand plan: the production of a mug! She said that a mug would solve the problem of exploitation of outworkers. One would have to be a mug to believe that.

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

Mr Hartcher: On a point of order. You have ruled in this House on innumerable occasions that members may not wave props or theatrical accoutrements around the Chamber.

Mr SPEAKER: Order! Serjeant, remove the honourable member for Fairfield.

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

Mr Hartcher: The Premier has violated that ruling and you have ordered that the mug be removed from the Chamber. I ask you to call the Premier to order because he has wilfully violated your persistent directions.

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Mr SPEAKER: Order! The Premier has the call.

Mr CARR: What an enormous contribution to the welfare of workers! What a contribution for outworkers! These are people who did not even get a coffee break, yet she produced an educational mug. What a reflection on someone who was Minister for Industrial Relations, and Minister for the Status of Women - or, as they put it at the time, Minister for Women of Status. She was not the Minister for these women who were being ruthlessly exploited. The package of measures introduced by the Government today - backed by increased fines and by the additional power that has been given to inspectors; backed by what the Government has done under the Industrial Relations Act - is the answer. It took a Labor Government to come up with it. I am delighted not only with the splendid initiative of the Textile, Clothing and Footwear Union and its members, who were present today at the launch, but also with the response of a large number of decent employers, retailers who are saying, "We will not buy garments produced by outworkers who are being exploited."

Today three additional employers were signed up to the union's code of practice, which the Government is now endorsing as an effective barrier to this sort of un-Australian exploitation. Honourable members - those on both sides of the House - will appreciate that more than 100 years ago trade unions were formed to stamp out precisely this type of exploitation. Both sides of Australian politics declared in the early years of this century that such practices were regarded as un-Australian, but they are creeping back into industrial life, much to the Government's concern. The Government has resolved, with the cooperation of good employers and with the support of an outstanding trade union, to have the practice stamped out. These women must not be exploited any longer.

POKER MACHINE TAX INCREASE

Mr PHILLIPS: My question is addressed to the Minister for Gaming and Racing. Does the St Marys District Band Club say that it will have difficulties making ends meet because of the Government's poker machine tax? What action will the Minister take to protect the western Sydney community after the club's announcement that it will have to cut \$135,000 from local community donations and retrench up to 30 staff?

Mr Clough: On a point of order. The question is directed to the Minister for Gaming and Racing. The carriage of the budget through this House is in the hands of the Treasurer. The question is out of order.

Mr SPEAKER: I understand that the mechanism dealing with the collection of the tax comes under the authority of the Minister. The Minister may answer the question.

Mr FACE: This morning I met with representatives of the St Marys Band Club, who will provide me with a submission that I shall refer to Treasury.

SUPER LEAGUE TRI-SERIES FINAL

Mr ROGAN: What will the Minister for Gaming and Racing do to ensure a fair deal for punters who backed a draw in the Super League tri-series final on Monday?

Mr FACE: This morning I introduced legislation for the privatisation of the TAB. If ever there was an example of the need for a new broom at the TAB it is the fiasco of betting on the New South Wales versus Queensland Super League match on Monday night. I received a report from the TAB on the event and I can only say that words fail me - which for a politician is most unusual. How the TAB could take bets on a drawn match when a draw was not possible under the rules defies explanation.

The argument advanced by a TAB spokesman - that a draw was technically possible if the referee called off the match because of pitch invasion, earthquake or civil war - is absurd. Only a very brave spectator would invade a match between New South Wales and Queensland. I believe it is safe to say Brisbane is relatively earthquake free, but I cannot vouch for Newcastle. Although this Government and the Queensland Government may have their differences, I can assure honourable members that civil war is not about to break out.

In the unlikely event that one of those disasters occurred, the director of racing in the Department of Gaming and Racing believes that the match would have been abandoned and not declared a draw, as claimed by the TAB, and that all bets would have been refunded. The TAB may believe it is all right to take punters' money without giving them a chance of winning, but the Government believes that it is unacceptable. This morning I directed the TAB to refund all bets on a drawn result. In addition, I told the TAB that it must ensure that bets on a draw are not taken on future Super League and Australian Rugby League matches when a draw is not possible.

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MINISTER FOR LAND AND WATER CONSERVATION DEPARTMENTAL APPOINTMENTS

Mr D. L. PAGE: I address my question without notice to the Minister for Land and Water Conservation. Has the Auditor-General raised concerns about the appointment of one person to the conflicting positions of Chief Executive of State Forests and Director-General of the Department of Land and Water Conservation? Why has the Minister ignored that advice and gazetted the appointment of Joan Kirner's former Treasury secretary, Bob Smith, to these conflicting roles?

Mr YEADON: It concerns me that a member of this House has cast aspersions, by the wording and tone of his question, on a highly regarded public servant who has served this State and Victoria in an exemplary manner. Dr Bob Smith was appointed to the positions of Director-General of the Department of Land and Water Conservation and Chief Executive of New South Wales State Forests as a result of an open and competitive selection process. As an interim measure he was also appointed to the statutory office of Commissioner of Forests following the expiry of the previous commissioner's term of appointment. The Government, however, does not intend that position to be permanent and is seeking suitable candidates to fill the position.

Formal delegations apply when it may be perceived that a conflict of interest exists between Dr Smith's various responsibilities. For example, all applications to the Department of Land and Water Conservation for clearing under State environmental planning policy 46, including those from New South Wales State Forests, are

handled at an operational level by appropriate officers and are determined under delegated authority. The director-general is exempted from any involvement in these applications and from all resulting determinations.

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

Mr YEADON: I assure the House that appropriate systems and formal procedures for delegation are in place to mitigate against the possibility of conflicts of interest occurring during the current arrangements. I am confident that there is no conflict of interest.

CITY WEST LINK ROAD

Ms NORI: My question without notice is directed to the Minister for Roads. What details can the Minister give of plans to build the third section of the city west link road?

Mr SCULLY: I acknowledge the representations of the honourable member for Port Jackson on behalf of her constituents. Residents of Lilyfield Road are suffering under the current road conditions. The six-kilometre city west link road links the Glebe Island Bridge with Parramatta Road at Five Dock. The five-section road was originally approved in 1986. Sections one, two and four have already been completed. Sections one and two run from Victoria Road, Rozelle, to Balmain Road, Leichhardt. Section four runs from Boomerang Street, Haberfield, to Waratah Street, Haberfield. A review of environmental factors has concluded that section three, which is 1.7 kilometres from Balmain Road, Leichhardt to Boomerang Street, Haberfield, should proceed. This \$48.5 million project will provide more than 150 jobs during construction.

Despite the longstanding nature of this road project and the fact that land has been set aside for it, section three has effectively remained a missing link. Lilyfield Road in particular suffers traffic bottlenecks, and nearby residents suffer significant disruption because vehicles use back streets to avoid congestion. Extensive community consultation has taken place about section three, and I have received strong representations from local members. The Minister for Police, the member for Ashfield, made representations to me about a number of concerns expressed by Ashfield council. At his request I met with representatives of Ashfield Council, local residents and Haberfield Rowing Club, who voiced their strong concerns about the road proposal. In reaching a decision the Roads and Traffic Authority has balanced the concerns of nearby communities and the local environment with the need for this road.

There is strong community support for the road in many of the surrounding areas, but I am aware of the concerns of some residents about the impact of this project. I will ensure that the city west link project is undertaken in a way that will minimise the effect on local residents. The Roads and Traffic Authority will continue to monitor noise levels and other environmental factors to ensure that strict criteria are met. Significant improvements have been made to section 3 in response to community concerns about the road as originally proposed. As I said earlier, this is a new Roads and Traffic Authority. From Balmain Road to Charles Street, the road will generally follow the alignment of the Rozelle goods railway line. It will then run through the Department of Defence army depot before crossing Hawthorne Canal over a new bridge.

The road will then pass along the foreshore of Iron Cove, linking to Dobroyd Parade just west of Boomerang Street. The RTA's assessment report has

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strongly rejected a proposal for the road to extend 40 metres into Iron Cove. In associated work, the existing Lilyfield Road bridge will be retained for pedestrians and cyclists; an overbridge will be constructed across the new road at Charles Street to maintain pedestrian and bicycle access to the foreshore and nearby recreational facilities; an improved foreshore walkway will be provided between Hawthorne Canal and UTS Haberfield Rowing Club to maintain foreshore access; and an improved parking area will be constructed for the rowing club, to remove the current conflict between vehicles, pedestrians and cyclists.

Contractors will shortly be invited to register interest in tendering for the design and construction of the road. Work is expected to begin later this year and to be completed some time in 1999. This project will provide major

benefits to both the local communities and the large amount of through traffic that uses the route daily. It will remove the bottleneck on Lilyfield Road and replace a low section of Dobroyd Parade. Residential streets in Leichhardt, Annandale, Rozelle and Haberfield will be made much safer -

Mr Peacocke: On a point of order. This is the most orchestrated diatribe I have heard in 16 years. In view of the prolixity of the answer, I ask that you direct the Minister to draw it to a conclusion.

Mr SPEAKER: Order! I uphold the point of order. The Minister will draw his answer to a conclusion.

Mr SCULLY: In conclusion, residential streets in the suburbs I mentioned will be much safer and quieter, bringing better quality of life and security to local residents. The project is vital to improve traffic flow and safety in Sydney's inner west and to support the 2000 Olympic Games.

POKER MACHINE TAX INCREASE

Mr J. H. TURNER: My question is directed to the Minister for Gaming and Racing. Has Cardiff District Workers Club been placed in turmoil after being told by the Commonwealth Bank that it will have to repay its \$8.5 million loan in full by 15 July? Did the general manager, Rob Salter, say that the Government is "hammering" the clubs, completely contradicting Government claims that clubs like the Cardiff District Workers Club can easily pay its poker machine tax?

Mr FACE: I understand that the financial situation of the Cardiff District Workers Club is as follows. The club held a debt of \$10 million as far back as 1993. That was reduced to \$7 million last year, but the club also invested \$2.9 million in renovations last year. Apparently the club has been advised by the Commonwealth Bank that outstanding payments worth \$8.5 million will be called in on 15 July.

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

Mr FACE: The club's general manager, Rob Salter, whom I know personally, told the *Newcastle Herald* today that he was convinced that the club could trade out of its financial difficulties if the bank lent it money short term and left him to do his job. He said that the club's troubles started in January when it suffered a trading loss of \$141,000. That shows that Mr Salter took action long before the poker machine tax became a reality. Mr Salter said that staff rosters were slashed and managers had taken pay cuts, with his salary reducing by \$10,000 to \$75,000. Mr Salter further said:

We went to the bank and we said we needed \$400,000 short-term cash to get us out of trouble because I have never borrowed enough for the renovations, and the answer was no. All the bank had to do was lend us the money short term in recognition of the good record that we had that we would trade out for sure.

The club does have a good record and it has been very responsible over the years. It has a lot of competition from various other clubs nearby. As I say, the club's problems arose in January, long before the tax was on the agenda. Mr Morgan, who is a well-known identity in assisting clubs in difficulty, was called in some time ago and is acting responsibly on behalf of the Cardiff Workers Club. I asked my director-general to ring Mr Morgan. When my director-general spoke to him, he was about to enter a meeting. Mr Morgan believes that the club will decide to enter into voluntary administration. This is even before the application of the new tax. Mr Morgan will advise the club to forward a request to the Liquor Administration Board seeking deferment of payment, and my director-general has undertaken to speak to the board. Mr Morgan is extremely well respected in this area. He told my director-general:

The action that we are taking really relates to the current problems the club finds itself in as a result of previous actions.

POKER MACHINE TAX INCREASE

Mr J. H. TURNER: I ask a supplementary question. Did Mr Salter say that the club's estimated profit of \$711,000 next year would reduce to \$200,000 because of increased taxes? If so, how can the club possibly repay its

loan and any extension of it?

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Mr FACE: Mr Salter has not said anything to me, and that is why I asked my director-general to phone Mr Morgan. I am not concerned about what is in the papers; I am concerned about what Mr Salter will tell my director-general.

SYDNEY OLYMPIC VILLAGE PLANNING APPROVAL

Mr NAGLE: My question without notice is directed to the Minister for Urban Affairs and Planning, and Minister for Housing. What details can the Minister give about planning approvals for the Sydney Olympic village at Homebush Bay?

Mr KNOWLES: I am pleased to inform the House that I have approved the Olympic Co-ordination Authority's application for construction of the Olympic village at Homebush Bay. As honourable members will be aware, approval was given under State environmental planning policy 38, Olympic Games related projects, for which I am the consent authority. For Sydney this means housing for 15,000 athletes during the Olympics; permanent homes for 5,000 people after the Games; new schools, open space, road networks and landscaping; and a high-tech business park generating 1,300 jobs in 50,000 square metres of floor space.

In accordance with the original Games bid, the year 2000 Olympic village will be a showpiece of high-quality environmental design, with an emphasis on public transport. My approval will help to deliver on Sydney's commitment to establish a green Games that showcases Australia's environmental technology to the world. Key features of the Olympic village include the use of solar-power generation and an integrated water reclamation system. These initiatives will result in a 50 per cent reduction in energy use and household waste.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber.

Mr KNOWLES: It is a pity that Opposition members are not interested to hear what I am saying. This is a major development for Sydney. The Government is making sure that Sydney is delivering the Games on time and on budget. The Games will be the best ever staged by the Olympic movement, yet Opposition members chatter through this reply. During the Games about 15,000 athletes will be housed in the village. After the Games the site will be transformed into a new residential suburb for approximately 5,000 people, incorporating a range of housing types and designs and community facilities. The approval I have signed provides for the Olympic village to be developed in five precincts. During the Olympics precincts 1 and 5 will provide relocatable housing and precinct 2 will provide both temporary and permanent housing.

Precinct 4 will mainly contain Olympic support facilities such as dining halls, entertainment areas and medical centres. After the Games precinct 4 will be developed for a range of retail and community facilities, including a supermarket. Precinct 3 will be a permanent housing project that will be sold prior to the Olympic Games. When the Games are concluded the permanent residential development will include 1,116 dwelling houses or town houses and 958 units - bringing the maximum total of dwellings in the village to 2,074. Because of this permanent presence, approvals have also been given to provide a site that has a primary school, open space, road networks, landscaping and subdivision, and provides for the adaptive reuse of many heritage items. In simple terms, the post-Games accommodation and facilities will establish Sydney's newest and most exciting suburb. Normal conditions of consent for the village apply, including provisions to minimise construction traffic and to protect residents in surrounding areas during the construction period.

The project represents an injection of \$470 million into the Sydney economy and will generate 2,000 jobs both on and off site. Construction is expected to commence in June and is set for completion in January 2000. In addition to the approvals for the village, and in an effort to assist local employment opportunities, I have also approved a new business park on part of the village site. The Olympic business park will provide 50,000 square metres of floor space for new high-tech industries. It is anticipated that the business park will provide more than 1,300 permanent jobs,

providing security and certainty for the new residents and the new families as they move into their new homes. It is worth noting that the assessment and approvals for the Olympic village and the Olympic business park were undertaken in record time, demonstrating the Government's commitment to securing the best Olympics for the people of Sydney and New South Wales, with lasting benefits for all Australians. The Olympic village is a project of which we can all be proud. It will be a lasting symbol of the success of the Sydney 2000 Games.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Federal Road Funding

Mr SCULLY (Smithfield - Minister for Roads, Minister for Public Works and Services, Minister for Ports, Assistant Minister for Energy,

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and Assistant Minister for State and Regional Development) [4.04 p.m.]: My motion is urgent because the State faces a major backlog of road projects as a result of the Federal budget, and the State Government needs to send an urgent message to the Federal Government in this regard.

Poker Machine Tax Increase

Mr COLLINS (Willoughby - Leader of the Opposition) [4.05 p.m.]: My motion is urgent because communities are hurting from the callous actions of the Carr Government in imposing the poker machine tax. This is not simply a tax on poker machines; this is the Carr community tax. It is not a tax on "high Tories and millionaires", as the Premier would have us believe; this is a tax on everyone. The tax will cost up to \$78 million in community donations and support, \$336 million in lost building work and some 10,000 jobs - all of this hardship inflicted on local communities to raise \$74 million for the Carr Government. The sum is about one-third of 1 per cent of the total State budget.

Does the Carr Government seriously believe that it is fair to inflict all this damage for a return of one-third of 1 per cent of the total State budget? One has only to scan this morning's papers to note the effect the tax is having on clubs and their local communities. Only last night Penrith Panthers club suspended more than \$850,000 in annual funding to local organisations. However, the local Labor member uttered not one word of support for her community. I visited the Penrith Panthers club last week. The club's target for community support was \$1 million, but its annual grant of \$850,000 is now in jeopardy.

Mr Clough: On a point of order. The Leader of the Opposition is required to demonstrate why his motion is urgent. He has not said a word about that; he is debating the substance of the motion.

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

Mr COLLINS: The motion is urgent because the tax is the subject of a bill that is now before the Parliament, so there is still time, as the damage reports come in, to do something about it. I am very pleased that the honourable member for Bathurst took that point of order. Last week the Opposition highlighted the effect that this tax will have on cuts to community funding and job losses in the Gladesville and Bathurst communities. Again, not a single word was heard from Government members. It is left to the Opposition to debate the tax by way of this motion. Illawarra clubs have taken out full-page advertisements in the *Illawarra Mercury* -

Mr SPEAKER: Order! The Leader of the Opposition is debating the motion rather than why his notice of motion should receive priority.

Mr COLLINS: It is urgent that this motion be given priority, because that would give the Opposition a chance to talk about the advertisement run yesterday in the *Illawarra Mercury*. The advertisement highlighted the \$8 million in community support that will be ripped out of the Illawarra. There is no more pressing issue for the

Parliament to consider at the moment. All members of Parliament - all of whom have clubs and sporting, charitable and welfare organisations in their electorates - have a vested interest in debating this motion now and moving to protect community organisations from the ravages of this year's budget. It is astonishing to think that any government that claims to be a government for the battlers could possibly impose a tax of this nature. This is a tax -

Mr Clough: On a point of order. Again the Leader of the Opposition is not speaking to urgency but is debating the substantive motion.

Mr SPEAKER: Order! I uphold the point of order and remind the Leader of the Opposition of my previous ruling on this matter.

Mr COLLINS: This motion is urgent because with every hour that passes more information reaches members of the Parliament, and that information should be debated in the House. Obviously, this is not the time to debate the substance of the motion. Opposition members look forward to that opportunity when the Government concedes that there is no more pressing issue, no more urgent issue, which concerns Government members every bit as much as it concerns Opposition members.

I should like to hear many Government members speak to this motion. They, too, are getting the information that Opposition members are getting and they, too, have clubs and community organisations that are hurting. Debate on this motion would give all Government, Opposition and crossbench members an opportunity to assess the damage that the poker machine tax would inflict if the Government proceeds with it. This is a tax on all the community, as I will highlight when the Government grants urgency. Debate on this motion is critical: there is no more pressing issue facing the broad New South Wales community than the club poker machine tax. [*Time expired.*]

Question - That the motion for urgent consideration of the honourable member for Smithfield be proceeded with - put.

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The House divided.

Ayes, 46

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 Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rogan
Mr Gibson	Mr Rumble
Mrs Grusovin	Mr Scully
Ms Hall	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Watkins
Mr Iemma	Mr Whelan
Mr Knowles	Mr Woods
Mr Langton	Mr Yeadon
Mrs Lo Po'	

Mr Lynch	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

Noes, 44

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

Pairs

Mr Carr	Mr Armstrong
Mr Knight	Mrs Chikarovski
Mr Price	Mr Humpherson

Question so resolved in the affirmative.

FEDERAL ROAD FUNDING

Urgent Motion

Mr SCULLY (Smithfield - Minister for Roads, Minister for Public Works and Services, Minister for Ports, Assistant Minister for Energy, and Assistant Minister for State and Regional Development) [4.16 p.m.]: I move:

That this House:

- (1) condemns the Federal Government for its failure to honour its commitments in relation to road funding in New South Wales;
- (2) notes that New South Wales faces a massive backlog in road projects as a result of Federal funding cuts; and
- (3) calls on the Federal Government to urgently increase road funding to New South Wales to ensure important regional and rural road projects can be completed.

The Federal Government plays a crucial role in the provision of funding for the planning, building and maintenance of the national highway. The New South Wales Government submission to the recent Commonwealth inquiry into Federal road funding argued:

The economic importance of national highways to the nation requires the Commonwealth to have a continuing strategic role in funding them. Funding for both maintenance and development should continue to be the responsibility of the Commonwealth, as both pavement and operational conditions impact on the economy, road safety and the environment.

Commonwealth road user charges exceed road expenditure by about \$6.4 billion. In fact, the Commonwealth collects around 35¢ per litre in fuel excise from road users and returns only 7¢ per litre, unlike New South Wales, which spends 100 per cent of its fuel levies on the State road network. The Federal Government's promises on road funding before the last election included commitments to continue Federal road funding expenditure commitments at current levels, to allocate \$750 million over 10 years to the Pacific Highway as a road of national importance and to ensure that untied identified road grants are spent on roads.

I am principally concerned about the Federal Government's announced cuts to the Federal highway program which amount to \$622 million over four years. Funding has fallen from \$834 million in 1995-96 to \$716 million in 1996-97. That represents \$76 million less than last year for national highway funding. The Federal Government also announced the provision of \$86 million for roads of

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national importance and \$36 million for black spots. That is not new money; it is at the expense of national highways. The Federal Government said that only \$100 million of the \$750 million for the Pacific Highway over 10 years would be taken from the national highway allocation.

However, the Federal Government has taken a massive \$75 million in one year. Forward funding profiling from the Federal Government indicates that the whole \$750 million Federal commitment for the Pacific Highway will be funded at the expense of national highways. The 1997-98 Federal budget contained further bad news for road users. Overall Federal road funding for 1997-98 has been reduced by \$6 million in real terms from last year, using the Federal Government's consumer price index figures. So-called roads of national importance have again been funded at the expense of national highways. An increase in RONI funding of \$25 million has been funded by a \$19 million reduction in national highway funding.

By cutting back on national highway funding the Federal coalition is stalling the provision of critical national infrastructure projects. Some of the major deficiencies in the existing national highway system in New South Wales, together with estimated expenditure needed, are as follows: western Sydney orbital, \$800 million; completion of the construction of dual carriageways on the Sydney to Sturt Highway section of the Hume Highway \$150 million; the Sturt Highway to Albury section, \$180 million; the Albury bypass, \$200 million to \$270 million; dual carriageways on Federal and Barton highways, \$210 million; and the F3 link to the New England Highway at Branxton, \$240 million.

At the current rate of Commonwealth funding to New South Wales for major works of around \$110 million per annum, it will take more than 16 years to eliminate these major deficiencies, and that is ignoring the continuing community demand to upgrade the standard of the New England and Newell highways, particularly to take heavy through-traffic around towns. I should refer to the western Sydney orbital. The Federal coalition's transport policy before the last election stated that commitments already made under national highways funding would be met.

The former Federal Labor Government committed \$260 million to commence construction of the western Sydney orbital in 1996. New South Wales puts construction of the western Sydney orbital as its highest priority in meeting national highway objectives. The western Sydney orbital will be the major link between the Hume Highway and the F3 and will provide access to the future additional Sydney airport either at Badgerys Creek or Holsworthy. It will be a key link to the existing Sydney airport and Port Botany, as well as supporting industrial and commercial development of the western Sydney region. It will bypass an already congested part of the national highway system. The Commonwealth has yet to commit funds for its construction.

Left to New South Wales, the western Sydney orbital is unlikely to be completed in a reasonable time frame as all of the State's road funds are already committed to road users. The Federal coalition Government has reneged on its election promise to continue Labor's commitment to the western Sydney orbital, allocating only \$109 million over the next four years for planning activities, starting with a pathetic \$5 million in 1996-97 and an indicative paltry sum of \$7 million in 1997-98. It is now clear that the Federal Government now considers the western Sydney orbital as a secondary, long-term project, even though it will provide a vital link to the proposed second Sydney airport, whether it is located at Badgerys Creek or Holsworthy.

In stark contrast with the Federal Government's cuts to road funding in New South Wales, the Labor Government has announced record spending on roads in 1997-98. That includes \$160 million allocated to the Pacific Highway reconstruction program. The State Government is now providing more than 73 per cent of this joint State-Federal program, and over the next 10 years will allocate \$1,000 million for construction and continuing maintenance and will contribute \$600 million to joint projects. That is a total of \$1.6 billion. The State budget proposed national highway funding of \$282 million, excluding administration costs. The Federal budget has contained indicative funding of \$250 million. Therefore there has been a shortfall in the expectations of works funding for New South Wales of \$32 million.

That shortfall will affect major works as maintenance is already being squeezed by a Federal reduction in funding of 20 per cent over four years, which commenced in 1996-97. In 1997-98, \$105.6 million is needed to continue projects already commenced. Those projects include the Lake George project on the Federal Highway, \$40 million; the Leneghans Drive duplication on the Sydney to Newcastle freeway, \$16.2 million; the Ourimbah missing link on the Sydney to Newcastle freeway, \$18 million; the Belford Forest deviation on the New England Highway, \$10.5 million; the John

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Renshaw Drive interchange on the New England Highway, \$1.3 million; and the Bookham bypass on the Hume Highway, \$19.6 million.

A further \$22.1 million is needed to commence high-priority new projects including realignment and overtaking lane on the Newell Highway 74 to 77 kilometres north of Gilgandra, \$3 million; the Wahroonga to Calga driver aid system on the Sydney to Newcastle freeway, \$5 million; the McDougalls Hill to Rix Creek overtaking lane on the New England Highway, \$4.1 million; widening of New England Highway from Wiburtree Street to Scott Road, Tamworth, \$2 million; the Sheahan Bridge duplication on the Hume Highway, \$3 million; and Campbelltown ramps on the Hume Highway, \$5 million. A further \$13.2 million is needed for essential planning activities on a range of projects. The shortfall of \$32 million for major works in this year's budget from a proposed figure of \$141 million to \$109 million will mean that New South Wales will be unable to commence new projects.

There will be insufficient funding of essential planning activities and a likely slowing down of progress on the projects already commenced. The Federal Government has also engaged in further cost shifting on national highway funding by reneging on an agreement to fund reasonable administration costs. The Federal Government has said that all funds allocated for the national highway must be spent on project costs and not on administration. In the current financial year New South Wales got \$10 million, and in the next financial year it should get about \$11 million. The Minister for Transport and Regional Development has said that the State cannot have administration costs and that money has to be allocated to actual road construction. That means that New South Wales taxpayers have to find \$10 million or \$11 million out of the State road budget. I am not sure what part of the country roads budget that will come from.

The allocation of funding to roads of national importance is a pork-barrelling exercise on the part of the Federal National Party. The Minister has simply taken a chunk of money from the national highway program, and allocated it to Federal black spots and roads of national importance. I understand why he would want to be engaged in pork-barrelling, but let us be honest: that is what it is. The Minister is telling rural New South Wales, "Aren't I great? I am from the Federal Government. Here is a little piece of pork pie for you. Give me the credit. Sorry about the national highway, sorry about the Hume Highway, sorry about the New England Highway, there is no money left for them. I have given out too many pork pies."

As the New South Wales Minister for Roads, I am beholden to the taxpayers of the State to get the message out that the State is being ripped off by the Federal Government on national highway funding. It is a sleight of hand for the Minister to suggest that the Federal Government has fulfilled its commitment not to reduce national highway funding. That claim is simply untrue. On behalf of the taxpayers of this State, I demand that national highway funding be brought back to its original level and that the allocation of \$622 million over four years be reversed. Unfortunately, if that does not happen the maintenance of the national highway will diminish. The road will be an embarrassment, and so will the Federal Minister. [*Time expired.*]

Mr SOURIS (Upper Hunter - Deputy Leader of the National Party) [4.26 p.m.]: I am amazed that the Government would give the Opposition this opportunity to highlight the appalling reduction in funding to country areas. In this financial year country areas will receive \$70 million less in funding than in previous years. That reduction condemns the Government and highlights the hypocrisy of the motion. The State Government is trying to blame the anxiety that it has caused on the Federal Government. The Minister for Roads was busy throwing numbers about, and I also have some statistics to quote in relation to New South Wales funding that will give a completely different picture indeed. Some \$40 million has been taken out of the 3 x 3 program per annum, that is \$160 million overall, to be spent on projects other than roads. Because of that, the State Government has forfeited its right to condemn the road funding priorities and obligations of other governments.

The 3 x 3 program was dedicated to roadworks. It was accepted by the people of New South Wales as a program under which every cent raised from the roads of New South Wales would be spent on those roads. The first action taken by the Labor Government after it took office was to take a total of \$160 million from the 3 x 3 program. One clause of the Minister's motion seeks to condemn the Federal Government for failing to fund rural roads. Let us look at what the Government and the Minister have done to fund rural roads in New South Wales. The funding ratio under the 3 x 3 program was 60:40 in favour of country areas. That was because there is hardly any public transport in country areas. Partly to balance the \$3 billion that is spent on subsidising the Sydney suburban train network, the 3 x 3 funding was applied to the road

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network, the only prominent mode of transport in rural New South Wales.

That ratio was struck because roads outside the metropolitan area carry heavy freight and therefore require extra funding for maintenance. The ratio was the first thing to go, and that was accompanied by a reduction in overall 3 x 3 expenditure. Then there was \$75 million of expenditure on other projects predominantly in the west of Sydney, but in particular the widening of lanes on the M4. There is then another \$75 million that will really stretch from here to infinity because it has been allocated for the M4 and M5 cashback for the length of the contracts. That will add up to more than \$2.5 billion worth of cashback money which would otherwise be available for high-priority road projects in New South Wales.

In addition, a \$41 million canopy is to go over the Cahill Expressway outside the Art Gallery, \$20 million of which will be contributed by the State Government. On top of that, there is the M5 East extension. That project will have a major impact on the roads budget. It started life in previous budget papers when it was costed at \$520 million, but without much fanfare at all the cost has increased to \$580 million. It was always intended to be a tollway. It could have been a private sector tollway or a government tollway. The point is that the expenditure would have been repaid by the toll. The expenditure would have had a proper gearing ratio, a rate of return and a repayment period. But the State Government decided to make a 100 per cent government contribution to that road. The expenditure of \$580 million over a three-year period will have a most significant impact on the roads budget.

The budget papers for this year alone show as \$144 million. All of those figures add up to \$1.2 billion worth of road funding over the term of the current Labor Government, whether it lasts for three years or continues for the full four years. Expenditure of that magnitude must condemn the Government. It gives it no right to point the finger at anyone other than at itself. I would have thought that the widely acclaimed \$3.1 billion program for the Pacific Highway would have ended the debate. The negotiations for that commitment were undertaken by the State Labor Government and the previous Federal Labor Government and were completed by the current coalition Government. That expenditure has virtually broken the record for the commitment of funds by the Federal Government to a program other than the national highway program. The Pacific Highway is a road of major significance and

everyone agrees with the funding for its upgrade.

This year \$1.6 billion has been allocated by the Federal Government. Approximately one-third of that figure, the lion's share, will go to New South Wales. How can the Minister attempt to condemn the Federal Government for the allocation of funding for rural New South Wales? Some 90 per cent of that funding will be directed to roads in rural New South Wales. That is a record of which any government would be proud. I am pleased to have had the opportunity to put on the record the priority that the Federal coalition Government has given to the funding of roads in the rural areas of New South Wales. That funding includes the \$149 million for restoration of the black spots program. That is an important program because the expenditure under it saves the most lives, if I can put it that way.

Although the previous coalition Government in New South Wales had a black spots program, it was one of the first things that was undone by the present Labor Government. Although there was a black spots program under the previous Federal coalition Government, the Federal Labor Government dropped it. I am pleased the current Federal coalition Government has reinstated the program. Why does the New South Wales Government not do the same and save lives? The black spots program is the ideal vehicle for providing what is virtually emergency expenditure to supplement the road fund in areas where fatalities have occurred and where known danger spots exist. Funding under the program is used in the upgrades of bridges and wrongly cambered curves, and to widen road shoulders. They are significant safety improvements in country areas. After all, the highest proportion of the road toll occurs in country areas.

That program should not have been axed by this State Government, but at least it has now admitted its stupidity in doing so and the program has been reinstated. I am pleased that the Federal coalition Government has also reinstated the black spots program. The Federal Government will provide funding of \$1.5 billion for New South Wales roads in the years leading up to the Olympic Games. That is a massive increase on the commitment of the previous regime. In the current allocation one-third of the entire amount of Commonwealth road funding will go to New South Wales. Major roads to benefit from the Commonwealth spending - *[Time expired.]*

Mr McBRIDE (The Entrance) [4.36 p.m.]: It was wonderful to hear from the shadow minister for roads because he is a National Party representative and also the Deputy Leader of the National Party.

Mr Souris: I will take a bow.

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Mr McBRIDE: He can certainly take a bow. He is also possibly a future leader of the party. He tried that but he has to wait a few more years. What has the Deputy Leader of the National Party campaigned for over the last 12 months? Has he been campaigning for rural roads in New South Wales? Has he been campaigning for an allocation of road funding to country electorates? What has he done for country New South Wales? For the past 12 months he has been concerned about the M5 East, the M5 and the M2. He has had no concern for roads in country New South Wales. When he goes to country New South Wales all he talks about is country roads, but in the city what he did with those people from the M5 East is a scandal.

Mr Souris: What?

Mr McBRIDE: He was talking about the changes leading to their health deteriorating, and scandals like that. I thought he was above that sort of behaviour but he was stirring up the community.

Mr Rixon: On a point of order. I ask you to bring the member back the point of the motion. What the Opposition has done to cause spurious health problems around the country has got nothing to do with this debate.

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

Mr McBRIDE: The Deputy Leader of the National Party has been campaigning for increased funds to be spent in the Sydney metropolitan area on the M5 East, the M5 and the M2. He has encouraged those who oppose the

projects to demand increased funding for them. Where will the money come from, if he is going to create demand in metropolitan Sydney? The funds will come from country New South Wales.

Mr Souris: On a point of order. The honourable member is clearly trying to provoke interjections. If he is permitted to debate in that fashion the whole debate will be in chaos. I have never demanded extra funding for the purposes suggested by the honourable member.

Mr SPEAKER: Order! Other forms of the House are available to the honourable member, should he wish to avail himself of them to explain a matter.

Mr McBRIDE: I did not realise the honourable member was so sensitive. Have I struck a chord? Have I incited him by saying he is out there creating demands for road funding for metropolitan Sydney, and that has upset him? It has upset the honourable member and incited him because he has been neglecting country New South Wales. That is what this is all about. In regard to the total road budget the honourable member referred to the 3 x 3 allocation being changed from the ratio of 60 per cent of the funding to the country and 40 per cent to the city. The fact is that the ratio now is 55:45 in favour of country New South Wales. The Government, under the Minister for Roads, has continued to support country New South Wales.

I am pleased to see the honourable member for Lismore and the honourable member for Oxley in the Chamber. It would be good to see a few others, such as the members representing the electorates of Ballina, Port Macquarie, Murwillumbah and Myall Lakes. What have they been doing about the Pacific Highway? They have been out campaigning and causing trouble on the Pacific Highway. The Government has made a funding commitment for the Pacific Highway and Opposition members have been causing trouble, trouble, trouble. That is what the Opposition has been trying to do.

Mr Jeffery: It is not true.

Mr McBRIDE: It is a fact. The honourable member for Oxley said it is not true; it is true. When has the honourable member stood up in this Chamber and asked questions about the Pacific Highway? It is no wonder that the honourable member for Lismore is called boofhead where he comes from. The fact is that the Federal Government has reneged on its agreement in respect of the Pacific Highway. It is not providing the money that it promised by way of an original allocation. Though the Federal Government made those commitments, it is not providing funding to meet them. The Opposition asked about black spots. The country shires association says funding for black spots is a fraud, a scam, because the money has been taken out of one pot and put into another. There has been no increased budget. [*Time expired.*]

Mr RIXON (Lismore) [4.41 p.m.]: The third point of the motion especially attracts my attention. I will read it as it should be read:

That this House:

- (3) calls on the Federal Government to urgently increase road funding to New South Wales to ensure important regional and rural road projects can be completed, because the New South Wales Labor Government is cutting funds to country and regional New South Wales.

Let me compare what the Federal Government is doing with what the New South Wales Labor

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Government is doing. The Federal Government is on target to spend \$1.5 billion on New South Wales roads in the lead-up to the Sydney 2000 Olympic Games. The Federal Budget reveals that the New South Wales share of Commonwealth roads spending in 1997-98 is \$561 million, representing more than one-third of the \$1.6 billion earmarked for roads Australiawide next year. In a significant boost to rural economies and transport infrastructure development, much of the money will be spent on the road network outside Sydney. About 7,500 jobs will be created or sustained in the New South Wales road construction industry as a result of Commonwealth spending this year alone.

Major roads to benefit from Commonwealth spending over the next four years are: the Pacific Highway, \$250 million; the Federal Highway, \$88 million; and the Hume Highway, the F3 and New England highways, \$270 million. The Newell Highway from Tocumwal to Goondiwindi and the Kidman Way, serving much of the west, and the Summerland Way, a most important road in northern New South Wales, will receive funding also. Collectively the Kidman Way and the Summerland Way will have \$32 million in Federal Government funds spent on upgrading works during the next four years. A sum of \$25 million has been earmarked for necessary improvements to the Cumberland Highway - part of the national highway link through Sydney's western suburbs.

Under the Federal Government's highly effective black spots program, the worst bad road accident locations throughout the State will be fixed, using \$12 million made available in the 1997-98 budget. This year the State Government will receive \$116 million for major arterial roads that are not part of the national highway system which continues to be funded entirely by the Federal Government. Local councils throughout New South Wales will share a further \$107 million in Federal funding this year for repairs and new construction along roads that are their direct financial responsibility. However, this funding in these latter two categories is untied and the extent to which it is spent on roads will be at the discretion of the State or council.

Let me compare that with what the State Government is doing. Is the State Minister really concerned about what is happening in respect of rural and regional road projects? A close examination of the roads budget will reveal the true level of funds allocated by the Carr Government. The Minister for Roads said that a lot needs to be done: absolutely! He claimed there was a great increase in State road funding to \$2.19 million. Nominally the Government is suggesting that that is \$180 million more than was provided in the previous budget. However, the increase is more than wiped out after allowing for special one-off expenditure in the city. Does the Minister really care about what is happening in the bush or are these just crocodile tears as he tries to pass the blame to the Federal Government? The Minister knows that his mates in the city are being looked after.

The initial expenditure for the Eastern Distributor canopy is \$9.4 million, for a pretty lawn which would not even provide a decent feed for a drought-stricken cow. The initial expenditure for the M5 East is \$144 million, and the M4-M5 cashback is about \$52 million. The most significant item in the budget is the blow-out of the taxpayer-funded M5 East from \$520 million to \$580 million, even before the project gets under way. There are also other special programs, all taking up money for single item projects in Sydney. A large amount of money will be allocated to half a dozen projects in Sydney, so that not all of Sydney will benefit from the Minister's proposal. How can the Minister claim to be interested in country areas? The simple fact is that in the State coalition Government's last budget total road funding for country electorates was \$687 million. [*Time expired.*]

Mr CLOUGH (Bathurst) [4.46 p.m.]: Week after week members of the National Party come into this House and pretend that they represent the people of the bush. There is no more hypocritical stance than that demonstrated since this Parliament resumed on 8 April. Since that date, of the 110 questions asked on 14 sitting days, honourable members opposite have asked 26. Not one of those questions directed to any Minister made reference to country roads. A lot of them made reference to the Sydney Harbour Casino. The Leader of the National Party is not in the Chamber today, but I know where he is. The Leader of the National Party is so concerned about the Sydney casino that he cannot direct his questions away from it. As shadow minister for roads, the Deputy Leader of the National Party has directed most of his questions to roads in the suburban electorate of Arncliffe. The people in country New South Wales are crying out for some form of representation and they are getting it because I have issued a press release every week, outlining what honourable members opposite are not doing.

Those press releases are being published, because honourable members opposite are starting to fight back, and I love it! The more they talk about what is being done in Sydney, the greater the opportunity for me to reply to it. Three National Party members today have been talking about

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country roads. They have not asked one question about country roads, and so far this year they have asked the Minister for Agriculture one question about country issues and the Minister for Education and Training one question about the passion play at Monteagle school near Young. Apart from that, National Party members have not said one word about country roads. They are the biggest hypocrites that God ever put breath into.

They pretend to stand up for the Federal Government. They have defended its shocking strategy of allocating taxpayer funds from New South Wales. They have defended its attack on the average working man and woman, and in particular country residents. The Deputy Leader of the National Party has walked out of the Chamber to have a glass of water. I do not blame him; things are getting a bit tough. The honourable member for Lismore has returned because he anticipates what I am about to say. There are now four National Party members in the Chamber, to argue the case for country roads.

The members of the National Party are trying to justify the Federal Government's treatment of the people of New South Wales. Country roads are being starved of funds because the Federal Government has provided no back-up. I make no apology for having criticised my Government at times, because my job is to represent those who live in my electorate. I have about 250 files in my Lithgow office which contain representations made to me by people from the electorates of Upper Hunter, Lachlan, Orange, Dubbo and Murrumbidgee, people who are not represented by their National Party members. I enjoy a little stoush with members of the National Party. I can prove they are hypocrites. People have told me it is a waste of time writing to their local member. National Party members support the worst Federal Government this country has ever had. They should be ashamed of themselves. They should at least fight, as I do, on behalf of their constituents. But instead they criticise the Labor Government for taking umbrage at what the Federal Government has done. [*Time expired.*]

Mr SCULLY (Smithfield - Minister for Roads, Minister for Public Works and Services, Minister for Ports, Assistant Minister for Energy, and Assistant Minister for State and Regional Development) [4.51 p.m.], in reply: I am astounded and perplexed at some of the comments from the Opposition. I cannot understand the confusing picture that is being painted. The Deputy Leader of the National Party, the Leader of the Opposition and the honourable member for Ermington tell people in urban areas that more must be done to promote public transport. The Government did that; it amended the 3 x 3 legislation to allow for the establishment of the Public Transport Infrastructure Fund.

Mr Souris: You are the Minister for Roads.

Mr SCULLY: It may surprise the Opposition that public transport and roads are often one and the same. Buses travel on roads. People use roads to access other forms of public transport. It makes sense that this responsible Government is keen to have integrated public transport strategies with public transport connecting with roads. The Government allocates funds out of the roads budget to make sure that roads and public transport are connected effectively. The shadow minister for roads said he does not support the RTA allocating a small amount from the roads budget to assist the integration with public transport. In 1997-98 the Government has allocated \$50 million out of a total of \$260 million to the 3 x 3 program, and \$170 million out of \$1 billion over four years.

The cashback scheme does not come out of the roads budget but out of the Consolidated Fund. It has no impact whatsoever on road funding. I am disappointed that the Opposition is committed to a toll on the M5 East. Just as the Government is opposed to a toll on the M5 East it is opposed to a toll on the Pacific Highway. When the coalition was in government it wanted a toll for the Pacific Highway upgrade. The Government is totally opposed to a toll on the Pacific Highway. It is allocating \$160 million each year for 10 years for a toll-free Pacific Highway upgrade.

I am astounded that the Opposition suggested that the Government is not committed to road funding for rural New South Wales. It has a litany of projects up and down the coast, and from east to west, right across New South Wales. It is an insult to the Parliament for the Opposition to suggest that the Government does not have an absolute commitment to rural road funding. It has suggested that \$622 million out of national highway funding over four years will have no impact. Does the honourable member for Lismore believe the New England Highway will not be affected?

If the highway is not maintained it will deteriorate. The sum of \$622 million over four years should be used for important national roads, black-spot funding and the Pacific Highway upgrade. These are real figures. The Federal Government has said the money will be taken from the Newell Highway, the Hume Highway, the Sturt Highway and the New England Highway. What will happen to

those roads? Millions of dollars less will now be spent on those roads. This is a bipartisan issue. Honourable members should say, on behalf of the people of this State, that we are outraged.

New South Wales carries 47 per cent of Australia's national highway traffic. In fact, a substantial percentage of the national highway is in New South Wales. A huge number of trucks use the national highway network. The Deputy Leader of the National Party should talk to people in western Sydney about his commitment on the western Sydney orbital road. The Federal Minister for Transport, John Sharp, has virtually canned the western Sydney orbital road. He has lowered by tens of millions of dollars the funding for national highways and he has engaged in pork-barrelling, to the detriment of the people of this State.

Question - That the motion be agreed to - put.

Division called for.

[Interruption from gallery.]

Mr SPEAKER: Order! As a result of the disturbance in the House, the division on this matter will be deferred. It being close to 5.15 p.m., the House will proceed with private members' statements.

PRIVATE MEMBERS' STATEMENTS

DIP SITE CONTAMINATION COMPENSATION

Mr RIXON (Lismore) [5.07 p.m.]: I draw to the attention of the Minister for Agriculture and the House a problem that many farmers feel may arise in the future and the concern that that fear of the future is causing now. The problem which may arise revolves around who may be asked to pay for the clean-up of contaminated cattle dip sites. Around the immediate area of a dip site the ground may, over the past 50 years or more, have received a splash from the bath or drops of water from the cattle that have been through the dip. Through this process the soil may have become contaminated with poison from the bath used to kill ticks. The two problem poisons are arsenic and DDT.

Over the period various New South Wales State governments, with the best of intentions, ordered graziers to dip their cattle in the poison solution as part of programs to control and eliminate ticks in New South Wales. In reality the New South Wales Government leased the ground on which the dip bath was built and took full responsibility for the conduct of the cattle tick control program. It has only been realised in recent times the extent to which the soil was contaminated by poison residues and the possible dangers caused by the residues.

Much discussion, which has not yet produced a satisfactory clean-up method, has been stimulated and a discussion green paper as to who may pay for the clean-up of polluted soils has caused concern. The discussion paper "Managing Contaminated Land in NSW: Proposals for a New Legislative and Administrative Framework. A NSW Government Green Paper" suggested that those who caused the pollution may be forced to pay for the clean-up of the contaminated soil. The discussion paper did not suggest who should pay for the clean-up of cattle dip sites; indeed, it was seen by many as ambiguous about this matter. Recommendations 4 and 5 seemed to be of special concern. Consequently, as the Board of Tick Control gradually changes its programs to meet changing situations, with more responsibility being placed on farmers, who will pay for clean-up of the dip site becomes an important question. This is especially so when some scientists have suggested that it could cost as much as \$250,000 per dip site to remove the contamination from the soil. In 1985 many stock owners agreed to accept responsibility for the management of the dip facilities, and clause 3 of the agreement they signed said in part:

The Minister hereby agrees that he will indemnify each and every stock owner and co-ordinator against all actions, suits, claims, demands, proceedings, losses, damages, compensation, sums of money, costs (including Solicitor and client costs) changes and expenses to which a

stock owner or co-ordinator may be liable in respect of any injury to any person or property of whatsoever nature or kind and howsoever sustained or occasioned to any person at or upon or in connection with the said land and facilities. This indemnity shall apply notwithstanding that any of the terms or conditions of this agreement are breached by a co-ordinator or a stock owner who is party hereto, or their agents or servants.

Provision was made for the stock owner or Minister to withdraw from the agreement at any time. Now the program has changed again to a search-and-destroy operation, with many dip sites being handed back to their former owners. An appropriate agreement has been drawn up to be signed by the owner of the site, and farmers' concerns that they may be accepting responsibility for past contamination were addressed in a letter to them. The farmers were told, "these arrangements are not designed or intended to transfer responsibility for past contamination of dip sites to future users".

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Although that statement is quite clear, the insecurity some farmers are feeling about their possible acceptance of responsibility for clean-up costs is, in a number of cases, hindering the orderly progression of the tick control program. I am sure the Minister understands the difficulties and may explore ways to ensure that farmers are confident that they will not be forced to bear the massive cost of cleaning up contaminated dip sites. All farmers in New South Wales want the cattle tick control program in this State to work successfully. They would welcome any form of assistance from the Minister.

Mr AMERY (Mount Druitt - Minister for Agriculture) [5.12 p.m.]: I am well aware of the concerns expressed by rural land-holders who have cattle tick dip sites on their properties. Last year I met with the Board of Tick Control and subsequently with the Minister for the Environment to discuss these concerns. The Department of Agriculture has also had lengthy discussions with the Environment Protection Authority and other concerned government agencies, as well as land-holder groups and their representatives. As a consequence, I was able to gain some clarification as to the way in which the proposed contaminated land legislation will operate in respect of dip sites.

In particular, it seems unlikely that more than a very few sites, if any, will fall within the scope of the legislation. For those that may fall within the scope of the legislation, clean up is an extreme option. Other remedial measures such as closing down the dip, fencing and/or revegetation are likely to be sufficient. The Department of Agriculture already has a program in place along those lines and - given that there is no legally acceptable means of cleaning up the majority of these sites in any case - clean up cannot be practically considered as an option. Responsibility for remediation action, if required, is generally directed to the occupier of the site. The Government leases the majority of dip sites and is therefore the occupier.

I have undertaken to renew leases that would otherwise expire if land-holders want the Government to retain responsibility. In addition, my department is currently undertaking research to develop an effective, economically feasible technology to remediate arsenic- and DDT-contaminated soils. This program is in its early stages but already there are some promising results. I believe that all these factors should allay the concerns of dip site owners. However, should a problem arise on a particular site I would be happy to examine it in the light of the circumstances at the time and in the light of the concerns raised in the House by the honourable member for Lismore, who can rest assured that I am aware of the concerns of land-holders and will be making sure that they are not left with the responsibility of cleaning up the dip sites. My contribution this evening should at least clarify who is the occupier of those contaminated sites.

OLYMPIC MEDALLIST EDGAR GRAY

Mr HARRISON (Kiama) [5.14 p.m.]: This evening I request the Minister for the Olympics to commemorate in some meaningful way within the Olympic village my friend the late Edgar "Dunc" Gray. I am indebted for information provided to me today by the Parliamentary Library and should like to have that information recorded in *Hansard*. An account of Dunc Gray's achievements reads as follows:

Goulburn, New South Wales, born Edgar Gray, was one of the world's top amateur cyclists for an incredible thirteen years and with his victory in the time trial in 1932, became the first Australian to win an Olympic cycling gold medal.

Christened Edgar but known for some reason as "Dunc", Gray began his cycling with the Goulburn Amateur Cycling Club around 1925 and was soon riding, and winning, regularly in Sydney. He specialised in sprints and time trials, but was versatile enough to tackle any event, as shown by a string of state titles from the sprint to the ten miles and his first national title, the mile, which he won in 1928.

His form was considered good enough to earn him a trip to Amsterdam as one half of the two man Olympic cycling team. He did well enough at the games, exceeding even his own hopes with a hard earned bronze medal in the 1000 metres time trial; the only event he contested.

On his return to Australia, Gray continued the sequence of Australian title wins which he had commenced in 1928 and, with the sole exception of 1933 when he did not compete, Gray won at least one championship every year from 1928 to 1940. He was still going strong when the war caused the Australian championships to be discontinued.

Selected again for the Olympic team in 1932, Gray improved on his 1928 third placing in no uncertain manner, recording a stunning 1:13 in the time trial to slash an amazing 29.2 seconds from the previous Olympic record.

In 1934, he won the same event at the second Empire Games celebration, his time was 1:16.4 giving him a margin of 1.6 over R McLeod of Canada . . .

Gray contested and won the sprint at the 1938 Empire Games, beating teammate, R Porter, by a wheel in an exciting finish, the time for the last 220 yards being 13.6.

Winner of three events (time trial, sprint, ten miles) at the 1939 Australian Championships, Gray took the time trial again in 1940.

When war curtailed competitive cycling, Gray was still at the top of the tree. He did not, however, race again after the war.

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In the period between 1928 and 1940, Gray won two Olympic and two Empire Games medals, twenty Australian titles, thirty-six New South Wales state titles, and thirty-six club championships.

I was born in the same town as Dunc Gray, the city of Goulburn. I did not have the privilege of knowing him when I was growing up - by that time he had left Goulburn - but in the latter years of Dunc's life he was a much-respected resident of the township of Kiama. I enjoyed a very close friendship with him and his dear wife, Grace, over a period of some 14 or 15 years. It is a matter of pride to me that I had the opportunity of attending their fiftieth wedding anniversary and had the pleasure of attending Dunc's ninetieth birthday and Grace's eightieth birthday. Sadly, Dunc passed away on 30 August 1996. He is much missed by the sporting fraternity of Australia.

Until the time Dunc died at 91 years of age he was actively involved in preparations for the 2000 Olympics in Sydney, and I have a deep regret that he did not live to celebrate the Games. At the time of his death he was the oldest Australian Olympic gold medallist, something of which he and his family were very proud. Dunc's family have asked me to say that if within the precincts of the new Olympic village some kind of museum were to be established they would be proud to provide, on the basis of a permanent loan, his medals and the memorabilia he accumulated over his long sporting career. I appeal to the Minister for the Olympics, who is represented in the Chamber this evening by the Minister for Sport and Recreation, to recognise this great Australian.

Ms HARRISON (Parramatta - Minister for Sport and Recreation) [5.19 p.m.]: In the absence of the Minister for the Olympics I thank the honourable member for Kiama for his contribution and I support his comments. I had the pleasure of meeting Dunc Gray in my capacity as Minister for Sport and Recreation. Not only was he entertaining, he was a very impressive man and a great ambassador for the sport of cycling. Dunc Gray was the Australian champion 20 times and was Australia's first gold medal cyclist in the Olympic Games. His achievements certainly deserve recognition and I shall take this issue up with the Minister for the Olympics on his return. I take this opportunity to thank the Gray family for their generous offer of his memorabilia for a museum should one be established.

WAGGA WAGGA URBAN SALINITY

Mr SCHIPP (Wagga Wagga) [5.20 p.m.]: I bring to the attention of the House the hot topic in my home city of Wagga Wagga: the serious problem of urban salinity. I apologise to the Minister for Land and Water Conservation for not notifying him that I would be raising this matter, but I was only given the opportunity to speak a few minutes ago. I am pleased that the Minister for Local Government is present because he will understand the seriousness of this issue that has the potential to impact on urban communities throughout New South Wales, particularly those in the Murray-Darling basin. After monitoring the Wagga Wagga urban community it was determined that salinity is eroding the foundations of 600 homes and affecting other aspects of the city such as gardens, parks and recreational land. It has been assessed that the problem could develop further and impact on 1,200 homes with the effluxion of time.

A recently released report assessed that council has an enormous task ahead of it to find approximately \$42.5 million to tackle the problem. Council has budgeted \$12 million from its coffers over a five-year period and will seek \$30 million assistance from the Federal and State governments. The salinity problem is widespread and will cost an enormous amount of money to resolve, but it is one of the highest priorities on council's agenda. Water could be pumped to lower the rising water table, but what would be done with the saline water? It cannot be put back into the river. The only solution is to put it into evaporation basins, but they are not easy to find. Effluent and stormwater issues add to the problem. Council's engineering staff have put together a strategy called the integrated water management plan.

I introduced to the Minister for Land and Water Conservation a delegation of council staff seeking his support for State funding and his help to obtain financial support from the Federal Government's Heritage Fund. A report in the *Wagga Daily Advertiser* revealed that council had made an application for funding from that \$1.25 billion fund. For a long time the problem has been silent, but now that it has emerged, money has been set aside to try to develop strategies to produce meaningful solutions. Treating each issue separately is the wrong approach to solving the problem. The integrated water management strategy will at least achieve something. If the Wagga Wagga trial is successful, all towns and cities in the total Murray-Darling basin swath from Victoria to Queensland will benefit. The money will be well spent and will allow the adoption and implementation of the integrated strategy.

Wagga Wagga City Council is addressing the problem on two fronts. It has already allocated
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substantial funding, and is in the process of reordering its priorities to determine what other moneys can be utilised for the program. For example, council is considering conducting a full assessment to determine whether buying more industrial and private land is a priority. It is also reconsidering other priority matters such as upgrading the main street, which is a substantial projected expenditure. It will determine whether that money should be put towards urban salinity management. I support councillors who take the line that for the immediate future this issue overrides all others. Otherwise, the salinity problem will certainly get out of hand. Council is doing the right thing by readdressing its previous priorities to determine the reallocation funds. [*Time expired.*]

SCHOOL STUDENT TRANSPORT SCHEME

Ms MEAGHER (Cabramatta) [5.25 p.m.]: I bring to the attention of the House two matters concerning the provision and use of subsidised public transport to school students in the Cabramatta electorate. Students and staff from local schools have approached me to complain about the inequities of the school student transport scheme because of limits imposed by private bus operators on students travelling to and from places at which they undertake work experience outside the nominated school hours. The first case involves Craig Mitchell of west Cabramatta. Craig is autistic and attends the special needs Lawrence Hargreave School for Specific Purposes at Warwick Farm.

An important part of Craig's school curriculum involves compulsory work experience. Like other school students across New South Wales, Craig is expected to participate in the work experience program and develop his understanding of the relationship between education and the workplace. Like the vast majority of students, Craig is expected to get himself to and from work by bus. However, because Craig travels outside nominated hours to a

non-school site he is required to pay the bus fare. This has placed an unfair burden on the Mitchell family, who are battlers that struggle to pay their bills. Craig's father is on a carer's pension.

Craig's condition places additional financial demands on the family, and \$20 each week for fares is money that this family, and many others like it, finds hard to find. Indeed, all work experience participants at the Lawrence Hargreave school are battling with the same problem. The principle underpinning the school student transport scheme ensures that all New South Wales school students who do not live in close proximity to the school they attend have access to education by the provision of subsidised travel to and from school. The scheme currently excludes travel to non-school sites. This is designed to protect the scheme from abuse involving non-essential travel.

The reality is that bus companies have taken advantage of an anomaly - a grey area in which the regulations are clearly defined. At the beginning of each year bus companies are paid a subsidy by the Government based on the number of school days in the year and the number of children expected to be transported to and from school each school day. However, for one or two weeks each year students like Craig Mitchell must attend compulsory work experience and are expected to pay the bus fare. The bus companies are effectively double-dipping because the drivers will not accept bus passes for students attending compulsory work experience.

The financial discrepancy may be relatively small, but it places a significant extra burden on many families like the Mitchells, who could otherwise meet different needs with the money spent on this transport. A simple solution would be for schools to provide students with a standard form or letter when they are required to attend compulsory activities away from school. Senior staff at Cabramatta High School have approached me about a similar matter regarding the use of free bus travel passes. Students in their final year of high school are often required to leave school earlier than the normal finishing time of 3.15 p.m.

The senior school timetable is arranged so that some students finish their last lesson as early as 1 o'clock. They are then encouraged to go home and study in preparation for their examinations. All students in years 11 and 12 at Cabramatta High School have been provided with a card that states their starting and finishing times for each day of the two-week study cycle in the hope that this would be sufficient proof to the various bus companies that the students are not trying to travel for free at inappropriate times. However, the students are still being required to pay for their journeys.

Apart from these additional expenses incurred by students, many of whom have no choice but to catch buses, it seems that the bus companies are again double-dipping. The companies receive government subsidies to provide students with free travel to and from school and also demand payment from the students for the same service. It is clear from these examples that the scheme needs some refinement. Whenever students are compelled by their school to use public transport outside normal school routes or commuting hours, it is obvious that a subsidised transport service should be provided. I

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urge the Minister for Transport to consider this matter.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [5.30 p.m.]: The Department of Transport receives many requests from parents requesting free travel for students attending work experience. Currently the school student transport scheme - SSTS - does not provide free travel for those students. While the Government is mindful of the benefits of work experience for students, to approve free travel to all work experience students would be to significantly expand the recurrent expenditure of the SSTS. Honourable members would be aware that currently the SSTS costs taxpayers in excess of \$340 million per year.

Bus operators are not double dipping when they require students to pay fares. The Department of Transport has changed the reimbursement rate from 92 per cent of passes on issue to 77 per cent, which is close to the actual rate of use. A significant reduction in the actual subsidies paid to bus operators has occurred as a result of a budget decision in 1995-96. The new payments were effective from term one, 1996. Of course there will be much greater control of that as soon as all buses are equipped with electronic ticketing machines; only the actual fares incurred will be paid for.

In relation to the second matter raised by the honourable member for Cabramatta, free school student travel is available on bus, rail and ferry services to eligible students within reasonable proximity to the normal range of school commencing and finishing times: generally from 7.30 a.m. to 9.30 a.m. and from 2.30 p.m. to 4.30 p.m. As these times are not mandatory, individual operators can and do vary those times. As long as bus capacity is available between these times and a student is travelling between school and home, the school can negotiate with the operator concerned to allow free travel on nominated days. If the honourable member for Cabramatta requests me to ask the department to assist in negotiations with individual bus operators, I would be happy to arrange that. [*Time expired.*]

COMMERCIAL DISPUTE MEDIATION

Mr ELLIS (South Coast) [5.32 p.m.]: I am pleased to report that I recently accompanied a deputation to a meeting with the Treasurer to discuss the growing issue of the State Bank liabilities and the actions of other banks. I am grateful to the Treasurer for acceding to my request, which has given me the opportunity to introduce to the Government key players associated with the victims of bank disputes. The occasion allowed an expert organisation, Mediate Today, which deals in facilitating resolutions to commercial disputes as an alternative to legal action, to present a submission. The value of the role of the agency in resolving two significant troublesome cases associated with the State Bank was well presented by its representative.

At the time of the sale of the State Bank it had been estimated that other similar troublesome accounts in dispute could amount to about \$3.5 billion. That is only the account value; the cost of further damages downstream would easily inflate that figure. This, too, was ably demonstrated by the solicitor and barrister who were party to the deputation which, I am confident, opened the Treasurer's eyes to the extent of the problem. In my view, and after scrutinising many victims' cases, the sale of the State Bank to private interests was the best thing that could have happened. Had the bank remained in the ownership of the government of the day this problem would have worsened. The new owners have been cooperative and understanding in seeking to fix a problem that they know will not go away.

During the meeting the Treasurer informed those present that he would approach the risk management group of the bank, which has two government representatives, and recommend that mediation be explored as an alternative to litigation. One of my constituents had fought the bank fruitlessly for 10 years. He resolved his dispute in five weeks by using the services of Mediate Today. After 10 years of negotiations both parties were happy that the problem could be resolved in five weeks. That is an extraordinary contrast to the only alternative avenue available to victims of business loans: expensive and prohibitive litigation. In fact, the bank was aware that destitute former customers could not afford expensive legal advice, and in many cases sought to bring victims to that point as a deliberate strategy.

I am most pleased that the Treasurer recognised the potential of mediation and recognised that justice should not be based on affordability. The Treasurer informed me that he will direct a departmental liaison officer to explore avenues that would encourage negotiation of outstanding matters. I sought the Treasurer's support in taking this issue to the Federal Government because the evidence points to this problem being a feature of the broader banking culture affecting all banks nationwide. If the State Bank experience of \$3.5 billion were applied nationally through the banking industry, in excess of \$30 billion may be involved. Assuming that only 25 per cent of disputes could be laid directly at the feet

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of the banks, that is still a staggering \$8 billion. As they involved mainly small business loans, how many employees and family members were directly affected as a result of the bank precipitating a collapse of the business? The multiplier effect must be horrendous.

If this was the scale of damage at the time of the sale of the State Bank it would be interesting to know the value of troublesome accounts at the time of the sale of the Commonwealth Bank. I repeat my thanks to the Treasurer for his assistance in bringing the banks to heel, one step closer. I have been able to introduce another four victims to mediation, with the cooperation of the bank and the clients. It is definitely the way to go. I would like to see the role of the Ombudsman expanded nationally to address small business disputes. If small business had a dispute with banks it could go to that organisation. Once a decision is made by the Ombudsman, mediation and, if

need be, litigation could follow. This would be more affordable to all parties, particularly the victims. I will request the Treasurer to support me in structuring a new way for business people to address their disputes with banks.

SALT PAN CREEK POLLUTION

Mr IEMMA (Hurstville) [5.37 p.m.]: I refer to the condition of Salt Pan Creek, in the suburbs of Riverwood and Peakhurst, which flows to Georges River. Last Monday I received a deputation of constituents who have waterfront properties along Salt Pan Creek. They brought a submission to me regarding the condition of Salt Pan Creek and Georges River, together with proposals to clean up that creek and river. This issue has risen following the announcement by the Minister for Urban Affairs and Planning, and Minister for Housing on 2 May of a very extensive program to clean up the Georges River that will take many years and the construction of a \$70 million effluent pipeline.

The constituents outlined a number of matters that they feel require the Minister's urgent attention. In all the efforts that have been made to clean up the Georges River and all the words spoken about the condition of the river and its future, the constituents say that their concerns have not been addressed. Their first major concern is that Salt Pan Creek has been subjected to bridge, road, rail and sewerage construction over many years. This construction has had a significant impact on Salt Pan Creek and Georges River. For example, the constituents state that necking of the estuaries and the river caused by the construction of the bridges have resulted in enormous changes in flow patterns and the creation of mud flats.

Backfill that was used in the construction of the bridges was never removed. That is an important point. The constituents said that the construction of a Water Board aqueduct in the early 1960s and the construction of a road bridge in 1970-71 by the contractors Thiess, included a specific commitment to have the backfill removed. That has not occurred. The constituents believe that the failure to remove the backfill has been a significant cause of the deterioration of Salt Pan Creek and the creation of pollution problems. The failure to remove the backfill has caused Salt Pan Creek to narrow, caused siltation, and created mud flats with resulting pollution of the creek and Georges River.

The constituents request the Minister to investigate that situation and to have the backfill removed. Another major issue raised was gross pollutant traps. Those traps and siltation control devices are required to limit refuse and silt entering the river system. Any clean-up or foreshore beautification is a waste of time if refuse still enters the system upstream. Hurstville council has built gross pollutant traps at William Road, Riverwood and incorporated booms, but these would account for a minuscule percentage of water entering the system. The William Road gross pollutant trap works well but my constituents who live near Salt Pan Creek are looking for an addition to the gross pollutant traps that have already been provided. They were particularly waiting for the Sydney Water initiative of 2 May to have some additional gross pollutant traps constructed in the area of William Road, Riverwood.

The area of Salt Pan Creek near Wiggs Road and Canterbury Road is an area of heavy industry and a source of significant pollution to Salt Pan Creek and, subsequently, the Georges River. The deputation of constituents who saw me in my office on Monday stressed that the Wiggs Road and Canterbury Road area required urgent attention. That area adjoins the Bankstown Business Park estate and is a source of significant pollution. Gross pollutant traps in that area will go a long way towards cleaning up Salt Pan Creek and, thereby, the Georges River. I commend the Minister for his initiative of 2 May. I put the Minister and Sydney Water on notice that I will seek to have some of the issues raised by my constituents on Monday addressed by them.

I hope the area of Salt Pan Creek can be returned to the state it was in the 1920s and the 1930s. Significant fishing and prawning used to take place in the area and it was used for recreation by the people of Riverwood and Peakhurst. For many decades the area of Salt Pan Creek has been

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degraded by uncontrolled industrial and residential development. Public authorities have also conducted projects there in a way that has seriously affected the creek. [*Time expired.*]

PROOF OF IDENTITY

Mr J. H. TURNER (Myall Lakes) [5.42 p.m.]: The matter I raise on behalf of several of my constituents could be classed as ludicrous if it were not so serious. I speak on behalf of three people specifically and on behalf of others who have not yet visited me. The first of the three is Michael Waldock. Honourable members may remember Michael; he was the Young Australian of the Year some years ago. He is legally blind. The second and third are Mrs Hill and Sue Cook. They are all over the age of 25 and cannot obtain a photographic identification licence.

Honourable members may say that they might not need it, but Michael Waldock needs an identification card from time to time to transact the normal business or to enter particular premises. On one occasion he was in Queensland and he was required to produce an identification card to enter a club in the casino. He can not obtain a proof-of-age card as he is over the age of 25 years. Proof-of-age cards can only be obtained by those between the ages of 18 and 25 years. Michael sought assistance from the police before he came to me. The police suggested he get a shooter's licence as that would have a photograph on it and a sight test would not be required. Michael realised how silly that sounded.

Mrs Hill is not a well lady. She cannot drive a motor car and, therefore, does not have access to a photographic licence. She does not have any other evidence of who she is. From time to time she has to transact business on behalf of herself and her husband and in some instances is unable to provide proof of who she is. Sue Cook from Old Bar is 28 years of age and suffers from epilepsy. I have not met her but I have spoken to her on the telephone. Evidently she is a young looking lady. She cannot get a driver's licence and has been refused entry to a number of clubs within her area because she cannot prove that she is 28 years of age.

The result is that a class of people are being discriminated against because of the bureaucratic provision that a proof-of-age card can only be provided for people between the age of 18 and 25 years. The regulations should contain provisions for the supply of a proof-of-age card to people who cannot otherwise obtain some form of photographic identification. The cards could be provided by the Roads and Traffic Authority, which provides proof-of-age cards on behalf of the department which controls the issue of the cards; I am not sure which department it is.

I ask the relevant Ministers, particularly the Minister responsible for the Roads and Traffic Authority, to provide regulations that will enable those who cannot otherwise obtain the necessary identification to have photographs taken and proof-of-identify cards issued by the Roads and Traffic Authority. I am also concerned that the problem with Michael Waldock was conveyed to the Disability Council when the coalition was in government. The council told the former Minister, Jim Longley, that the cards needed by people such as those I have referred to could be regarded as discriminatory to disabled people. That is ludicrous.

Recently a similar thing happened in relation to Redshaw Cottage, which is in my electorate. It has trained staff to look after intellectually disabled adult people. The council applied for a minibus to take the patients on outings, which they thoroughly enjoy, but was told by the Disability Council that they could not get the minibus because it might show that these people were disabled and they would thus be discriminated against. That is political correctness gone mad. A blind gentleman who simply wishes to have an identification card is told by the Disability Council that he cannot have one because it might be discriminatory to disabled people. The problem could be easily resolved by simply allowing the RTA in special circumstances to produce a card for those people over the age of 25 years so that they can enjoy the rights and entitlements enjoyed by others.

Mr FACE (Charlestown - Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.46 p.m.]: I am continually receiving representations about the matters raised by the honourable member for Myall Lakes. Forms of identification can be obtained in many ways. Some people do not want to get a passport or carry a birth certificate. The bulk of those seeking this form of identification are fairly sincere but a few campaigners regard it as some sort of right or privilege. There is no doubt that there is a problem. At the other end of the spectrum people had been tampering with proof-of-age cards, but that has been cleaned up. The Roads and Traffic Authority has been firm because it does not want to create a precedent. I take on board what the honourable member has said. It may well be that a case has been made to consider the matter again. I will undertake to conduct a review within the area of my portfolio responsibility. The fact that the issue

has generated mail suggests that there is a problem, and I am happy to consider it again.

AUBURN ELECTORATE OLYMPIC GAMES ACTIVITIES

Mr NAGLE (Auburn) [5.47 p.m.]: I again speak about Olympic Games activities in my electorate. I thank two organisations in my electorate for the support given to Miss Diane Stone from Decatur in Georgia and Miss Kimberley Goff from the Georgia Sporting Alliance when they came to Sydney. I have spoken before in the House about the seminars conducted by these women and the goods that emanated from those seminars. I thank Mr Kevin McCormack from the Bankstown Sports Club for his support and the support of his organisation, particular in regard to the seminar which raised funds to bring these women to Australia.

The Bankstown Sports Club does a great deal of work for the community in the area. Over the years it has provided \$800,000 to the Bankstown and Lidcombe hospitals. I also thank Nigel Corne, the General Manager of the Bankstown International Pacific Hotel, for the support that he and his company gave to the young ladies when they were here. The tariff at the hotel was reasonable and Mr Corne held a cocktail party and reception for them. I very much appreciate what the Bankstown International Pacific Hotel has done. The company that owns the hotel has recently built a 28-storey hotel in Kent Street, Darling Harbour and a resort at The Entrance. I again thank Nigel Corne and his staff for the good work they did when Diane Stone and Kimberley Goff were in Australia.

I also want to draw the attention of the House to the preparations in the electorate of Auburn for the Olympic Games. As I mentioned on a previous occasion, a meeting was held of businessmen from Lidcombe north and Silverwater at the Silverwater Business Club. Another seminar will be held in June. Councillors and senior staff from Concord, Parramatta, Auburn and Bankstown Councils will be invited to listen to people from the Sydney Organising Committee for the Olympic Games, local police commanders and a number of other interesting speakers. I thank First International Computer (Australia) Pty Ltd for sponsoring the seminar. It is only one of the initiatives organised by the business community in the Auburn electorate.

Local committees are being established in Lidcombe, Berala, Regents Park and Auburn to organise festivals. The electorate of Auburn has a high proportion of people from non-English speaking backgrounds. They come from 40 different ethnic groups, and the community can capitalise on that valuable resource by providing goodwill ambassadors for Australia. Overseas families and close friends of athletes from a particular ethnic backgrounds will be able to meet men and women from their own countries in friendship.

Recently one of the Lebanese village communities in my electorate discussed the possibility of establishing a House of Lebanon during the Games, and another organisation, the Islamic cultural trust and centre in Auburn, has talked about organising a House of Arabia for the remaining Arabic countries. Athletes from those countries will be able to meet their Lebanese and Arab brothers and sisters. I was a little disappointed at the failure of all but one of the Turkish community groups to participate, but they will come on board in time. That initiative speaks highly of ambassadorship. Because of the many nationalities in my electorate many of the young people can speak a number of languages. They would make excellent volunteers for employment up to and including the Olympic Games.

I have already discussed that with Simon Balderstone from SOCOG, and I hope that those young people in my electorate will play an integral role as goodwill ambassadors for the 40 different nationalities they represent. As I have said before, they are Turkish, Indian and Maltese. The Minister for Education and Training has suggested that whenever I speak about this Olympic Games, I do not mention the Maltese community, but there is a significant Maltese community in the Auburn electorate. Those people will conduct themselves well. The Returned Services League clubs in Lidcombe and Auburn, the Catholic Club, the baseball club will play a leading role, as will the tennis club and the bowling clubs. The community of Auburn will have real involvement, and that is a good thing. [Time expired.]

JANNALI RAIL SERVICES

Mr DOWNY (Sutherland) [5.52 p.m.]: I raise a matter on behalf of Mrs McGregor of Bonnet Bay, who wrote

to me earlier this week regarding the number of trains that stop at Jannali railway station in my electorate. Until the last timetable change the train that leaves Caringbah station at 3.38 p.m. on weekdays stopped at Jannali. That train provided transport assistance to children attending schools in the eastern part of the shire, particularly Caringbah High School, the selective school in the Sutherland shire. Many children from my electorate, particularly those using Jannali station, attend that school. Without prior warning the timetable was changed

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and the train no longer stops at Jannali. Children who attend Caringbah High School finish at 3.15 p.m. and, depending on their last class, they may be able catch the 3.23 p.m. train that stops at all stations in the shire. However, because of the way the school is set out on two sites, it is often not possible for children, particularly those on the northern part of the school site, to catch that train.

The next train, the 3.38 p.m. train, no longer stops at Jannali. The 3.46 p.m. train stops at the station but it reaches Jannali at 4 p.m. and the Southtrans bus to Bonnet Bay departs three minutes earlier. In other words, Mrs McGregor is complaining about the lack of coordination between the CityRail train timetable and the time the buses leave Jannali station. The children have to wait another 20 minutes for the next bus. In other words, it takes Mrs McGregor's son a good hour to get from Caringbah High School to his home. The distance between Jannali and Caringbah makes the whole process ludicrous.

Mrs McGregor took up the issue with CityRail officers at Hurstville. She was advised to write a letter, which she did approximately two months ago. She is still waiting for a reply. However, she decided to ring CityRail at Hurstville. She was informed that her letter had been sent to the timetabling section at CityRail head office and that a possible change might be considered when the timetable was next reviewed in November. Mrs McGregor makes the point that when she spoke to the City Rail officer he was surprised that she should even suggest there should be some coordination between the bus company and CityRail about trains stopping at Jannali station and buses leaving.

As Mrs McGregor stated in her letter, she would have thought transport authorities have a duty to provide an effective coordinated service to ensure that schoolchildren in particular are able to travel home in an organised, efficient manner. Mrs McGregor also makes the valid point that in respect of the 3.38 p.m. service, the only station that was bypassed as a result of the timetable change was Jannali. As Mrs McGregor said in her letter, she would not have thought that so many people would be in such a hurry to travel to the city at that time of an afternoon that the stop at Jannali would not make any difference. Mrs McGregor knows of at least 16 other children from Bonnet Bay who have had the same difficulty as her son. Children living in Bonnet Bay attend Caringbah High School as well as Endeavour Sports High School, Woollooware High School and GyMEA Technology High School and Cronulla High School.

Mrs McGregor makes the valid point that if there is no proposal to have the 3.38 p.m. train again stop at Jannali in any timetable revision, the least that should happen is that there should be some coordination between CityRail and the bus companies concerned. If Jannali is to be excluded, CityRail should negotiate with Southtrans Bus Company to have buses follow the same route from Sutherland as they did before the timetable was changed. The simple fact of the matter is that friends of Mrs McGregor's son attend St Andrews Cathedral School in the city and it takes them less time to travel home to Bonnet Bay than it takes her son to travel home from Caringbah. I am sure honourable members will agree that is ridiculous. I concur with that view and I am sure many honourable members would do likewise. I ask the Minister for Transport to take up the matter with CityRail and have it investigated. The least that should happen is that Mrs McGregor should receive an answer to the query she made at the beginning of the year.

SYDNEY METROPOLITAN AREA LIGHT RAIL POLICY

Ms NORI (Port Jackson) [5.57 p.m.]: I raise a issue of vital importance to the future of public transport in my electorate and, indeed, in the city. I congratulate the Carr Government for having taken the first step to extend light rail to the inner west. The proposed extension to the Ultimo-Pymont light rail system that was announced in this Chamber last week by the Minister for Transport in my view represents the biggest ever step forward for public transport in the inner west. The extensions were approved in principle by Cabinet two weeks ago, thus paving the way for the first stage of the project, the environmental impact statement and the consultation process. I am thrilled

about the proposal, and I am not alone. My constituents - the residents of Annandale, Glebe, Leichhardt and Lilyfield - join me in welcoming the announcement of the proposed extensions. It is a dream come true for me; a dream that I first talked about publicly in 1980 or 1981. There is a Santa Claus and finally my dream has come true.

It is about time people of the inner west were given a break from traffic, noise and pollution. All the major highways and byways pass through my electorate, and a great deal of traffic comes through from the west. Light rail will give my constituents some relief from the health hazards they face daily from the traffic. The inner west deserves this project. It is one of the most built-up-areas of Sydney, but it is serviced by only one form of public transport. I congratulate Sydney Buses on

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doing a good job of getting my constituents to work each day, particularly since the opening of the Glebe Island Bridge. However, it is widely recognised that any densely populated area needs more than one mode of public transport to service the changing needs of commuters.

Only a dynamic public transport system with a diversity of modes is able to cope with the demands of a growing city. The population is growing extensively in Balmain and south Sydney, and in Pyrmont and Ultimo, where major redevelopment work is being undertaken. If extensions to light rail proceed as proposed, there will be an immediate improvement in the daily lives of thousands of my constituents. No longer will commuters have to sit in traffic for as long as an hour to travel less than 15 kilometres to work. The streets of Sydney will change. We will be taken back in time but forward in every other way. As a sentimentalist, I am looking forward to the return of trams to Sydney.

When the Central to Pyrmont light rail service commences operations in July it will be the first time since 1961 that light rail carriages have travelled along city streets. Sydney's newest form of public transport will also be one of its best. When introduced into appropriate locations the benefits of light rail are well known. It is one of the most environmentally friendly transport modes. It is quiet, clean and quick. The carriages will have electrically powered engines that are energy efficient and have no emissions. Light rail is one of the most accessible forms of public transport. The new carriages will have a low floor design and no steps, so they will be accessible to people with disabilities and user friendly for the elderly and for children.

It has been proved around the world that light rail complements other forms of transport. It is readily available, it is easily understood, it is used by casual visitors and tourists, and it is attractive to those who might not normally use public transport. The new light rail system will potentially improve our city in many ways, especially in traffic management, urban design and pedestrian circulation. From a business point of view it is a potential bonus for retail outlets located along the route. I am aware that some negative concerns have been expressed about its impact on retailers if it travels down the Pitt Street Mall, but I am confident that the EIS process will resolve those difficulties and will result in a win-win situation for all concerned. The importance of the light rail system and its outcomes are so crucial and beneficial that we cannot afford to get hung up on minor negatives. In any case, the EIS process will address that issue satisfactorily.

I travelled on a light rail system in the inner west when I was a child. The Leichhardt tram depot was built in 1915 to accommodate the expanding light rail network around the inner west to Balmain. Sadly, two world wars resulted in a stagnant population, and subsequently trams went no further than Abbotsford. By the late 1950s tramlines all over Sydney, including the Abbotsford and Leichhardt lines, were decommissioned according to the conventional wisdom of the day. If only planners could have predicted the massive economic boom and population growth that is just around the corner in the inner city. I am very excited about the prospect of the extensions. My electorate will be the first in New South Wales to experience a restoration of light rail. I hope it is the beginning of a trend right across Sydney. I am determined to involve my local community in this project. [*Time expired.*]

[*Mr Acting-Speaker (Mr Mills) left the chair at 6.02 p.m. The House resumed at 7.30 p.m.*]

BUSINESS OF THE HOUSE

Routine of Business

Motion by Mr Whelan agreed to:

That so much of the standing and sessional orders be suspended as would preclude the postponed division called on the question of the motion for urgent consideration moved by the member for Smithfield being set down as an order of the day of business with precedence for tomorrow.

COAL ACQUISITION RIGHTS

Matter of Public Importance

Mr J. H. TURNER (Myall Lakes) [7.31 p.m.]: I ask the House to note as a matter of public importance the current uncertainty about coal rights in New South Wales. In the book *The Rise and Rise of Kerry Packer* a paragraph concerning the 1932 State election stated:

Six months later, in the final days of the state campaign, the *Telegraph* claimed it had unearthed an incredible document detailing Lang's plans to depose the governor of New South Wales, close state borders, censor the press, confiscate private property, and suppress political opponents.

The Premier is an unashamed Lang sycophant. In his disastrous adventure into downgrading the role of the Governor of New South Wales the Premier said, "This is one for Jack Lang." Now he is again looking to the Lang Labor philosophy of confiscating private property, because that is what is happening in New South Wales today. The Government is about to confiscate the freehold coal rights of people who have title in fee simple, title

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the same as that on your house, Mr Acting Deputy-Speaker, because, according to the Treasurer, they are lucky people.

It is claimed that compensation will be paid, but we must ask: what compensation? If one considers the Premier's besottedness with Jack Lang's philosophies, together with the arrogance of the Treasurer's speech in another place, in which he referred to lucky people having this birthright that should be removed, one must ask how the Government will deal with compensation for those who will have their coal rights taken from them. I suspect that the Government will deal with that compensation in the same way as it dealt with the freehold coal rights of those who are about to have their titles in fee simple taken from them. It will have scant regard for the fundamental rights of the individual.

This is the nationalisation spoken about by Lang, who used it as a platform for the 1932 election, which saw his demise. Nationalisation was introduced by Wran in 1981 and repealed by the coalition in 1990, only to be reintroduced by the Carr Labor Government in 1997. It has become unfashionable to refer to members of the Labor Party as socialists. Indeed, Tony Blair in England went so far as to launch the new Labour Party to remove the socialist tag. The Carr Labor Government, by its proposal to nationalise coal rights, has branded itself a socialist government - committed to a wholesale attack on the personal freedoms of individuals and predicated on the Lang plan. When I became a member of Parliament I heard the word "comrade" used in the House - indeed, it was used by the Minister for Mineral Resources, and Minister for Fisheries. I expect to hear the word again in the corridors of the Parliament as the Australian Labor Party regresses to its full socialist position.

People in New South Wales who hold freehold titles should be afraid now that this precedent has been set. I shall digress for a moment. One example of the Government's contempt for individuals and their right to own property without fear of government intervention is the manner in which the people of Bardwell Park and Arncliffe have been treated in relation to the acquisition of their property for the M5 east motorway. Traditional ownership to the centre of the earth has been abandoned and split titles now exist. That is a clear infringement of the right of people to hold freehold titles. I now return to the current situation and the reason that the Government's actions towards those with coal rights should strike fear into ordinary New South Welshmen. The Treasurer said in another place:

The Coal Acquisition Amendment Bill is designed to selectively acquire for the State of New South Wales coal previously restored to claimants where the diversion of royalties could have a significant impact on State finances.

Couple that with his contempt in the use of the words "lucky few", not once but numerous times in his speech, and one has a recipe that involves the Government taking one's freehold property by an Act of Parliament if the State thinks that one is a "lucky person" and one's property might be worth something to the State. Today it is coal rights; tomorrow it may be one's house under this Labor socialist Government. Given the Treasurer's philosophy, what chance do those in New South Wales with Crown leases have? People have acquired these leases either in perpetuity or by consideration for the title.

The Government's philosophy is to remove the right to coal that these people have had since the early 1800s. These people have no chance because of the Government's regression to old-fashioned socialism. How can people have faith in the Government? How can they be confident that their properties will not be next to go because they are lucky or because their lands might be worth something to the State? But there is something in this State that is worthless, and that is the word of this Government. In September 1995, referring to the Coal Compensation Board annual report to the Parliament, the Minister for Mineral Resources said:

The Carr Labor Government has made a firm commitment to the coal compensation scheme . . . claimants whose coal lies outside a colliery holding may choose either compensation or restitution of their coal rights.

Before the 1995 election the then shadow minister for mineral resources, the member for East Hills, said on 3 March that the Carr Government, if elected, would maintain the existing compensation arrangements. Not only did the Government not honour its promise; it dumped a shadow minister who had worked tremendously hard for the ALP and given an election promise. Clearly, this is another broken promise by the Carr Labor Government and a dumping of a colleague. This time the broken promise has sinister and real components.

Imagine this scenario: the Government wants to acquire one's house. One receives an offer that one considers is inadequate so one rejects it. The Government by proclamation simply vests the title of the house in the Crown and one eventually, perhaps more than 16 years later, receives much less than the fair market value because the tribunal making the compensation assessments is not required to offer fair market value. In the meantime, one has waited four years with no assurance of

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compensation. One then waits another five years with the prospect of some compensation; then for seven years, until today, life was better because when one finally received the compensation offer one was entitled to decline it and take back one's property.

Just when the whole scheme is being finalised, this Government then reneges on firm promises and reacquires one's property, or snuffs out one's restitution claim, for way under the market value. That is exactly the action that targeted coal owners face today. The Treasurer must surely have a sadistic sense of humour to describe those coal owners as lucky people. The families of many of those "lucky people" have owned the land in question since the mid-1800s, and one could hardly describe this as an opportunistic windfall gain. I point out that among the "lucky people" that had or still have coal rights are groups such as the Spastic Centre of New South Wales, the Catholic Church, the Royal Flying Doctor Service and the Totally and Permanently Disabled Soldiers Association of Australia - commonly known as the TPI Association.

One would hardly describe those groups as lucky people. Even the Government has been the beneficiary of coal rights, with the Muswellbrook ambulance service having had entitlements - it may be just as well if the service still has those entitlements, because this Government has neglected health matters in the bush so much that the service will need all the help and money it can get. I do not want to drag the Spastic Centre into a political debate but I wish to quote from a report in the *Sydney Morning Herald* of 26 November 1981 that highlighted a situation now being repeated. The article reported that the Spastic Centre had issued a statement which asked:

Should the cerebral palsied babies, the children and adults in our care be denied the quiet enjoyment of the gifts from the people of this State? Surely this [the taking away of coal rights] is not reasonable or fair.

I agree with the sentiments expressed by the Spastic Centre. The Government's peremptory attack on coal rights, culminating in the fundamental attack on and disregard for personal property, has been handled poorly. It has treated shabbily those who are directly affected, coal rights owners and the industry, and those who are indirectly affected, being the rest of the people in New South Wales with freehold title. Although crossbenchers were told about these proposals three or four weeks ago, the public at large, including those I have mentioned, knew nothing about the issue until last week, yet the matter is being debated this week.

The coal industry is singularly the most important generator of wealth in this State. The industry and those dependent upon it are entitled to have been consulted on massive proposed changes to coal rights in this State. This is yet another example of a government out of touch with the people of New South Wales and arrogant in its method of government. This Government, led by a Premier who seeks to emulate Jack Lang in confiscating private property, would do well to remember that the Lang Labor Government was the most recent one-term Labor Government in New South Wales. Bob Carr, the idoliser of Lang, will indeed emulate his hero by taking this socialist Government into opposition in 1999. [*Time expired.*]

Mr MARTIN (Port Stephens - Minister for Mineral Resources, and Minister for Fisheries) [7.41 p.m.]: It is obvious that the honourable member for Myall Lakes has a poor grasp of this subject. I am glad that my people briefed him today, and I should hope that his understanding of the matter improves. This motion is nothing more than a frivolous attempt by the member for Myall Lakes to frustrate the orderly conduct of the business of this House. Legislation is currently before the other place to rectify a problem created by the former Government regarding ownership of some coal rights. I must go back in history to put the matter in perspective. Technically, because legislation is before the other House the Government could have chosen not to speak on the issue today, but, for the sake of having the matter out in the open, it is keen to debate the motion.

In 1788 Governor Phillip took possession of the whole of the east coast of Australia and with it all coal. He and later governors made grants of land to the early settlers which, in some circumstances, included coal but usually reserved coal to the Crown. From 1830 all land grants excluded coal as part of a monopoly agreement with the Australian Agricultural Company's mining scheme. When this monopoly was abolished all coal was granted to the land-holders on 29 January 1850. By the time self-government was obtained, the New South Wales Parliament had taken control of land grants and coal was reserved from all new grants unless they were for mining purposes. The result was a patchwork of coal titles which by accident put much of the coalfields of New South Wales in the hands of private persons.

All coal in New South Wales not already owned by the Crown was acquired by the Crown on 1 January 1982 under the Coal Acquisition Act. When this legislation was introduced by the Wran Labor Government, Premier Wran made it clear that

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an accident of history had put large areas of rich coal resources into the hands of a fortunate few and that accident demanded correction. The Coal Compensation Board was established to investigate claims and pay compensation. The board commenced operations in 1985. Since that date over \$400 million has been paid in compensation to former owners of private coal. The assessments of the Coal Compensation Board have received wide support from the industry and the former owners of private coal.

A minuscule number of appeals have been lodged but generally the board's assessments have been recognised as being fair and reasonable. Over 27,000 claims were received and by 30 June 1997 all claims except a few held up by appeals will be assessed. When the Greiner Government came to office it had the good sense to leave the coal acquisition scheme in place. In 1990 the Greiner Government increased the rate of compensation and provided for restitution of coal ownership in limited cases as an alternative to compensation. At that stage the Hon. Neil Pickard - and I use the title "honourable" very reservedly - took the proposal for increase to Cabinet on five occasions. To anyone who has a sense of propriety in the Parliament, that spells doom. Restitution was limited to coal located outside colliery holdings and was at the discretion of the Minister. That was not included in the original component of the Act.

The Australian Labor Party was then in opposition and accepted the changes as they preserved the benefits of the Wran Government's far-sighted initiative. Because coal mining can be carried out only inside a colliery holding it was felt that restitution of coal ownership outside colliery holdings would not affect the coal industry nor have any impact on the State's finances. The existence of the Minister's discretion was thought sufficient to protect the interests of New South Wales. However, by a gross act of negligence, the boundaries of colliery holdings were fixed as at 1 January 1986 and no provision was made for the modern, efficient new collieries which opened up in the last decade, particularly in the Hunter region, or extensions to expanding coalmines. More importantly, no account was taken of the new, potentially rich coal areas planned to be opened in the next few years.

The exercise of the Minister's discretion could have overcome much of this mistake but restitutions were routinely granted. No regard was given to the diversion of royalty from the State to private coal owners. No regard was given to the diversion of benefits to the Commonwealth through taxation of royalty in private hands. The accident of history that Neville Wran corrected was restored in microcosm. When this state of affairs became known to me I took action to freeze all action on restoration of Crown coal to private persons and I instituted a review of coal ownership. In the 1996 annual report of the Coal Compensation Board I foreshadowed action to resolve the problem created by the former Government. The simple statement of fact, "Restitution of coal rights, rather than compensation, is available for claims outside colliery holdings" has been quoted as a promise by me not to disturb any abuse which might be uncovered by the review I had ordered. Nothing could be further from the truth. I now read the rest of the paragraph containing the statement to which I have just referred:

The number of restitution applications and the value of the applications increased dramatically during the past. This increase created a potential problem with the State's finances in the years to come. I established a task force to review the situation and report back to me on the issues. This matter is not yet resolved, although it is expected to be resolved shortly.

It is as clear as a bell that I telegraphed my determination to take action to resolve the problem. This review established that there was no problem with the vast majority of claimants who, by and large, are small landowners and whose coal will make very little difference to the industry. A few, perhaps 20 persons or companies, have received Crown coal which must be revested in the Crown. There are perhaps 100 whose applications for restitution may be refused. All other persons will have their rights confirmed or granted. No-one will lose because compensation on a just and equitable basis will be paid to those few who will not retain or regain coal.

A small group of entrepreneurs has had its plans disrupted. The review which I had ordered uncovered reports of schemes to obtain tax advantages and to exploit the differential treatment of royalty on private and Crown coal. The action I foreshadowed to resolve the problem is set out in the legislation presently before the other place. The legislation now being introduced will capture the tax which would have otherwise gone to the Commonwealth or been diverted by those entrepreneurs. Compensation will be calculated on present-day figures to make sure that the sums paid are just and equitable. This legislation is fair to all and will restore to New South Wales the revenues from the great natural resource of this State for the benefit of all the people of this State.

The honourable member for Myall Lakes is well aware of the details of this issue. I am glad that a former Minister for Mineral Resources, the Deputy
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Leader of the National Party, is in the Chamber. He reopened the scheme and took 13,000 new people into the scheme, and I think he might be one himself. I can proudly say that in my administration of the Coal Compensation Board it has done a marvellous job. Currently the tribunal has 72 matters for assessment and all will be processed this year. All in all, my organisation has done a superb job and, in the end, will have paid out close to \$450 million in compensation. I make the position very clear as I did in my letter to the honourable member for Cessnock, Stan Neilly. I seek leave to table that letter.

Leave granted.

That letter clearly states:

The legislation provides a sunset of December 1998 for the reacquisition of restored coal. The owner of any coal that is acquired or any

claimant whose request for restitution is denied will immediately be paid an interim payment equal to the determined amount of compensation. In both cases compensation will be redetermined taking into account today's situation. This should result in an increase in compensation above the amount originally determined.

I make a couple of additional points. Though honourable members may have an expectation about this issue, a market price for coal rights is non-existent. As I said earlier, the Hon. Neil Pickard took this matter to Cabinet five times to try to get it increased. Any Minister who tries five times to get something through Cabinet to ensure a little extra for friends will, in this day and age, find himself down at the ICAC.

The payment delay has now been explained. On the subject of charities, Ruth White, who died in 1963, bequeathed part of her estate to the Spastic Centre and to the Royal Flying Doctor Service. She was a wonderful giver. No-one should be confused into thinking that charities will miss out as a result of these changes. My organisation has seen to it that charities obtain higher royalties and receive a much better pay-out. This Government is doing things much fairer and better for the people of New South Wales. The legislation to be introduced will be good legislation. It will protect the people and the revenue flow of the State and it will allow the Government to put hospitals, nurses and police where they belong. [*Time expired.*]

Mr SOURIS (Upper Hunter - Deputy Leader of the National Party) [7.51 p.m.]: I am pleased to have the opportunity to participate in the debate on this matter of public importance. This debate is not the time for second reading speeches. Essentially this matter is an issue of socialism and the acquisition of private property. For that reason the matter is of public importance. When the bill is introduced the Opposition will certainly debate its detail. Unfortunately, I must respond to the Minister's implications about me. I was never Minister for Mineral Resources, nor was I a Minister during the time that the Hon. Neil Pickard was a Minister.

Prior to entering Parliament in 1988 I owned property in the Singleton area for which coal rights had been purchased by me. That information was in my pecuniary interest register until the day compensation was settled, my share being around \$2,500. That, too, was a matter disclosed in the pecuniary interest register. However, that has nothing to do with the issue at hand. This debate is about restitution. It is about the sanctity of title issued by the Crown. By stealth and without consultation, the Government is re-enacting the right to confiscate private property. It is doing so without any regard to those who have lived for many years in the fear that this would happen, especially after former Premier Neville Wran embarked on the initial processes to allow for the confiscation of property rights.

Mr Martin: On a point of order. The Government could not have taken anything back because 27,000 people were paid.

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

Mr SOURIS: There is no need for the Minister to be so sensitive. His spurious points of order deny me the opportunity to make a point on behalf of those who are being betrayed and undergoing hardship because of the actions of this Government. Those people never thought that the Government, at the stroke of a pen, would use its numbers to take away, steal and confiscate property. Many people regard certificates of title as philosophically precious items and some people frame them. By the stroke of a pen the Government is destroying a fundamental and philosophical principle that has existed in Australia since time immemorial: this is a free country in which private citizens can own property.

Certificates of title will not be worth the paper they are written on. The Minister should be ashamed to be participating in such a scheme. Do not tell me that socialism is dead. Do not talk to me about "New Labor". The Government is confiscating people's property, but it is not the first time this has been done. I am not referring to the time when Neville Wran was Premier; rather, I am talking

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about events of recent weeks when the State proposed to confiscate the property of people affected by the M5 East roadway. Those people will now receive two certificates of title: one for the hollow tunnel underneath their properties, which is worthless, and the other for the surface rights, which have been devalued because of the tunnel.

I will not be told that that also is not an act of socialism. The Government can adopt this procedure regarding any title. Once the sanctity of private property has been breached, it could be said that nobody's property is truly as safe as it was before the Minister's socialist lot came to power. If any good has come from this, it is that Labor has shown its colours. Socialism and property acquisition are still Labor policy, as they were back in 1984. In fact, Labor's rural policy states that it is an object of the Australian Labor Party that all systems of property ultimately move to leasehold tenancy. The Government is certainly fulfilling its charter. Neville Wran would certainly be pleased. [*Time expired.*]

Mr J. H. TURNER (Myall Lakes) [7.56 p.m.], in reply: I thank the Minister for Mineral Resources and my colleague the Deputy Leader of the National Party for their participation in this debate. I will enlarge on the specifics of the debate on coal rights when and if the bill reaches this House for debate. The Minister took us through an interesting travelogue, but that does not get away from the fact that this Government is taking away coal rights and land title. The Government is sending a message to the rest of New South Wales that it classifies certain people as lucky. If the Government considers it should receive a benefit from those lucky people, it will pass an Act of Parliament that takes away inherent rights that were always regarded as sacred, that is, the right to own freehold property in New South Wales without fear of government intervention.

Discussion concluded.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL

Second Reading

Debate resumed from 16 April.

Mr SLACK-SMITH (Barwon) [8.00 p.m.]: The Prevention of Cruelty to Animals Amendment Bill - the POCTA bill - is designed to update the Prevention of Cruelty to Animals Act 1979. I congratulate the Government on introducing this bill, which emanated from the time when the coalition was in government, before 25 March 1995. I congratulate the Minister and the Government on the speed with which it has been introduced: it has taken only two years and two months to finally arrive here. Nevertheless, the Opposition supports the bill. It is in new English and has been refined. Being a farmer, and representing Barwon, a country electorate, I believe that this is a commonsense bill. No-one, especially farmers, wants animals to suffer, not even for humane reasons.

Most farmers are fond of all animals. If an animal is treated cruelly, as you would know, Mr Acting Deputy-Speaker, it will not thrive, it will not fatten and it will not breed. If a farmer's animals lose weight or will not breed, he will go broke. The prevention of the maltreatment of animals is one reason why I support the bill. The Government's amendments include a prohibition on pinioning or restricting a bird's flight except in the manner prescribed by the regulations. The transportation of a dog in the back of an open moving vehicle on a public street without tying it down will be an offence. I fully support that measure. Unfortunately, I have lost good dogs that fell from the back of a vehicle.

Anyone who refuses to restrain a dog on the back of a vehicle must not consider the dog is worth much. In any event, a person who fails to tie up a dog in a vehicle travelling on a public road can be prosecuted. The Opposition fully endorses that measure. It is commonsense to provide clean and sufficient water for an animal to drink, and failure to do so beyond 24 hours will be an offence - a provision which the Opposition fully supports. It will be illegal to tether a sow in a piggery. The bill prohibits the tail docking of dogs, although a case can be made for docking a tail of a pup under five days old or if a veterinary surgeon deems it necessary.

The bill makes it an offence to grind sheep's teeth, unless a veterinary surgeon deems it necessary. I am pleased that the bill redefines poison used with the intention of killing or injuring a domestic animal, and that clearly includes glass as a poison. Many honourable members are familiar with the horrific cruelty and death that results from a family pet or a good working dog being given a glass bait. I fully endorse that amendment. The bill also tightens the existing section in relation to animal fighting and baiting, but allows for dogs or other animals to be used for the control of vermin and feral animals.

This bill makes a lot of sense. The restructure of the section prohibiting coursing and certain
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related activities in relation to bleeding greyhounds, a common pursuit for many years, is welcomed. The bill makes that activity illegal. Firing to the front shins of racehorses has been a common activity for as long as I can remember, and the Opposition supports the Government in making that an offence. The practice of cutting the tail of a horse with the intention of causing the horse to carry the tail uplifted at all times will be an offence. The outlawing of steel-jawed traps will be hard to enforce, because many farmers have steel-jawed traps lying around, and they may have forgotten where they are. Some traps may be hanging from a fence on the property. It will be difficult to enforce this provision because the use of a cage or a steel-jawed trap is successful in catching only the dumb ones - the smart ones get away.

Anyone who has witnessed a feral cat, wild dog, or fox eating a small marsupial or newborn lamb - sometimes during the process of delivery from the ewe - would have no sympathy for the cat, fox, or dog. It will be difficult to enforce this provision regarding steel-jawed traps. Penalties will be increased: up to \$10,000 for individuals and up to \$50,000 for corporations. Many farming families are corporations and it is sad that some families could be charged and, if found guilty, fined \$50,000. A number of amendments will be introduced in the other place - they will not be dealt with here because we do not have the numbers - and hopefully the bill will be returned from the other place with those amendments.

Enforcement officers, when carrying out their duties in saleyards and other places, may be accompanied by any assistant the officer considers necessary. An enforcement officer who suspects that reasonable grounds have been established to prove that an offence has taken place can take possession of, remove and retain possession of an animal carcass. Under part 3 of the bill, which requires the provision of information, it is an offence for a person to knowingly give false or misleading information. The bill enables an officer to apply to a Local Court for an order permitting the officer to enter and use the facilities of a place to provide urgent maintenance and care for animals in that place where the owner is dead or cannot be located and no other person can be found who is responsible for the care of those animals.

The Act will bind the Crown, but the Act does not apply to police dogs, police horses or drug detection dogs under the control of officers of the Department of Corrective Services. The bill fails to address the problems that occur under exceptional circumstances such as drought, fire or flood. When an animal is under severe stress a certain amount of leniency should be allowed. I hope that this bill is enforced in a commonsense manner and not blindly. My third concern relates to section 16 of the Act, which prohibits the use of electrical devices other than those proscribed in the regulation. In future that will be a disadvantage in a situation where experimental electrical devices may be used; it may inhibit the development of new technology that could be to the benefit of animal welfare. Hopefully, in the other place the Opposition will succeed with a few amendments. The context and heart of the bill are not opposed. The Opposition supports the bill.

Mr HARRISON (Kiama) [8.10 p.m.]: I am pleased to indicate my strong support for this legislation and to compliment the Minister on its introduction. The Minister for Agriculture has been responsible for a number of initiatives to improve the lot of animals. They include banning the practice of koala handling or koala passing at wildlife parks; restricting the use of electro-immobilisers to veterinary surgeons; assisting the Royal Society for the Prevention of Cruelty to Animals in rescuing the big cats from Notre Dame; and instituting the consultative process on the formulation of this package before the House.

Other initiatives include negotiating with the egg industry to ensure an adequate labelling system is put in place for the production systems of eggs, whether they be free-range eggs, barn eggs or eggs produced under an intensive system; working at a national level for a standard minimum cage size for laying hens; and introducing comprehensive standards for the welfare of circus animals. On behalf of the Government and at the request of the Minister I had the privilege of moving the motion that was eventually adopted unanimously by this Parliament in relation to truth in labelling in egg production. The Minister also instigated a review of the use of pound dogs in animal experimentation. All in all, animals in New South Wales receive fair and humane treatment because of the actions of the Minister for Agriculture and the legislation he has introduced.

Whilst I enthusiastically support the bill I seek clarification of various operational matters. With regard to cosmetic or traditional surgical procedures, in 1992 the ministerial review team of New South Wales Agriculture said in its green paper that one of its major conclusions was that the Prevention of Cruelty to Animals Act should prohibit or regulate all activities and procedures undertaken on, or with, animals in which any animal's welfare is compromised or placed at risk without evidence of sufficient benefit to the animal or to people to justify it. Such procedures include a range of cosmetic or traditional surgical procedures and

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husbandry procedures undertaken without anaesthesia. I cannot find anything in the bill that deals with this subject and perhaps the Minister will clarify that.

I am pleased that the Prevention of Cruelty to Animals Act binds the Crown and, in effect, keeps faith with recommendation one in the green paper circulated in July 1996. However, I am concerned that the bill contains the expression "except in cases prescribed by the regulations". The Prevention of Cruelty to Animals Act does not apply to the use and handling of police dogs and police horses by police officers, and I am sure members would not object to that because they understand the situations in which police find themselves from time to time. However, clarification of what is intended to be contained in the regulations when they are eventually framed is required.

The increases in penalties are welcome. One of the proposals contained in a previous green paper was not just for an increase in penalties but for custodial penalties to be retained. I assume that this has not been changed. One very useful proposal in the discussion paper was that the court be given power to prohibit a person from owning an animal for a specified period, and the courts should take that course with repeat offenders. That would seem to have considerable merit, but I do not believe it is included in the bill. Once again the Minister for Agriculture might comment in his reply.

The earlier discussion papers on this Act proposed that the slaughtering of conscious animals for meat should constitute an offence of cruelty. The proposal was that animals slaughtered for food production should be rendered unconscious by humane stunning or shooting into the brain before slaughtering commences. Further, the proposal was that the Act should not provide any exemption from this requirement for persons undertaking ritual slaughter according to religious belief. That seems to be a valuable proposal but, again, it does not appear to have been included in the bill. I would like to comment on access by officers to research institutions to enforce the Act.

There seems to be a widespread belief in the research community that the Prevention of Cruelty to Animals Act does not apply to research institutions. This view is perhaps created by the fact that inspectors are prohibited under the Prevention of Cruelty to Animals Act from entering any research institution other than a research institution carrying out school-based research. In the course of the Regulation Review Committee's recent inquiry into animal research regulations, officers of New South Wales Agriculture, including one of its inspectors, gave specific evidence that inspectors appointed under the Animal Research Act have no duties whatsoever in enforcing the Prevention of Cruelty to Animals Act. As I recall the evidence, New South Wales Agriculture said that it had no duties in carrying out inspections, even of accredited institutions.

The Prevention of Cruelty to Animals Act does, however, apply to research institutions. The Act provides that if a person carrying out research is complying with the Australian code of practice and the Animal Research Act and regulations, that person has a defence against prosecution under the Prevention of Cruelty to Animals Act. However, in any case where there is non-compliance with the code of practice, that protection is lost and the experiment becomes unauthorised and subject to all the provisions of the Prevention of Cruelty to Animals Act. I ask the Minister to note that officers appointed under the Prevention of Cruelty to Animals Act cannot examine animals in research institutions, even where the Prevention of Cruelty to Animals Act applies, that is, where there has been a breach of the Animal Research Act.

In earlier debate on the Animal Research Amendment Bill the Minister said that if there were breaches of the Prevention of Cruelty to Animals Act in research institutions, the institutions should be inspected by the appropriate officers appointed under the Prevention of Cruelty to Animals Act. However, this is an impossibility as no officer appointed under the Prevention of Cruelty to Animals Act can set foot in a research institution, aside from

school-based institutions, even where immunity has been lost under the Animal Research Act because of a breach of that Act. The bill amends section 15 of the Act, which deals with the poisoning of animals. Some very sad cases of poisoning of pets have been brought to my attention. A Samoyed dog that I had had from the time it was a pup, that grew up with my children, was poisoned in my backyard. We have some photographs at home which my children, although they are now married women with families, treasure to this day. They recall the fun and enjoyment they had with that dog.

Anything that can be done to introduce stiffer penalties for people who poison other people's pets - for any reason, but particularly when there is no good reason; when dogs and cats are poisoned in someone's yard - is to be welcomed. I commend the Minister for including this measure in the bill. One would scarcely believe that human beings could be involved in baiting and fighting - fitting steel spurs to the legs of fighting cocks and setting them against each other so they fight until one of them is dead; or setting dogs against each other. If man has a best

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friend among the animal kingdom it has to be the dog. I believe dogs have a natural affinity with human beings. How they could be bred or cultivated in such a way that they are used to fight until one is dead, for the sadistic or personal enjoyment of people or for personal greed, defies explanation.

I think it was Robbie Burns who said that man's inhumanity to man has made countless thousands mourn. Man's inhumanity to other creatures that inhabit this planet with us is equally open to condemnation. In some ways it is every bit as bad because animals, especially domestic animals, regard us as their providers, and they trust us. When we use them for such purposes as baiting and fighting, we as a species also suffer. All things taken into account, I support the bill but there are some matters that I would like the Minister to clarify in his reply. The bill is not the end of the section; the Minister said in his second reading speech that this is merely the next step in putting legislation in place to protect the rights of domestic and farm animals. That has always been very close to my heart and I am pleased tonight to support the bill.

Mr CRUICKSHANK (Murrumbidgee) [8.22 p.m.]: I am pleased to speak to the Prevention of Cruelty to Animals Amendment Bill, and I would like to ask some questions. The bill is the result of a review of the Prevention of Cruelty to Animals Act that has been carried out over a period of five years. Honourable members are entitled to expect some substantial results from such an extended review. I would first like to refer the Minister to the New South Wales Government policy statement on legislative review of June 1996, issued in relation to the national competition policy implementation. I am not quite sure of the connection, but that is the peg on which it hangs.

Attachment 1 to that policy statement lists a number of Acts, including the Prevention of Cruelty to Animals Act - POCTA. The Acts listed in the attachment are described as legislation that restricts competition to an extent where the costs of that restriction are not outweighed by public benefits. This Act has been nominated for further review and reform. I ask the Minister how that conclusion could have been reached and expressed so conclusively when the competition policy reviews had not been carried out by his department. I understand that the department has not even carried out the formal cost-benefit study, something which the Opposition has asked for many times in respect of other matters. It did not happen under the Animal Research Act, because as the Minister told us, it had not been started.

I am worried that the Department of Agriculture is to carry out a review to substantiate a conclusion that has already been reached. The Regulation Review Committee inquiry heard evidence that time and again departments sign off on an already accepted regulation and then commence the regulation impact statement to try to justify it. The definition of "animal" is set out in section 4 of the Prevention of Cruelty to Animals Act 1979 and the bill does not amend that definition. The definition states "animal means a vertebrate animal, including a mammal, bird, reptile, amphibian or fish, but does not include a human being". On 23 September 1996 the Regulation Review Committee wrote to the Minister for Agriculture setting out certain recommendations as to the amendment of the definition. The committee drew the Minister's attention to the fact that the green paper that discussed the review of the Act did not consider whether the Prevention of Cruelty to Animals Act should be extended to invertebrate animals.

The definition that I have just read makes it clear that at the present time the Act protects only vertebrate

animals from cruelty. The committee wrote to the Minister and drew his attention to changes that had taken place in some other Australian States and in the United Kingdom to take account of changes in scientific opinion. In Victoria in May 1996 the Prevention of Cruelty to Animals (Amendment) Act 1995 expanded the definition of "animal" to include fish and live crustaceans. Recent changes to the Animal Welfare Act in Tasmania allow other animals to be prescribed by regulation so as to extend the coverage of the Act. Advice given by officers of the Tasmanian Department of Primary Industry and Fisheries to the committee in September 1996 was that crayfish may subsequently be prescribed.

Two years ago the Queensland bureau of animal welfare reviewed the Animal Protection Act and recommended to the Government that the definition of "animal" be expanded to include any cephalopod, mollusc, or crustacean. That recommendation has not been implemented by the present Queensland Government. There have also been changes to animal welfare legislation in other countries. For instance, New Zealand has amended its Cruelty to Animals Act to include cephalopods, that is, octopus or squid, and crabs, lobster and crayfish. As long ago as 1993 in the United Kingdom the Animals (Scientific Procedures) Act was amended to include any invertebrate of the species *octopus vulgaris*.

Although I do not recall the specifics - I am sure the Minister's advisers could find it for him - I seem to recall that the method of inducing reproduction in crayfish or shrimp is to ablate one

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eye. Do not ask me why or how, but the removal of one of the animal's eyes induces the breeding period. It always seemed to me to be a rather nasty, horrible way of doing things. It is time for us to at least open up our animal welfare legislation to the possibility of protecting additional species. It was for this reason that the Regulation Review Committee recommended to the Minister that he examine the merits of making provision in the New South Wales Act, similar to that which exists in Tasmania, for additional species to be prescribed by regulation to allow protection to keep pace with scientific opinion. That would appear to be an excellent recommendation and I commend it for the Minister's attention.

Perhaps at the Committee stage the Minister would consider moving a minor amendment to the regulation-making powers in the Act to permit the protection of additional species at an appropriate time. I ask the Minister to indicate to the House whether this recommendation is acceptable to him. Before I leave this subject, I must say that I find it inexplicable that a major international issue, such as the protection that should be afforded invertebrate animals, completely escaped the New South Wales review process over a period of approximately seven years. There are no doubt other mainstream issues that apparently have given rise to a series of important, but nevertheless pedestrian, changes in terms of the amount of time that the review has occupied.

When one looks at the very detailed early discussion papers that were produced, one finds a marked difference from the miserable little green paper issued on 31 July 1996 that was the final product of so many years of expensive research. I would be grateful if the Minister would advise the House of the cost of the review. Each of these government reports could well have a small square at the bottom right-hand corner denoting how much the report cost. That would be very illuminating.

The proposed amendments will enable the Australian model codes of practice for the welfare of animals, which are endorsed by the Agricultural Resource Management Council of Australia and New Zealand, to be incorporated in regulations under the Act for the protection of animals on farms and in other situations, such as transportation. I should like to say something about codes under the Prevention of Cruelty to Animals Act. One of the major conclusions of public discussion paper No. 1, which was issued in November 1992, was that codes of practice for the welfare of animals should be introduced into the legislation to define accepted standards for the management of animals in the interests of their welfare. The paper also concluded that a breach of any provision of a code should not be an offence per se. The 1992 proposal seems to be the centrepiece of the bill. However, I have some concerns about its practical operation which I will now explain.

I should like to speak particularly in connection with the control of animal trades. For some years there has been no licensing of pet shops. A year or two ago a regulation was passed to repeal the need to license pet shops. That regulation was disallowed in the Legislative Council. That meant that the Parliament wanted those licensing

laws to continue. However, New South Wales Agriculture, in its wisdom, apparently decided not to enforce those laws. Consequently for several years pet shops were unlicensed. That situation may have been the source of many complaints by pet owners that animals they purchased were not in good health.

As part of the policy of self-enforcement the Prevention of Cruelty to Animals Act now makes use of the practice of incorporating animal welfare codes of practice. They have been in common use in the community for about a year. I hope these are not the codes to which the legislation refers. Even if they are not, they are the ones in common use. The code relating to pet shops consists of 16 pages, three of which are taken up with introductory or other matters. That leaves the remaining few pages, on tiny A5 paper, to set out the responsibilities of the managers of pet shops. A typical obligation of a pet shop owner is the making of provision for accommodation and equipment which suits the physical and behavioural needs of the animals to be kept.

During the inquiry of the Regulation Review Committee into the animal research regulation, a great deal of discussion took place regarding the difficulty experienced by the Animal Research Review Panel and ethics committees in deciding what was required by the Australian code of practice. That code contains exactly the same sort of provisions as those I have referred to. That is, it requires ethics committees to ensure that animals are kept or housed in accordance with the needs of the species. Even members of the panel who are experts in the field were at odds about whether current animal housing in research institutions was satisfactory. The problem is the Australian code speaks in terms of principles that have to be translated into the needs of particular species.

It is clear that something more is required than a mere statement that a manager must ensure that animals are kept in accordance with species-specific requirements. It is clear from the inquiry that detailed species-specific guidelines are required for

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the common range of animals kept in research institutions and, by analogy, in pet shops. If that is not done in the case of pet shops, managers and inspectors will be none the wiser as to what exactly is required. That is a worrying issue, because a range of booklets is available. Some deal with pet shops and some with farm working dogs. Those little booklets are totally inadequate, and the worst part of it is that they are probably legally unenforceable. It is all very well to promote self-regulation, but that must be able to be backed up by legal enforcement when that becomes necessary. I am concerned that these mini booklets do not adequately set out enforceable responsibilities. The Government's policy is not merely self-regulation; it is enforceable self-regulation. Has the word "enforceable" been omitted from the codes?

Ms HALL (Swansea) [8.34 p.m.]: I congratulate the Minister on his pro-active approach to animal welfare and on bringing about a change in the care of animals. I understand that the Opposition, when in government, engaged consultants in about 1993. When the Minister came to office he found the consultants' report in the bottom drawer. He then released the green paper for public consultation. The Minister has shown that he truly cares for animals, animal welfare and the prevention of cruelty to animals in this State. Over the years the community's approach to animal welfare has changed. Animal welfare is now a major issue in this State. Society's values have changed. Those changes have been accompanied by a greater emphasis upon care and protection of animals. That is the way it is in most developed countries. The issue has been brought to the notice of the community by the media.

Gandhi pointed out that a society that does not care for its animals does not care for its people. The two are closely intertwined. A kind society that cares for animals and has good legislation to protect animals is a society which cares for the people within it. The aim of the legislation is to reduce animal suffering by regulating human behaviour; to prevent physical pain and distress to animals; and to ensure that adequate food and shelter are available for animals; and that animals are not subjected to pain and abuse. It seeks to ensure that animals are not restricted or confined in poor conditions. Together with the change that has taken place in society over the years, there has been an increase in pet ownership and a stronger commitment to the care of pets.

For a variety of reasons people in modern society have a greater dependence on animals. In a time of change and insecurity an animal provides a reliable relationship. A pet can be the one companion that a person can count on at all times. Pets are part of the back-to-basics push. Pet ownership must be accompanied by responsible care. The

amendments in the bill are designed to ensuring that animals receive that care. I want to touch briefly on the transportation of animals. The Royal Society for the Prevention of Cruelty to Animals has reported that each year more than 5,000 dogs in Australia are killed or injured after falling from moving vehicles. Those figures are based on the number of animals taken to veterinarians for treatment, and as such the figure must represent a major underestimation of the total number of dogs injured or killed.

Not all injured animals are taken to veterinarians. The image of the dog on the back of the truck is attractive. It is as Australian as the blue cattle dog. But all too often the outcome is not in the dog's favour. If dog owners fail to ensure that dogs are adequately secured, they risk serious injury to the animal and, in some cases, to other motorists. The legislation will correct that. In 1995 the NRMA reported that almost 5,000 dogs were killed or injured and a national campaign called "Save Your Mate" was launched. Graphic illustrations were given of what could happen if dogs were not properly secured in the back of utilities. That is one of the good aspects of the legislation, and it will receive support from most parts of the community.

I want to deal only with one other issue and that is the use of animals for fighting. Pitting animals against each other for gambling purposes is viewed as unacceptable by the overwhelming majority of the community. Cockfighting, bullfighting and dogfighting are prohibited under the current Act. In addition, the Act prohibits both the possession and use of equipment such as cockfighting spurs for animal fighting. Whilst the Act prohibits the most common form of animal fighting, from time to time other forms of animal fighting emerge. The community sentiment is that this should always be discouraged. Therefore, it is proposed to extend the current provisions so that all animal fighting will be generally prohibited under the Act.

That amendment will receive widespread acceptance in the community. Provisions such as that secure support for the Minister from everyone in the State. The bill makes it an offence to incite animals to fight or to advertise the intention to conduct, organise or attend such a fight. Broadening the Act in that way is necessary. The bill will improve the enforceability of the current legislation

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when a person attends any place where an animal fight is being conducted. That will be prima facie evidence of participation. I am sure honourable members on both sides of the House will support these amendments to the Prevention of Cruelty to Animals Act. I commend them to the House.

Mr COCHRAN (Monaro) [8.41 p.m.]: I have spent most of my life in the rural community. For much of that time I have dealt with working dogs, horses and livestock. The vast majority of land-holders in Australia with whom I have had contact are sincerely committed to the welfare of their animals, particularly horses and dogs. Those who work with livestock know that a good dog is worth three men. I have had the privilege of owning dogs and horses that have become close friends. My wife and my three children are also committed animal lovers. Although I have misgivings about some aspects of the bill, it represents the views of responsible animal lovers and those who depend on animals for their livelihood. For example, I am pleased that the bill provides that an offence is committed when a person incites a fight between animals or animals are pitted against each other as a form of entertainment. That is barbaric.

Some years ago, well before I entered politics, I had drawn to my attention in the north of the Australian Capital Territory pits that were designed for dog fights. Those pits were also drawn to the attention of the Australian Capital Territory police, and the persons responsible were eventually caught and no doubt punished. Animal cruelty is unacceptable in any walk of life, and those responsible do not deserve to be the custodians of animals. I am pleased also that the bill provides that it is an offence for anyone to use an animal as a lure or for the purpose of blood-letting with greyhounds. At one time my wife and I owned a small business which involved dealing with greyhound owners who used cats and possums to blood their animals. Again, that is barbaric behaviour which is totally unacceptable to our society. When my wife and I found that people were doing that we refused to do business with them or to let them inside the shop. That attitude towards animals has now permeated through society. These days people have a much more humane attitude towards their animals and generally reject any form of cruelty to them.

I question whether the provisions relating to the use of steel-jaw traps will be enforceable. I probably reflect

the view expressed by the honourable member for Barwon. I have witnessed the extreme injury that wild dogs cause to livestock, particularly sheep. I am not necessarily referring to dingoes. My property adjoins Kosciuszko National Park, as do the properties of many of my neighbours. Those of us who own sheep and who have witnessed the injury caused to them by wild dogs recognise that a cunning dog cannot be poisoned or shot. Often, it can only be stopped through the devious means of a steel-jaw trap. Two problems arise relating to these provisions in the bill: compliance and enforceability. A number of concerns will be expressed about that by speakers in another place.

I raise two matters relating to cruelty to animals for the consideration of the Minister for Agriculture. I am pleased to see that Mr Charles Wright, head of the Royal Society for the Prevention of Cruelty to Animals, is in the gallery tonight. We both joined the army on 27 September 1965. Perhaps he knows about the problems faced by those who spend a lot of time travelling in the bush. Members of Parliament who represent country electorates travel 100,000 kilometres each year. As often as once a fortnight my vehicle has come into contact with a kangaroo on the road, and both the kangaroo and my vehicle have been damaged. People who travel on the roads these days are concerned that they must destroy injured animals in some way. As people are no longer able to carry firearms, it is not a pleasant duty to club an animal to death or cut its throat with a knife. That is one practical aspect of living in the bush these days. In the past people would have carried a rifle in their vehicle to destroy an injured animal such as a kangaroo, but that is now illegal. I ask the Minister to make provision in the legislation for those who are placed in that predicament.

Mr McManus: Give them their guns back. Why don't you make that suggestion?

Mr COCHRAN: The honourable member for Bulli might think it is a joke, but it does happen. That shows how much common sense he has got. I am making practical suggestions but the honourable member does not have the brains to listen. Those who have livestock transports are required to carry their working dogs at the same time as they carry livestock. In the past the dogs were placed in boxes attached to the side of the trucks. At one time I had a livestock transport business, and I spent a lot of time carting my dogs around in such boxes. On reflection, working dogs lead a most uncomfortable life, as they are exposed to diesel fumes, dust, dirt and grime. There should be provisions to ensure that the interests of working dogs are protected.

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I ask the Minister for Agriculture to take into account that many of those to whom the legislation will apply live in remote areas and that it can take a considerable time for the message of the law to reach them. There is a great need for a major education program to ensure that the people who will be affected by the legislation have the opportunity to understand it. For an acceptable level of compliance it is imperative to allow sufficient time for the people of the bush to learn of the new legislation. I am sure that the people of outlying and remote areas will be more than willing to comply with the new legislation when they understand its benefits. I repeat that I have reservations about the provisions relating to steel-jaw traps. Otherwise I support the bill.

Mr ANDERSON (St Marys) [8.51 p.m.]: I support the amendments proposed by the Minister for Agriculture. While reading through the green paper on the proposed amendments to the Prevention of Cruelty to Animals Act I found that a similar green paper was released back in 1993. Although the earlier green paper examined the pertinent issues, the previous Government was not keen to do anything about it and filed it in the too-hard tray. The present Minister for Agriculture has faced up to the responsibility of recommending amendments to the Act. The green paper highlights the support of the whole community for the prevention of any cruelty to animals. The majority of people regard sports in which animals are pitched against one another in fights for pleasure, gambling or sporting purposes as completely abhorrent. Cock fighting and bullfighting are already prohibited under the Act, as is possession of equipment for animal fighting.

Other forms of animal fighting for the purpose of gambling may appear from time to time, however, and should be discouraged. It is therefore proposed that all animal fighting and the promotion of animal fighting be prohibited in this State. Attempts to incite animal fighting will be an offence, as will the advertisement of any intention to conduct an animal fight. It will also be an offence to participate in animal fighting, and a person's presence at any place where an animal fight is to be conducted will be considered to be part of the participation

process. The Minister should be congratulated on introducing the proposed amendments. Item 3.23 of the green paper relates to traps. An article entitled "Barbaric - The steeljaw leghold trap" contained in the magazine *Animals Today* provides a graphic description of steel-jaw traps, the way they work and the pain and suffering that captured animals go through. I quote from the article:

The trap was invented in 1849 by an American blacksmith, Sewall Newhouse. His lethal invention was taken up by John Humphrey Noyes, a cult leader who claimed to be a Christian . . . [He produced] the trap in six sizes, from the smallest for mink through to the largest for bears.

It was inevitable that the trap would come to Australia, where the dingo had been officially proclaimed an outlaw in 1852 when an act of parliament was specifically formulated to "encourage the destruction of the native dogs".

The traps themselves are the cause of horrendous injuries to a trapped animal. The article continued:

The trapped animal screams in terror and throws itself as high into the air and as far away from the pain as possible before the anchor chain pulls tight and wrenches it back to the trap. The impact of this causes the skin to tear and peel back, to expose shattered bone and raw nerve endings, with a good deal of bleeding. The animal will thrash about at chain's length for anything up to three days and nights before shock, dehydration, exposure, infection, and finally starvation bring a merciful release. DOG TRAPS ARE USUALLY CHECKED ONLY ONCE A FORTNIGHT.

It is apparent that the steel-jaw traps are abhorrent. No sensitive, decent person would ever contemplate using the traps, but they are being used today. I strongly support the Minister's amendments to outlaw the traps. In the interests of brevity, I shall conclude my speech by reiterating my support for the Minister's introduction of these overdue amendments.

Mr AMERY (Mount Druitt - Minister for Agriculture) [8.56 p.m.], in reply: I thank those honourable members who have contributed to the debate - the honourable member for Barwon, who led for the Opposition; the honourable member for Kiama; the honourable member for Murrumbidgee; the honourable member for Swansea; the honourable member for Monaro; and the honourable member for St Marys. All members who have contributed to the debate support the legislation. The honourable member for Barwon suggested that the Opposition may move some amendments in the Legislative Council. The Government will consider such amendments on their merits. Sometimes approaches to the Government from Legislative Council members pick up on issues raised by a number of members.

It has been suggested that a previous report was released and that the legislation is not in accordance with a particular green paper. That is true. The fact is that the former Government did review the Prevention of Cruelty to Animals Act. As the honourable member for St Marys highlighted, though, that report was left in a bottom drawer, along with a number of other reviews of agricultural legislation carried out by the former Government. In

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that regard I am reminded of reviews of legislation governing the rural lands protection boards, and point out that amendments to that legislation will come before the House, hopefully before the end of this session. As I have said, the previous Government reviewed the Prevention of Cruelty to Animals Act but did not give a commitment to amend it.

A green paper was released, and, as some honourable members have pointed out, it watered down the original report. The honourable member for Murrumbidgee pointed out that this legislation is not completely in accordance with the green paper. All honourable members would recognise that issues of animal welfare are contentious. The views of different organisations, from extreme animal welfare groups to the more middle-ground animal welfare organisations to farmer organisations and so on, have to be balanced to bring forward legislation that will be passed through both Houses of Parliament. It is important to gain a consensus of views in order that the legislation may be passed through the various parties, groups and individuals represented in the Legislative Council.

The Government does not simply review legislation, toss amendments before the Parliament and expect all other parties to fall in behind, and that is not the way that this review process took place. The honourable member for Barwon raised concerns about steel-jaw leg traps and about increases in penalties and fines for corporations. I

shall first answer the honourable member's specific questions about steel-jaw leg traps. It is not an offence to possess the traps unless an attempt is made to use them. It should be noted that soft-jaw traps are available as an alternative. The honourable member for Barwon made a distinction between big companies and small family farms. I point out that many large, intensive industries such as piggeries and egg producers are family owned. One prominent piggery in the south of the State may be thought to be owned by a large corporation but is in fact owned by a family company.

Courts will exercise discretion with respect to family farms. The bill provides for maximum penalties only and courts will take into account mitigating circumstances - for example, whether the matter concerns a small family farm or a large corporate organisation. I trust my comments have answered most of the concerns of the honourable member for Barwon, whose contribution generally supported the legislation. The honourable member expressed some concern about future inventions of electrical devices. I assure him that the Government will address that issue after the animal welfare advisory committee assesses any new electrical device.

The honourable member for Barwon spoke about leniency towards owners when animals suffer stress under exceptional circumstances such as drought. This problem has received excellent cooperation between the RSPCA and farmers. Any instance of farmers being harassed over treatment of animals during times of drought has been the subject of a more cooperative approach than that suggested by the honourable member for Barwon. I acknowledge the contribution of the honourable member for Kiama, who spoke about his support of and commitment to animal welfare issues. He suggested that the RSPCA is lobbying strongly for owners convicted of aggravated cruelty to animals being automatically banned from owning animals.

After a discussion with Charles Wright from the RSPCA, who is present in the public gallery, I advise the House that courts already have power to ban a person convicted of an act of aggravated cruelty from owning an animal. However, the Government is prepared to give this matter prominence when it is debated in the other place. The Government does not want to reverse the onus, that is, courts determining whether to invoke an automatic ban on animal ownership. If the case before the court is serious, the court has power to ban for life that person owning an animal. The Government considers that is the appropriate procedure to follow.

The suggestion was that perhaps specific wording in the legislation would give this issue more prominence without reversing the onus. If that procedure is proposed in the Legislative Council, I shall give further consideration to it. I have already commented on the honourable member's concern about electrical devices, but I add that experimentation or development of new or useful electrical devices will not be inhibited provided it is in compliance with the Animal Research Act and can be incorporated in the prevention of cruelty to animals regulation if it is considered beneficial. It would be better if the animal welfare advisory committee, which comprises a range of people, including representatives from New South Wales Farmers, rural lands protection boards and animal welfare organisations, advised me of these electrical devices before their approval.

That was the procedure that was followed during an earlier emotive debate. After considering the advice and views of the committee I made a decision that may not have been in accordance with

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its recommendations. The animal welfare advisory committee forwarded many recommendations on a number of electrical devices used in farming activities. The honourable member for Kiama raised the issue of the rights and facilities of inspectors under the Prevention of Cruelty to Animals Act - POCTA. Under the Act these officers have access to research and education facilities to investigate breaches. The Act was amended two years ago to allow that practice to continue.

As I mentioned in the debate on the Animal Research Amendment Bill, the Government will undertake a wide-ranging review of the Animal Research Act and the powers of POCTA officers will be subject to further review. Mention was made of cosmetic operations. I advise the honourable member for Kiama that the regulations under the Act cover such interventions as cropping of ears, pinioning, tail docking and nicking. The honourable member said that the legislation appears contradictory in relation to steel-jaw leg traps in that it says using the trap is illegal, but owning or perhaps selling it is not.

Parliamentary Counsel advises that the proposed prohibition of sale and manufacture of steel-jaw leg traps was not consistent with mutual recognition legislation. In other words, it was not consistent with other States. Therefore, the draft bill includes only an offence for setting and one for possessing a steel-jaw trap with the intention of using it to trap an animal. Because the possession offence is qualified by the intention of using it to trap an animal there is no need to include a special provision for bona fide collectors. For that reason, collectors are exempt from that prohibition.

The honourable member for Murrumbidgee raised many points, obviously resulting from his experience as a member of the Regulation Review Committee. He referred to crustaceans and other animals and asked that the definition of animal be expanded. Many organisations and individuals have made similar representations to the Government. Should any productive suggestions be put to the Government during debate in the upper House, it will consider including crustaceans in the definition. The honourable member spoke also about the Hilmer review, which will be conducted in 1999-2000 in conjunction with the review of the Animal Research Act.

Pet shop codes, which were raised by the honourable member for Murrumbidgee, are enforceable under the 1996 animal trades regulation. Those codes were negotiated under the auspices of the animal welfare advisory committee and involved representatives from animal welfare organisations and industry. Those matters would have been enforced earlier, but were delayed by the then Minister for Agriculture and present Leader of the National Party in this place. The honourable member for St Marys echoed the concerns about using steel-jaw leg traps. The issues he raised about what happens when the traps are used should be balanced against the comments of country members about wild dogs, feral animals, foxes and so on.

The honourable member confirms what the Opposition said about the traps: they are not specific to wild dogs and foxes. The steel-jaw leg trap catches many domestic animals and protected species. Whilst I take on board the emotive comments of National Party members about the use of these traps, I trust it would be acceptable to the majority of the community if we got the traps to spring only feral animals. Of course, that cannot be the case. Many protected species and domestic animals have been caught by these traps and subsequently suffered horrible deaths, as highlighted by the honourable member for St Marys. The philosophical comments of the honourable member for Monaro about the relationship between animals and people on the land highlighted my opening remarks - that is, the conflicting views about the emphasis on animal welfare by landowners.

I recognise that to many landowners and farmers care of the animal is a commercial and sensible business practice. The Government recognises also the countervailing argument of many animal welfare organisations that more scrutiny is necessary. This balanced and middle-of-the-road legislation accommodates both views. In conclusion, I express my appreciation to honourable members from both sides of the House for their balanced and positive contributions, even allowing for criticisms. I thank also department officials of the animal welfare unit and the legal section, who are present tonight, for their help in drafting the legislation and for the work they carried out on many issues raised in this debate.

I also thank the New South Wales Farmers Association and the Royal Society for the Prevention of Cruelty to Animals for their work in bringing debate on the Prevention of Cruelty to Animals Amendment Bill back to the middle ground, to get it away from the extreme points of view put by extreme elements of the animal welfare group, and by some extreme rural people. Although staff

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members are not usually named, I thank Genevieve Slattery from my office for her two years hard work in bringing these organisations together. She has discussed and resolved many disputes about animal welfare. In the House this evening I am pleased to recognise her work. I thank honourable members for their comments and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SMOKING REGULATION BILL

Second Reading

Debate resumed from an earlier hour.

Mrs SKINNER (North Shore) [9.11 p.m.]: It gives me great pleasure to support this bill, which is based on the deal brokered between the hospitality industry, health groups and the coalition.

Dr Macdonald: A sleazy deal as well.

Mrs SKINNER: I will give some detail about the efforts taken to produce the bill. I overheard the comment made by the honourable member for Manly. I acknowledge that he, along with Reverend the Hon. F. J. Nile in the other place, introduced the initial legislation which led to this outcome. The bill is the result of negotiations between the health groups and the hospitality industry to accommodate their needs. This is a huge step forward, and it may not be perfect - I acknowledge that for the honourable member for Manly. In fact, it is landmark legislation which would not have existed if the coalition had not worked extremely hard to find common ground between the hospitality industry and health groups.

Why the Government failed to negotiate this position is a total surprise to the coalition. If the coalition were able to negotiate an agreed position within 2½ weeks, why not the Government? What was the Minister's problem? Was his heart not in it? An article written by David Humphries, which appeared in the *Sydney Morning Herald* on 12 May, gives some insight into this. Referring to the Minister, the article stated:

He was determined to lead the assault and not be seen to be led kicking and screaming by an Opposition which subsequently secured the political kudos and the perception of public support for its own anti-smoking plan.

Until the eleventh hour this legislation was not supported by the Minister in his heart. His colleagues in caucus insisted that he bring this legislation into this place. The article continued:

His plea fell on deaf ears and he was left with the ignominy of one of the more comprehensive defeats inflicted on a minister in this Government . . . Refshauge, who had emphatically rejected the Opposition plan as "a Clayton's package", was forced by the Cabinet defeat to eat humble pie and limply offer that "the Government has been convinced of the public and industry support for the Coalition amendments".

He is right on that, there is public and industry support for this legislation. That leads me to this point: why did the coalition put so much energy into trying to reach some common ground? I assure honourable members from the outset that my personal commitment is 100 per cent to ban smoking in enclosed places where food and drink is served. It is well known in this House that I was a smoker for 30-plus years. The day I gave up smoking was the day that the Leader of the Opposition asked me to be the shadow minister for health. I did so - and I have cursed him ever since - because it is important for anyone who purports to put together a policy for people relating to health to lead by example.

It is important for the public perception that one is not tainted by one's own addiction to a substance. I have said before that I do not criticise anyone in this place for smoking because I know how difficult it is to give it up. I tell everyone I see that if there is anything I can do to assist in that regard, I will. From the outset I was keen to try to find a position which would address this serious topic of restricting the damage done to people, both patrons and employees, in the hospitality industry who are exposed so severely to environmental tobacco smoke.

I know that the Minister acknowledges that this is a problem. He set up a passive smoking task force 12 months ago. Amongst the terms of reference of that passive smoking task force were requests to investigate many matters. It was a tremendous surprise to members of the passive smoking task force to wake up on the morning of 4 April this year to learn that the Minister had rejected out of hand their recommendations before they had gone to Cabinet and before the members had been advised of the Minister's stance. The members of the task force were angry, which led them to approach the coalition.

A number of members approached me to see what I could do. I was happy to start the negotiating process. It was an interesting process which took some time and necessitated numerous drafts. The honourable member for Manly asked me regularly

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about the coalition's position. I told him that it changed. It was fluid over those couple of weeks until we found some common ground. I know that the honourable member for Manly would like to have a total ban on smoking in public places from tomorrow.

Ms Ficarra: So would we all.

Mrs SKINNER: Not all; some would. In reality that was not likely to be achieved.

Dr Macdonald: You went to water.

Mrs SKINNER: No, we certainly did not go to water. One reason that the Minister dragged his feet, as has been quoted, was fear of one of the large industry lobby groups, including the Australian Hotels Association. On the day of the Minister's announcement, 7 April 1997, the editorial in the *Sydney Morning Herald* stated:

The State Health Minister, Dr Refshauge, has made the mistake of creating a committee that has brought forward a recommendation he refuses to endorse . . . Even before the recommendation has been presented to the State Cabinet for discussion, however, Dr Refshauge has rejected it. His reasons for this smokescreen are unconvincing.

A ban, he insists, is not on the agenda. Why then was the task force asked to consider all aspects of passive smoking? Dr Refshauge then makes the doubtful assertion that the public does not want such a ban . . .

And if Dr Refshauge's first and last position was always against following the logic of the present legislation, this question becomes relevant: Why did he allow the committee to go through the extensive examination of all the issues involved with passive smoking when he was totally opposed to the most likely major recommendation of the committee?

All the community and interest groups, except one, have endorsed the major recommendation. The recalcitrant group is the Australian Hotels Association.

Numerous other newspaper articles that appeared at that time gave the same message. It will come as no surprise to honourable members that in the first instance it was the health groups that contacted the coalition to discuss this issue. They were strongly supportive of the stance taken by the passive smoking task force - basically, a total ban. In all the key negotiations I had the total support of the Leader of the Opposition. In fact, most of the meetings were held in his office. I also had total support from former Ministers for health, Ron Phillips and John Hannaford. I thank them and I also thank my colleagues for their support. Early in negotiations I met with the Restaurant and Caterers Association which was represented on the task force and was very supportive of the ban. When we commenced those negotiations we believed it was unlikely that the Australian Hotels Association would come on board, but we agreed to try to get their support. We thought that the sticking point in the Government not taking a bold decision to support the legislation was its concern about the views of the Australian Hotels Association.

The Leader of the Opposition and I met with the Australian Hotels Association and were told of that organisation's motivation to do something because of the known risk to its employees. The AHA knew that its employees were suffering very dangerous exposure to environmental tobacco smoke and it wanted something done about it. The AHA was far more willing than anyone had imagined to come to the negotiating table. I am pleased to say that the AHA was very supportive of the major amendments made to this legislation, including exemptions to be granted to venues with equipment which complies with clean air quality standards. In other words, the health factor of the air, not the comfort factor, would be the determining principle.

Another amendment made to the original bill introduced by Reverend the Hon. F. J. Nile was that outdoor dining was to be encouraged by the development of an outdoor dining State environmental planning policy. This amendment has been met with enormous enthusiasm by the hospitality industry and health groups. There is much to

be gained from meeting the needs of the hospitality industry, which wants to cater for clients and customers who still wish to smoke. But outdoor dining will have an additional effect of adding to the enormous excitement and ambience of Sydney. I have never been able to understand, why with our climate, our beautiful city, our fabulous harbour setting and our very attractive suburbs, there is not more outdoor dining. I am sure the same applies to the country. The honourable member for Port Macquarie is present and I cannot imagine anything better than sitting in a outdoor restaurant in Port Macquarie.

Mr Brogden: Or Pittwater.

Mrs SKINNER: Or Pittwater, what a wonderful thought, or Bega, in fact. The mayor of Hurstville is in the gallery. Hurstville is a wonderful place to have an outdoor restaurant. Sydney and New South Wales will be much better off for the introduction of an SEPP that encourages outdoor dining. Other amendments negotiated with the industry and health groups included a time frame in which the legislation was to come into effect. I know there has been criticism of that. I would have liked it to have been quicker but the reality is that notice has to be given so that the public and the

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industry can be educated about the changes. A reasonable time frame has to be established so that those who wish to make arrangements for customers who want to smoke, such as setting up outdoor dining areas, have the time to do so. This is an important aspect of the amendments negotiated by the Opposition.

To those who are fearful that the reference in the bill to acceptable air quality standards will mean that the measures in the bill are never implemented, I place firmly on the record that that is certainly not the intention of the coalition. The coalition is absolutely committed to a ban on smoking in indoor restaurants, pubs and clubs. If there is a deliberate delay with the development of a standard, that can be dealt with. In fact, it must be dealt with by the Government. The Government intends to move an amendment to bring forward a review of this process. The coalition will be happy to support that amendment to the bill introduced in the upper House by Reverend the Hon. F. J. Nile. The coalition acknowledges that the minor drafting amendments to be moved by the Government are designed for the Government to put its stamp on the bill and therefore extricate itself from the somewhat embarrassing corner into which it has been painted by the Minister.

The consultation undertaken by the coalition led to enormously warm support for its position. Surveys were conducted, letters written, and public comments sought. During this negotiating period the Heart Foundation released the results of a survey which it had recently completed. The foundation found that 94 per cent of New South Wales residents supported restrictions on smoking in restaurants and 65 per cent of people wanted restrictions on smoking in pubs. And 74 per cent favoured smoking restrictions in licensed clubs.

Support for smoking restrictions was consistent across country and city residents, age groups, socioeconomic groups, and also among regular visitors to these venues. That very important and timely survey assisted the coalition to negotiate its position. I am sure it assisted also to convince members of caucus because in the end the Minister was rolled on this issue, even though he did not want to introduce this legislation. I also wish to put on the record the comments made to the coalition by other groups. The Australian Cancer Society in a letter to me dated 14 April stated:

Dear Mrs Skinner

We write to request that you give your support to legislation in the NSW Parliament that would protect the health of both workers and patrons in the hospitality industry by banning smoking in all places where food and beverages are served.

Since the 1970s, the medical evidence about the harmful effects of passive smoking has been well established and documented by major medical research agencies and health authorities.

Although most workplaces in NSW are smoke free -

because of initiatives introduced by the former coalition Government's health Ministers, whom I have already acknowledged. The letter further states:

- workers in the hospitality industry continue to be exposed to high levels of environmental tobacco smoke, from patrons who smoke. Particles in tobacco smoke are especially hazardous because they are inhalable and remain airborne for hours after smoking has stopped . . .

The letter goes on to refer to current ventilation standards that the cancer society, and also the passive smoking task force, acknowledged were inadequate. That is why the coalition has allowed a new health standard to be developed. I received a further letter from the Heart Foundation, dated 9 April, which stated in part:

Each year about 2,400 people in New South Wales die from heart and other blood vessel disease because they smoked cigarettes. Many more, having suffered a heart attack or stroke, live on but are at serious risk because they continue to smoke.

In New South Wales the cost of smoking is about \$4.2 billion a year, a sum much greater than the \$871 million collected in State tobacco licence fees . . .

A USA study concludes that the risk of heart disease might be increased by as much as 20% due to passive smoking.

That brings me to an article that appeared in today's *Sydney Morning Herald*. It is based on material issued by the Heart Foundation that I received today but is dated 20 May. The letter stated:

Dear Ms Skinner,

We would like to bring to your attention a landmark study that was published today in the American Heart Association journal *Circulation*. It highlights that exposure to environmental tobacco smoke (ETS) is even more dangerous than was previously thought.

The study by Harvard researchers shows that steady exposure to ETS nearly doubles the risk of having a heart attack. This 10 year investigation of 32,000 non-smoking females indicates the strongest evidence yet that exposure to smoke in the workplace is at least as dangerous as at home.

This provides strong scientific backing for mandatory measures to prevent workers and others being involuntarily exposed to ETS. Given the strength of measures that apply to other chemicals in the workplace, exposure to ETS is clearly unacceptable.

Dr Macdonald: It also criticised the delays.

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Mrs SKINNER: That was the final paragraph of my letter. I have also received letters from the Thoracic Society of Australia and New Zealand, the Royal Australasian College of Physicians and a number of other organisations. I will not quote from them because I know other honourable members wish to speak in this debate. But I will put on the record once again that the coalition is extremely pleased that the bill has come forward. We appreciate that it is a compromise and that some groups who wanted to get everything done overnight will be disappointed. The Opposition believes that not only those in the hospitality industry, but also the many health groups who congratulated the coalition for negotiating this position, have taken a realistic viewpoint.

Anne Jones, the executive director of Action on Smoking and Health - ASH - is well known to many in this House. She was simply wonderful in assisting me to negotiate this position. She congratulated the Opposition on its hard work in consulting interest groups to come up with the solution. She did so on radio. Jenny Lambert, the chief executive of the Restaurant and Catering Association of New South Wales, described the Opposition's proposals as a great basis for the finalisation of workable legislation. In a press release dated 23 April, Miss Lambert stated:

With a difficult issue such as this it is important that genuine public health concerns are balanced by a common sense approach to implementation, in line with community expectations. We believe that the Opposition's proposals achieve that.

I wish to conclude by referring to a letter that I received from David Charles, the chief executive of the Australian Hotels Association. Given that it was the major critic of any legislation of this type, I wish to thank that association

for its very willing participation with the coalition to arrive at the position we did. The letter, which is dated 21 April, stated:

First, the President and myself would like to thank you and Opposition Leader, the Hon Peter Collins MP for a most constructive meeting at the Opposition Leader's office last Wednesday.

The AHA (NSW) is always ready to be involved in the policy making processes of the Coalition parties in the lead up to the next election.

The AHA (NSW) Executive has voted to agree to your proposal with only two slight changes as marked in bold and italics.

Those are the proposals honourable members see before them in clause 6 of the bill introduced by the Government. I thank the Australian Hotels Association, which as late as 6 o'clock this evening confirmed its support for the legislation and wanted no further changes. I hope that this is the beginning of a total ban on smoking in indoor enclosed places in restaurants and clubs in New South Wales.

Dr MACDONALD (Manly) [9.35 p.m.]: I would not refer to the bill as the Smoking Regulation Bill; I prefer to call it the smoking non-regulation bill. I intend to support the bill only because I support the principles it espouses, but I am not happy with it and I intend to move amendments to it. Listening to the debate one might think we were debating good legislation, but it is absolutely pathetic, and it will be years and years before it is operative. It might be likened to a life raft full of holes. It is claytons legislation, and in fact those words were used by the Minister at one stage. This legislation will make us the laughing-stock of the community.

The Minister claims that he was forced to accept the bill from the upper House because the Opposition and the industry had entered into some sort of agreement with the assistance of the lobbyists. I believe that is an absolute cop out. The Minister had every chance to introduce decent legislation in the Legislative Assembly, based on the recommendations of the task force. I believe he shielded behind this pathetic agreement that was charted in the upper House, and ignored those recommendations. Frankly, I think that both the Opposition and the Government are afraid to take on the tobacco industry and the Australian Hotels Association.

It is a day of shame for this House that we have legislation before us that is so watered down and weak. In my view the Opposition was gutless in the way it arranged for the legislation to be watered down in the upper House. The Opposition could have held out for a much better deal. It did not and, admittedly, that left the Minister in a fairly difficult position. The Minister just fell in behind the Opposition, and since then he has been blaming some kind of conspiracy that he says has taken place. I object to the way that the lobbyists, who have worked extremely hard on this issue, are being verbally by various people, including the Minister, who have suggested that they were also involved in the deal. That is certainly not the information I have received.

This legislation is the lowest common denominator; it is so watered down as to be hardly recognisable from that which we had before. The Minister has the numbers in the upper House and he

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has the numbers in the lower House. We could have produced good legislation based on the recommendations of the task force and it would have been passed. But, no, it is easier to blame the Opposition for doing some kind of secret deal. I would argue that the Minister allowed the Opposition to do the dirty work for him. In its current form the legislation will take eight years to reach fruition, and even then it will not protect public health. A report in the *Daily Telegraph* on 7 May indicated that, initially, the Minister recognised the position that I have taken, because he was quoted as saying that he described the Opposition's plans as a clayton's response that would take eight years to be fully implemented. The report continued:

Earlier, the year-long passive smoking task force rejected any moves for better ventilation.

"You can get rid of the smoke, you can get rid of the smell, but . . . you can't get rid of the carcinogenic acids that cause the problem," task force member Jenny Lambert said at the time.

Jenny Lambert, from the Restaurant and Catering Association, recognised the problems inherent in this legislation,

as did the Minister. But he has shifted his position because he has been rolled in Cabinet. In its typical way the industry has been fighting this sort of legislation for years. Indeed, the most recent publication of *Australian Hotelier* describes its position in "Viewpoint". It basically calls for self-regulation and rejects any legislation that is promoted or proposed around the country. It refers to the South Australian legislation, which will commence in January 1999; the Australian Capital Territory legislation, which has already been introduced but unfortunately has exemptions; and the Western Australian legislation. In every publication I have read, the Australian Hotels Association has had to be dragged kicking and screaming to recognise the risks of passive smoking. Its power has produced this watered-down legislation.

The Australian Hotels Association has been muddying the water with its documents. I have before me a submission that was sent to all members of Parliament by Philip Morris (Australia) Limited, which addresses private members' bills proposing smoking bans in public places. That submission, which refers to Fred Nile's bill and to my bill, is a litany of lies. The tobacco industry has never told the truth, and in this document of 10 April it has continued to lie. It stated that no legal case in Australia has resolved the issue of environmental tobacco smoke - ETS. That is wrong, as was proven by the Morling case, which is referred to in the report of the task force. The statement in the submission that there is no conclusive scientific evidence of the risks of exposure to ETS is absolute nonsense. The submission says that imposing bans has the potential to severely and negatively impact on the financial viability of the hospitality industry.

I have a message for the AHA and the hospitality industry: if they do not impose bans very soon, there will certainly be an impact on their financial viability, because they will be litigated out of business. I hope they and the tobacco industry are litigated out of business. The Nile bill, on which this legislation is based, was good legislation. It was almost the same as the Smoke-Free Areas (Enclosed Public Places) Bill, which I introduced in October 1996. It promoted public health by reducing exposure to environmental tobacco smoke and it banned smoking in enclosed public places. The Nile bill has been gutted and emasculated as a result of the sleazy deal done by the Opposition in the upper House. It is a sell-out to vested interests. It is merely a feel-good bill.

The honourable member for North Shore said the legislation is acceptable, and the Minister will say it is acceptable, because everyone wants to feel good. If one dissects the bill one discovers that it is not good legislation, that it is full of holes. It will be years before it takes effect. It relies on exemptions based on some vague air quality standards. I would be delighted if any member could tell me what is meant by air quality standards, because the bill is silent on it. Even if those standards were attainable they would be immensely expensive and discriminatory; they would favour the wealthier establishments. The task force recognised that, and its report totally rejected the concept of a ventilation solution, on which the exemptions are based. The report of the task force stated:

that hospitality establishments being 100% smoke free is the only certain means whereby the patrons and employees of the hospitality industry are protected from exposure to ETS indoors.

The air quality standards that are required to be met are not even prescribed in the bill; they may take years to determine. It is sad that the starting point for this legislation is linked to the determination of those standards. If the bill has no effect until five years after the determination of the standards - we do not know if they can be met and we do not know their objectives - it is never-never legislation. I would think the honourable member for Dubbo would be delighted with this legislation, because it will never happen.

The House must be reminded of the need for decent legislation. Fuelled by the AHA, a large
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amount of misinformation is being disseminated to the community. In the early 1970s medical and environmental health journals began presenting evidence on the health effects of ETS. Some major research agencies and health organisations, including the National Health and Medical Research Council in 1986, the Environment Protection Authority and the United States Surgeon-General in 1986, and the Independent Scientific Committee on Smoking and Health in the United Kingdom in 1988, reviewed the evidence and drew conclusions about the adverse effects of passive smoking on health.

Specific mention of the risks to the community of exposure to passive smoking has also been made in the

policy statements of a range of health and medical organisations, national and State government committees, and non-government health charities within New South Wales and nationally. A document entitled "Better Health Outcomes for Australians" stated that national goals, targets and strategies for better health outcomes in the next century recognised the link between passive smoking and a range of diseases. It nominated the reduction of exposure to tobacco smoke throughout the community as a goal in the prevention of cardiovascular disease and lung cancer.

The introduction of meaningful legislation is important for a number of reasons. It will protect the health of 120,000 hospitality workers, it will reduce the risk of liability for employers from claims related to environmental tobacco smoke, and it will be consistent with community support, as the honourable member for North Shore said. A study conducted in April by the Heart Foundation into the views of restaurants, clubs and hotels revealed that more than 70 per cent of people are in favour of restrictions. But more important, the results were consistent with the recommendations of the passive smoking task force. [*Extension of time agreed to.*]

The task force was established by the Minister early in 1996 to consider a range of reports, evidence, and public and expert opinion to assist it to develop a report for the Minister on options to eliminate exposure to ETS in places where food and beverages are consumed. The task force came up with a number of outcomes, which are contained in its executive summary. The task force identified workers in the hospitality industry as being especially vulnerable because they are exposed to ETS from smoking patrons throughout their daily working shifts. Research has indicated that exposure to concentrations of ETS in the workplace is likely to be at least 1½ times higher for restaurant workers than for those who live with a smoker, and at least 4.4 times higher for bar workers than for individuals with only domestic ETS.

The task force was concerned about the risks to the general public. Those who were most vulnerable to adverse health effects following short-term exposure in those areas included adults suffering from asthma, heart disease, diabetes and chronic airways disease; and children. The task force also concluded that there were no public health grounds for treating eating and drinking facilities differently, and considered recommendations across the hospitality industry as a whole. It said that the majority of the task force recommended the adoption of option 3, which was to introduce public health legislation to prohibit smoking in indoor places where food and beverages are consumed as a preferred option for New South Wales.

The task force clearly indicated the need for legislation. But what happened? The Minister completely fumbled the opportunity provided to him. Other States have already moved on this issue. The clouds are gathering over the tobacco industry, which is arguably one of the most corrupt industries in the world. It is responsible for countless deaths: the information disclosed in the United States leaves us in no doubt about that. The tobacco industry has lied to the community for years, and it is still lying to the Australian community in the information it is distributing. The industry should be dealt with severely with good, decent, strong legislation. The clouds that are gathering are not smoke clouds: they are legislation and litigation clouds. I hope that those areas of the hospitality sector that have doubts about it will seek legal advice, because if they do not move quickly they will be sued out of business, notwithstanding future legislation that may be introduced.

As I said, the Australian Capital Territory and South Australian governments have legislated, but I am unhappy about the exemptions they have provided. The Minister has missed a golden opportunity to introduce strong and timely legislation, which could have been put on the back of the task force report. When the Minister established a committee to make recommendations he should have realised that he had an opportunity to act on those recommendations but he failed to do so. It goes even further than that. I am concerned that certain elements in the community, particularly the Cancer Council, have been told not to speak out on the task force recommendations. I imagine that other members on the task force have been told the same thing. That is a great shame.

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I acknowledge the work done by the lobbyists. Earlier I said that the Minister's view that the lobbyists back the Opposition on this matter is untrue. The lobbyists have merely worked with honourable members of both Houses. They have worked on private members' legislation and on the task force. For the Minister to argue that they

are part of the sleazy deal between the Opposition and the Australian Hotels Association is wrong. The correspondence I have received from the Cancer Council, Action on Smoking and Health, the Cancer Society, the Heart Foundation and medical specialists has been consistent. In a letter dated 14 April, Anne Jones, Executive Director of Action on Smoking and Health, who was also a member of the task force, summarised the strong need to introduce smoke-free public places legislation. The letter, which I understand was sent to all members of Parliament, stated:

As you would be aware, the Health Minister Dr Refshauge in media statements last week rejected the recommendation of the Taskforce - an expert group of hospitality and health leaders convened by the Minister over a year ago to consider both the evidence and opinions for eliminating exposure to passive smoking . . .

The health effects of passive smoking are well established by numerous scientific studies . . .

The list of those studies is provided. The letter further stated:

Although the majority of workplaces in New South Wales are smokefree, hospitality workers and patrons however, are not given the same level of protection provided to employees in other industries. Environmental tobacco smoke (ETS) is a very significant occupational health hazard for the 120,000 people working in restaurants, pubs, clubs and entertainment venues. Within the hospitality industry, exposure to ETS is as much as 4.4 times higher for bar workers as opposed to 1.5 times higher for restaurant workers . . .

As there are two private members bills in the Parliament . . . we are seeking your support for this legislation . . .

The letter refers to community surveys, to which I referred. The letter concluded as follows:

Our Taskforce did give careful consideration to other options, such as phasing in of bans and ventilation issues, but these were rejected in favour of legislation that provides equal protection for the health of employees and patrons across all sectors of hospitality. The only opposition, which is from the Australian Hotels Association, ignores both the health evidence and the economic impact statements from the USA which show that bans do not have an adverse economic impact on businesses. In fact, studies of sales tax data over several years clearly expose the false assertions of tobacco interest groups that bans result in profit losses.

I have read the contents of that letter onto the record to put to rest the remarks made by honourable members, and the Minister, that the lobbyists and health groups have in some way gone to water. If the Minister had introduced legislation instead of allowing himself to be pulled along by his nose by the Opposition and being required to introduce this pathetic bill, the lobbyists and health groups would have supported him. However, from the beginning the Minister gave no indication that he was prepared to support the task force.

Dr Refshauge: That is an absolute lie.

Dr MACDONALD: Do not call me a liar. The Minister should refute my statement when he speaks in reply.

Dr Refshauge: Making that assertion about me is a lie.

Dr MACDONALD: I asked a question in this House - [*Time expired.*]

Mr PEACOCKE (Dubbo) [9.55 p.m.]: I recognise that this bill as amended is a compromise between those implacably opposed to smoking under any circumstances and those who accept that about 30 per cent of Australians are smokers who are entitled to certain rights. It is not beyond doubt that smoking can be harmful to smokers but I do not accept that the available evidence has in any way established that environmental tobacco smoke causes the harm that the opponents of smoking claim. The honourable member for Manly and the honourable member for North Shore referred to the report of the passive smoking task force. That report was highly prejudiced, as was found by the court, and flawed in a number of serious ways. Indeed, the Australian Medical Association agrees that the report is flawed. Therefore, anyone who relies on it is relying on something that is false to the core.

It seems to be a fundamental principle that if we as legislators propose to curtail or remove any rights of our

citizens, we should base our decisions on proven facts, that is, facts derived from rigorous application of proper scientific methods to a given set of circumstances. That is not an unreasonable proposition because this legislation will not only restrict the rights of individuals but also impose a significant cost on many businesses and small businesses in particular. Smoking restrictions are a sensible and appropriate policy tool for limiting exposure to tobacco smoke. They are also in a sense a codification of polite response by smokers to those who find smoking offensive. However, that does not mean that all smoking in public should be banned.

The key policy issues are how broad such public smoking restrictions should be and what, if
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any, cost benefits will result. Contrary to what has been said by many people and organisations supporting a total ban on public smoking, most fair-minded people seek a reasonable accommodation for smokers as well as non-smokers. Thus, a survey funded by the New South Wales Cancer Council and the New South Wales cancer education research program published in the *Australian and New Zealand Journal of Public Health* in 1995 found that 80 per cent of those surveyed favoured either no restriction or special smoking areas in restaurants, hotels and pubs over a total ban. Other surveys have produced a similar response. Under those circumstances, the amendments proposed by the Opposition to this bill have considerable merit but also some drawbacks.

One would have to agree with tobacco industry proposals for a further amendment to incorporate Standards Australia standard AS1668.2, mechanical ventilation for acceptable indoor air quality, to give some certainty to the indoor air standards proposed by the bill. I said earlier that the deliberations of the House should be based on scientifically established facts. It is my opinion - and the opinion of many scientists here, in the United States and in other countries - that contrary to the claims of the Heart Foundation and other groups that quite properly oppose smoking that environmental tobacco smoke, ETS, poses a significant risk to adult nonsmokers there is no valid scientific evidence of that. I do not make that comment lightly, but I do so because the bill not only involves a significant restriction of the rights of a large section of the population using a lawful product; it may in fact delay a closer scientific analysis of other harmful substances in the air which may well cause much more harm than environmental tobacco smoke.

There are basically two classes of health hazard that have been linked to ETS, lung cancer and heart disease. The so-called evidence of the harmful effects of passive smoking is exclusively based on epidemiological studies. Epidemiology is a branch of medical science that studies the distribution of disease in human populations and the factors determining that distribution, chiefly by the use of statistics. The chief function of epidemiology is the identification of populations at high risk for a given disease, so that the cause may be identified and preventive measures implemented. While time constraints obviously preclude any detailed reference to the vast quantity of scientific research that challenges the validity of claims made by the antipassive smoking lobby, it is quite clear that because ETS exposure levels cannot be measured or in any other way quantified directly, even by representative markers, epidemiologists have had to use indirect estimates or surrogates of ETS exposure.

Almost all the studies have evaluated nonsmoking females married to a man who smokes. For children, the surrogate for ETS exposure has been the number of parents in the household who smoke. No study employs any direct quantification of ETS or of ETS-remnant constituents in the actual environment of the nonsmoker. Thus, it may not be the hazards of tobacco smoke that are being evaluated but a whole range of behaviours that result from having a smoking husband which may in turn increase the risk of certain diseases amongst wives and children. The implementation of public policies must be based on good science to the degree that it is available, not on emotion or on political needs. We who develop such policies must not stray from sound scientific investigations. I fear that when the Parliament has passed this bill it will ultimately be a costly attack on personal freedom, not on the basis of good scientific fact but on the basis of emotion.

The honourable member for Manly has claimed that the bill does not go far enough and is a cop-out. The evidence upon which the honourable member bases his case is, of course, highly suspect. It is not evidence that is challenged by people without knowledge of the issue, of science and of scientific methodology but evidence that is challenged by people who for years have insisted that there be rigour in scientific examination of various scientific factors. There is a wealth of material before the United States Congress and in Australia indicating clearly that the argument that ETS is harmful to the degree claimed is false and based on false premise. It has been estimated, and

probably with some justification, that in a workplace that permits smoking it would take between 260 and 1,000 hours for a nonsmoking worker to be exposed to the nicotine equivalent of a single cigarette. One could estimate that a worker might be exposed to the equivalent of between two and four cigarettes in a full year of work.

Based on data gained from a 1990 study of air quality on commercial aircraft, it can be estimated that a person would have to take 11 round trips from New York to Tokyo - about 250 hours flying - in the nonsmoking section of a Boeing 747 to be exposed to the nicotine equivalent of a single cigarette. In some cases the levels of ETS in parts of the nonsmoking sections of aeroplanes are even below the detection limits of sophisticated monitoring equipment. It has also been estimated that it would take 300 hours of dining in a restaurant that permits smoking to be exposed to the nicotine equivalent of one cigarette. Based on data from a

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number of studies, it can be estimated that a nonsmoker would have to spend all day and all night in a poorly ventilated smoky bar to be exposed to the nicotine equivalent of one cigarette. Those are not fanciful estimates. It has been scientifically proved that there are problems with direct smoking, inhalation of tobacco smoke and with the side smoke that comes from smoking a cigarette. Beyond that, in the realm of ETS, there has been no research that in any way indicates that the particulates in cigarette smoke are found in ETS.

Mr Glachan: I have details of the research here.

Mr PEACOCKE: Yes, but that is false. The bill has far-reaching consequences in that it relates to workers compensation and other factors that have the potential of large financial impost. I believe that, as a matter of simple justice and commonsense, we as politicians should be very careful in what we do. The Opposition's amendments will give a reasonable chance to allow the development of proper scientific testing to prove the matter one way or the other. As the honourable member for North Shore has said, the amendments will allow time for industry to make preparations, provided that there is a clear standard for clean air. [*Extension of time agreed to.*]

This is an age of wowsers. People lightly deprive other people of the right to do something that they do not want to do. Apparently it is all right for homosexuals to go into a public lavatory and commit an offence but it is not all right for a smoker to have a cigarette. It is important that we have some rationality in our approach and it is important to provide fairness and equity. I understand very well that some people who do not smoke do not like one to smoke in their homes. They find it offensive - and that is their right - and they expect one to not smoke in their cars. But when people say to me that I cannot have a smoke in the street or at a public football or rugby match -

Mrs Skinner: We are not saying that.

Mr PEACOCKE: But that is what people have said, and it is the next step along the way. Some of the wowsers say people should not smoke while they are in the open watching a game of rugby. Until I gave up six weeks ago, I was a smoker for 40-odd years. I still like a smoke.

Mr Rixon: Forty? Come on, be honest!

Mr PEACOCKE: Perhaps 45 years. Like many other people I still like a smoke. What is the point of going to a bar if you cannot have a smoke with a beer? I understand that those serving and working behind the bar may find the atmosphere offensive, in which case they should not work behind the bar; they should work somewhere else. By the same token, if people are to be stopped smoking in public bars, the evidence should be clear, sustainable and proved; it should not be based on emotion, and it should not be nonsense or lies. Those who support the findings of the passive smoking task force were probably motivated by a good feeling: they wanted to stop people smoking. I do not object to that, but to use evidence that is untested, emotional and unscientific is completely wrong, no matter how worthy the cause is that is sought to be enforced.

The honourable member for Manly said that people will end up in court over this issue. Every court decision but one has been that the scientific evidence available at this stage is not sufficient to enable the courts to make a decision about whether passive smoking is dangerous. One finding in the lower court was favourable to the case of those opposed to passive smoking, but that decision was overturned on appeal. It is not right to say that courts have

found this or that decision. Today the Heart Foundation sent me a copy of a report by the American Heart Association of a survey by one Kawachi, a survey that many people rely on to support their case against passive smoking. The letter states:

The authors acknowledge limitations of their study, including the fact that exposure to passive smoking was assessed by self-report and only once, at the study's outset. But Kawachi says that with society's changes in the past decade, including more restrictive smoking rules in offices and public places, along with smoking cessation efforts, one would have expected to find a lower, not higher, trend of heart disease risk due to passive smoking. No such "downward drift" was seen, he says.

That is an admission that the accuracy of the survey may be in doubt. Earlier I said that passive smoking was linked by those opposed to it to heart disease and lung cancer. One further connection has substance, and that is in respect of people who suffer from asthma. It has been found that a person who suffered asthma and came in contact with ETS suffered an attack. That may well be true, and perhaps that is one area where there is direct evidence, even if it is only anecdotal, of the causal effect of passive smoking on those who suffer from asthma. I expect that as legislators we should try to avoid possible danger to our citizens. If we intend to deprive people of their rights, we should only do so based on fact - and in this case it should be based on scientific fact. That pure scientific fact is not available, and to claim that it is overwhelmingly proven is totally and absolutely wrong. A huge

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volume of evidence exists worldwide by scientific people of integrity and skill which says that that is the case. I place on record that I hold that view, and I will do so until someone accurately proves that the claims in respect of ETS are correct.

Ms FICARRA (Georges River) [10.14 p.m.]: The legislation has been long awaited by most Australians. Even most smokers agree it was inevitable, Most smokers would love to kick the habit, as the honourable member for Dubbo has done. Indeed, the majority will try repeatedly during their smoking years to give up that unfortunate dependence. Since the 1970s medical evidence about the harmful effects of passive smoking has been overwhelming, and it has been backed up by major medical research authorities. The most recent results, those from a 10-year Harvard University investigation of 32,000 non-smoking women, were published in the *American Heart Journal*. The results reveal a doubling of the risk of myocardial infarction - that is, heart attacks - from passive smoking.

The object of the bill - and to all intents and purposes it is an Opposition initiative - is to prohibit or restrict smoking in enclosed public places. According to a Newpoll market research conducted on behalf of the Heart Foundation, 94 per cent of 330 people polled, who were aged 18 years and over, throughout New South Wales during April this year wanted restrictions on smoking in restaurants, and nearly two-thirds wanted restrictions on smoking in pubs. Nearly three-quarters of adults in New South Wales favour smoking restrictions in licensed clubs. Support for smoking restrictions was consistent across city and country regions, in age and socioeconomic categories and for regular visitors to the venues.

These results should give honourable members confidence in supporting not only the view of the Heart Foundation but also the myriad of health care lobby groups, consumer groups, doctors, nurses and paramedics that have to deal daily with the ravages of smoking. About 25 per cent of Australian adults are active smokers, but everyone is a passive smoker at some time. Many workplaces have banned smoking, but about 40 per cent of Australian indoor workers are still exposed to tobacco smoke, particularly at clubs, pubs and restaurants.

Recently a Wollongong bar worker lodged this State's first passive smoking suit seeking damages for throat cancer she claims was caused by 20 years of working in smoky pubs and clubs. The right of adults to smoke is not in question. However, their right to smoke anywhere they like should be challenged if it harms others. Passive smoking is the most readily preventable cause of respiratory impairment in childhood. Why was the tobacco industry so anxious about the National Health and Medical Research Council findings on passive smoking?

Each year passive smoking leads to more than 5,400 extra hospital admissions and costs Australia \$21 million. Passive smoking is firmly linked as a causal factor to lower respiratory tract illness in young children, asthma, lung cancer and cardiovascular disease. It leads to 51,600 episodes of asthma in children under 15 years, as well as 2,000

admissions to hospital in the first 18 months of life because of chest illness. A recent letter from Associate Professor Breslin, a thoracic physician at Concord Hospital, reminds us that 10 per cent of the adult population and 25 per cent of those under 20 years of age suffer asthma. The evidence also indicates passive smoking as a cause of sudden infant death syndrome, glue ear, acute irritation of the respiratory tract in childhood and low birth weight in babies born to smoking mothers.

Smoking must be restricted in enclosed public places if the health of workers and patrons is to be protected from the dangers of passive smoking. In the United States of America, where more than 480 cities and counties have banned smoking in public places, evidence shows that businesses do not suffer any adverse economic impact. Restaurateurs are anxious for the Government to give them the means of settling their diners' dilemma, and to remove the onus from the restaurateur of defending non-smoking patrons, the majority of diners. The passive smoking task force found that the exposure of those employees to passive smoking was a significant occupational health and safety issue. What a shame that the Minister for Health finally has been forced by the Opposition and by community concerns to take an interest in workers' wellbeing! He has been rolled in Cabinet, rolled in caucus and has now been forced to protect public health.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Extension of Sitting

Motion by Mr Whelan agreed to:

That the sitting be extended beyond 10.30 p.m. to conclude consideration of the Smoking Regulation Bill and for the consideration of additional business.

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SMOKING REGULATION BILL

Second Reading

[Debate resumed.]

Ms FICARRA: The Minister was made to eat humble pie and forced to admit that the Government has been convinced of public and industry support for the coalition amendments. Employees in the public sector expect a smoke-free workplace. Several years ago that social and industrial change would have been hard to believe. Nowadays it is not only accepted; it is expected. A recent comprehensive study on passive smoking published by the American Heart Foundation was conducted by the National Institute for Occupational Health and Safety and the American Cancer Society. The study found that men and women whose partners smoke have an average 20 per cent higher risk of dying from coronary heart disease.

The study was huge, involving 353,180 women and 126,500 men who had never smoked. That is almost half a million persons. The National Heart Foundation researchers have estimated that in 1994 passive smoking accounted for 17 per cent of the 30,573 heart attacks suffered by Australian men and women. That figure is considerable. Because of the lifestyle of parliamentarians, heart attacks will affect probably the majority of us. Professor Bryant of St Vincent's Hospital estimates that 350 people die annually from passive smoking. That figure compares with approximately 20,000 deaths yearly from active tobacco smoke.

Smoke-free legislation is supported by the Restaurant and Catering Association of New South Wales, the Registered Clubs Association of New South Wales, the Australian Liquor, Hospitality and Miscellaneous Workers Union, the Musicians Union of Australia and the Hotel Motel and Accommodation Association. Until recently the only dissent was from the Australian Hotels Association. However, I am thankful that the Leader of the Opposition

and the honourable member for North Shore negotiated a suitable compromise with the AHA for the public good. They continued the positive dialogue, while members of the Carr Government sat on their hands and said that it was all too hard; they put it on the backburner until the next election.

The negotiated compromise will consist of a number of commonsense amendments which have been outlined by the honourable member for North Shore. The Australian Council on Smoking and Health has applied for Federal funding to mount a class action against the tobacco industry. It is to be hoped that this will force tobacco companies to divulge some of their internal documents in open court. The aim of such litigation is to have tobacco companies hand over millions of dollars to help people quit. Smoking is recognised as the largest single preventable cause of death in Australia. In New South Wales the health cost associated with smoking is approximately \$4.2 billion a year, a sum much greater than the \$871 million collected in State tobacco fees during 1995-96.

Although the majority of New South Wales workplaces are smoke free, hospitality workers and patrons are not given the same level of protection provided to employees in other industries. Passive smoking is a significant occupational health hazard for approximately 120,000 people working in restaurants, pubs, clubs and entertainment venues. Within the hospitality industry exposure to passive smoking is as much as 4.4 times higher for bar workers as opposed to 1.5 times higher for restaurant workers when compared to persons who live with a smoker.

Mr ACTING-SPEAKER (Mr Gaudry): Order! The honourable member for Keira will have an opportunity to contribute to the debate at the appropriate time.

Ms FICARRA: Mr Peter Harley, WorkCover's scientific manager, who served on the task force, said that the number of smoke-related workers compensation claims made by hospitality workers was steadily increasing.

Mr ACTING-SPEAKER: Order! I call the honourable member for Keira to order.

Ms FICARRA: Professor Chapman, a task force member, said that the rejection of the report's main recommendation by the Minister without it being considered by Cabinet was insulting to the task force members who worked on the project for 12 months. It is particularly insulting when one remembers the Government's response in May last year to employers who failed to enforce the no-smoking policies in the workplace. They were threatened with prosecution and fines of as much as \$500,000. The Attorney General warned that such breaches were illegal under the Occupational Health and Safety Act. He was quoted as saying proudly:

92% of workplaces with more than 20 workers now have policies on smoking at work, with 80% actually banning smoking from enclosed areas.

Regular WorkCover inspections were necessary, the Government argued, as employers faced increased
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risks of prosecution by employees for passive smoking injuries under the Occupational Health and Safety Act. It seems that the Attorney General has been far more concerned with the wellbeing of hospitality workers than the Minister for Health, who has now been forced to adopt the Opposition's amendments. According to the New South Wales Cancer Council the Government profits by approximately \$400 a year from the average smoker. The tobacco tax revenue definitely outweighs the cost of smoking to the Government.

A number of tobacco companies are facing mounting law suits and international government pressure. The smallest of the big five United States companies, Liggett, reached a deal with 22 American States in March this year. However, its competitors criticised it bitterly for promising to release damning industry documents dating back many years. Liggett will pay 25 per cent of its pre-tax profits to the American States for the next 25 years. These documents point to evidence of crime and fraud. Phillip Morris and RJR Nabisco are currently involved in secret negotiations to pay their State governments an estimated \$400 billion in return for amnesty against further legal action.

A class-action suit by non-smoking flight attendants claiming injuries from passive smoking begins in Miami next month. In the United States there are more than 300 law suits pending against tobacco companies. Last year

their legal costs were estimated at \$US600 million and growing alarmingly. Is it not time for the Government to examine how similar levels of compensation can be obtained to help rectify the damage done to countless Australians of all ages? The rats are beginning to desert their sinking and stinking ship. Health care lobbyists and consumer groups around the world should be thanked, especially those in the United States, who successfully tackled the tobacco giants.

The consortium of nearly 60 United States law firms that was dedicated to the collapse of cigarette manufacturing should also be thanked. Class actions are also in early stages in the United Kingdom and Canada. Last August President Clinton announced regulations allowing the Food and Drug Authority to treat nicotine as a drug, giving it control over tobacco products for the first time in history. Tobacco companies are currently fighting those regulations in court. The heat is on and the rights of non-smokers are winning out. I strongly support the bill, its purpose, its implementation and associated penalties, which are fair and socially acceptable. Society's attitude towards smoking has changed. The Government has not taken the lead on this issue; it has merely lagged behind the Opposition's initiatives.

Most smokers have come to the realisation that the right of individuals to a smoke-free environment should come before their right to smoke, particularly in enclosed public places. I am proud to support the legislation. It will help protect the health of both workers and patrons in the hospitality industry by banning smoking in all places where food and beverages are served. This is landmark social and health legislation. I am particularly proud of the coalition's effort to achieve a workable and socially acceptable strategy. I congratulate the Leader of the Opposition and the honourable member for North Shore on their dedicated efforts. It is an honour to be a member of this Parliament that in a bipartisan way is finally working towards a smoke-free Australian future.

Mr GLACHAN (Albury) [10.29 p.m.]: Given the hour and the fact that much has already been said about this issue, I will keep my remarks brief. I have never been a smoker. I have always found smoking to be offensive and have been concerned about the health of those addicted to this habit. In some ways I agree with the honourable member for Manly that there should be an immediate and total ban on smoking in enclosed public places. But, being practical, I realise that would cost an enormous amount of money for many organisations such as restaurants and clubs. From a practical point of view it is important that they have time to make the necessary adjustments so that the lives and health of their employees and the patrons can be protected from the effects of passive smoking.

These days smokers are far more considerate of the health and wellbeing of others than they used to be. I vividly remember years ago when my wife organised debutante balls on behalf of Rotary at the Albury Civic Centre. There was a crowd of 700 people present, many of whom were smokers. As the night wore on I remember seeing a pall of smoke gathering under the ceiling. That cloud of smoke became more dense as the night wore on and gradually descended on the 700 people at the ball. I recall going home with my clothes reeking of the smell of stale tobacco smoke. It was a dreadful experience and one that was very distressing and upsetting to many people.

I am concerned that so many young women take up smoking. As parliamentarians we have a responsibility to do something about that. Although I strongly support this bill and believe that it is on the right track, I am concerned that we do something about the great numbers of young women taking up smoking. They put their personal health at great risk. I am disappointed that it will take five years for the

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legislation to take effect, but I understand that people involved in the industry need that time to make necessary adjustments. Although the provision of adequate ventilation may not be as good as imposing a total ban, at least it is a step in the right direction. I commend the shadow minister for health for the work she has done and the consultations she has entered into as she has worked hard on this bill. I congratulate her as she has really had the interests of the community at heart.

I refer to a letter I received today from the Heart Foundation. I think other members received a copy of it. It details a study by researchers at Harvard that shows that steady exposure to environmental tobacco smoke nearly doubles the risk of having a heart attack. A 10-year investigation of 32,000 non-smoking females was conducted and it indicated very strong evidence that exposure to smoke in the workplace is at least as dangerous as exposure to smoke at home. We all know how dangerous that is, particularly for young children. In the interests of brevity, I will

close my remarks. Although I wish there could be an immediate total ban on smoking in enclosed public places, I accept the practical implications of this legislation and I strongly support it.

Dr REFSHAUGE (Marrickville - Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [10.34 p.m.], in reply: I thank all honourable members for their contributions to this debate. The object of the Smoking Regulation Bill is to minimise the risks associated with environmental tobacco smoke, particularly for those people required to work in enclosed public places. Occupiers of enclosed public places will be required to meet strict air quality standards if they wish to permit smoking on their premises, unless they are otherwise exempted. The requirement in the bill for the Minister for Urban Affairs and Planning to develop a State environmental planning policy - SEPP - will facilitate the development and introduction of outdoor areas.

The bill recognises that the development of outdoor eating areas, and the installation of ventilation equipment, will impose significant costs on industry. The bill provides sufficient time for restaurateurs, hoteliers, bar owners and other people who may be affected by the legislation to make the necessary adjustments to comply with it.

The range of comments made by speakers to this bill shows the difficulty of finding a compromise that suits all attitudes in the community. Certainly there is no doubt that the Opposition played a major role. I take what the honourable member for North Shore said on trust, that the Executive Director of Action on Smoking and Health - ASH - Ms Anne Jones, played an important role in brokering this deal and bringing it to fruition. There was concern raised and allegations made by a number of members about the motivations behind this legislation, particularly mine. It is fair to say that the motivations that they attributed to me are wrong and, in fact, reflect more on their ability to understand reality than their thoroughness of investigating the circumstances. It is disappointing that on an issue like this people will decide, because of their own prejudice, to condemn others when in fact the condemnation is not deserved. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Dr REFSHAUGE (Marrickville - Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [10.38 p.m.], by leave: I move Government amendments Nos 1 to 13 in globo:

No. 1 Page 2, clause 3, line 22. Omit "a body". Insert instead "a club or other body".

No. 2 Page 2, clause 3, line 27. Omit all words on that line. Insert instead:

vehicle means a train, bus, tram, aeroplane, taxi or hire car, or ferry or other vessel.

No. 3 Page 3, clause 7, lines 30-33. Omit all words on those lines. Insert instead:

A person who is smoking in contravention of section 6 must comply with a direction to stop smoking in the enclosed public place concerned, given by:

(a) an inspector under section 12 (5), or

No. 4 Page 4, clause 8, lines 7-22. Omit all words on those lines. Insert instead:

(2) It is a defence to a prosecution for an offence under subsection (1) if the defendant establishes that neither the defendant nor any employee or agent of the defendant provided (otherwise than by sale) any ashtray, matches or lighter (or other thing that could facilitate smoking) in the enclosed public place concerned and that:

(a) neither the defendant nor any employee or agent of the defendant was aware, or could reasonably be expected to have

been aware, that the contravention was occurring, or

- (b) as soon as the defendant or any employee or agent of the defendant became aware that the contravention was occurring, the defendant (or that or any employee or agent of the defendant):

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- (i) directed the person concerned to stop smoking in the enclosed public place concerned, and

- (ii) informed the person that the person would be committing an offence if the person smoked after receiving the direction.

No. 5 Page 5, clause 10, line 6. Omit all words on that line. Insert instead:

in the other part of the premises from penetrating that place.

No. 6 Page 5, clause 10, line 14. Insert "from" before "penetrating".

No. 7 Page 5, clause 11. Insert after line 30:

- (5) The regulations may prescribe classes of inspectors (however described) appointed under other legislation who are to be taken to be inspectors appointed under this section. If an inspector of a class so prescribed has an identity card by virtue of the other legislation under which he or she is an inspector (however described):

- (a) the card may be used by the inspector for the purposes of this Act as if it had been issued under subsection (3), and

- (b) subsection (4) does not apply to the card.

No. 8 Page 6, clause 12, lines 11-18. Omit all words on those lines. Insert instead:

- (4) An inspector who has reason to believe that a person is committing or has committed an offence against this Act or the regulations may, on producing his or her identity card, require the person to furnish his or her name and residential address.

- (5) An inspector may, on producing his or her identity card, direct a person who is smoking in contravention of section 6 to stop smoking in contravention of that section.

No. 9 Page 7, clause 18. Insert after line 33:

- (2) The review must include an examination of the relationship between this Act and the *Occupational Health and Safety Act 1983* and other legislation that regulates or otherwise affects smoking in enclosed public places.

No. 10 Page 8, clause 18, line 2. Omit all words on that line. Insert instead:

period of 3 years (or if a shorter period is prescribed by the regulations, the shorter period) from the date of assent to this Act.

No. 11 Page 8, clause 18, line 5. Omit all words on that line. Insert instead:

that applies under subsection (3).

No. 12 Page 9, Schedule 1, line 12. Omit all words on that line. Insert instead:

8 Trains, buses, trams, aeroplanes, taxis and hire cars, and ferries and other vessels

These amendments are generally directed at minor, technical problems with the bill. The passage of the amendments will ensure the legislation is enforceable when commenced. Amendment No. 1 is necessary to ensure that registered

clubs fall within the definition of public place. Legal advice indicates that there may be some difficulties with the current drafting. Amendment 2 ensures that aeroplanes, hire cars and trams fall within the definition of vehicle. The current definition does not cover these forms of public transport. Amendment 12 to schedule 1 is a consequential amendment following on from amendment 2.

Amendment 3 removes from clause 7 the defence of reasonable excuse. If a person is directed under clause 7 to stop smoking it is unlikely that a person would be able to mount such a defence. In any case once directed to stop smoking, a person should cease smoking immediately without excuse. Amendment 4 replaces clause 8(2). The department has identified a number of drafting difficulties with this section. For example, the clause does not prevent an employee or agent from supplying products to facilitate smoking. Legal advice also indicates it prohibits the retail supply of matches, lighters and possibly cigarettes. The amendment rectifies these problems. Clause 8(2)(a)(ii) is also reworded to overcome a technical problem with the current section.

Amendments 5 and 6 to clause 10 overcome minor drafting problems. The Parliamentary Counsel has advised that these are necessary. They do not alter the substance of the bill. Amendment 7 will remove a minor administrative problem by allowing inspectors appointed under other legislation to be appointed as a class by regulation under this Act. This will remove the need to separately approve each individual inspector for the purpose of this Act. Amendment 8 is necessary to overcome a technical problem with the legislation. As drafted, clause 12 allows inspectors to direct persons to stop smoking only if they believe an offence is being committed. However, a person smoking cannot commit an offence until he or she disobeys the direction and, therefore, the inspector could never use the power.

Amendment 9 will require the statutory review of the legislation to consider the relationship of this legislation to the Occupational Health and Safety Act. As I indicated in my second reading speech, this is of major importance to ensure that this legislation does not undermine protections afforded employees under the Occupational Health and Safety

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Act. Amendments 10 and 11 will allow the statutory review period to be brought forward if this is considered appropriate.

Amendments agreed to.

Dr MACDONALD (Manly) [10.40 p.m.]: I move amendment No. 1 standing in my name:

No. 1 Page 3, clause 6, lines 9-12. Omit all words on those lines. Insert instead:

(1) Smoking is prohibited in an enclosed public place on and from 1 December 1999.

The amendment seeks to do two things. Firstly, to dissociate the linkage between the commencement stage and the determination of the air quality standards; and, secondly, to omit the five years so that the legislation would come into force on 1 December 1999. I believe it is absolutely ridiculous to have legislation, albeit not good legislation, relegated to the never-never. I indicated in my contribution to the second reading debate that it seems to be no secret, and the Minister has admitted in the press, that it could be seven or eight years before the legislation comes into full effect.

Information regarding the risks of passive smoking, particularly the risks associated with heart disease and women's health, and the latest news from the United States which was reported in the *Sydney Morning Herald* today - a copy of which was provided to honourable members - makes chilling reading. I want to put this question to the House: how many lives will be lost as a result of this legislation not applying in 1999? How many lives will be lost as a result of the five to seven year delay? I hold the major parties responsible for the people that will die as a result of the legislation being put off into the never-never. It is clearly inconsistent with advice that we have been given from other quarters.

The Heart Foundation wrote to all members of Parliament recently to point out that it was agreed at the

Australian Health Minister's meeting in 1994 that public enclosed spaces should be smoke free by the year 2000. Will someone explain to me why this legislation must be delayed and why there should be a phase-in period? There was no phase-in period in respect of other bans on smoking areas. I can see no basis other than some kind of sop to the Australian Hotels Association and the tobacco industry. It is quite inconsistent with protecting the health of workers and the health of patrons in the hospitality sector. It will also lead to the likelihood of more and more liability claims against employers.

It seems to me that delaying the effect of the legislation for five or more years, and linking it to air quality standards, will result in the legislation being held up to absolute ridicule. I have seen no evidence anywhere of a requirement to do that in respect of other legislation in this State. My amendments cover three major areas and one relates to the deferral of the legislation. For anyone to trumpet in the press, as members from both sides of the House have done in the past month or so, that strong legislation is about to be introduced into New South Wales, that we are about to get bans on smoking in the hospitality sector, is quite frankly a lie.

We will not get such bans; they will be put off for years and years. I call on honourable members to support my amendment, which is an honest amendment and will separate the legislation from the air quality standards and place it at 1 December 1999. The passive smoking task force recommended introduction of the ban on 1 March 1999 but I have been persuaded by the argument that that might well create a political issue a few weeks before the next State election. In response to that suggestion I envisage later in the year as being appropriate and I have nominated 1 December. Let us get real. If we have to have this wishy-washy legislation, at least let us have it before seven or eight years. I believe that two and a half years is plenty of time for the necessary arrangements to be made. I commend my amendment.

Question - That the amendment be agreed to - put.

Division called for. Standing Order 191 applied.

Ayes, 2

Dr Macdonald
Ms Moore

Question so resolved in the negative.

Amendment negatived.

Dr MACDONALD (Manly) [10.50 p.m.], by leave: I move amendments Nos 2 and 3, standing in my name, in globo:

No. 2 Page 3, clause 6, lines 18-20. Omit all words on those lines.

No. 3 Page 3, clause 6, lines 24 and 25. Omit all words on those lines.

The amendments will remove exemptions which are based on ventilation and a technical fix. I fundamentally object to this provision in any legislation. I submitted to this House, and it has

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been clearly determined and recommended by the task force, that proceeding with legislation based on a technical fix is wrong, for many good reasons. The task force report referred to the lack of effectiveness of ventilation. It stated that environmental tobacco smoke is extremely complex and contains over 4,700 different chemical constituents. Particles in tobacco smoke are especially hazardous because they are inhalable and remain airborne for hours.

The current ventilation standards such as AS1668.2 are comfort standards aimed at controlling odour. They do not address health-related issues. The only existing ventilation standards are based on comfort standards and are

inequitable and inconsistent with what has been recommended by the task force. A letter to the *Manly Daily* referred to the Government's inaction on the recommendations of the task force. The letter from S. Mountford, of Manly, stated:

I refer to the article "Ban issue smoulders"

Associate Professor Simon Chapman's swimming pool analogy summed it up.

That typical *Manly Daily* headline referred to Simon Chapman's swimming pool analogy that just as you cannot separate areas effectively in terms of smoking, if you urinate at one end of a swimming pool it is sure to end up at the other end. I have worded it in slightly different terms to his. The letter continued:

It is not possible for smoking patrons and non-smoking hospitality workers to coexist safely. This is a finding of a 12-month taskforce set up to find ways of reducing the effect of passive smoking on hospitality staff.

Dr Refshauge (Health Minister Andrew Refshauge) has not only ignored the recommendations of the taskforce, but is clearly contradicting himself. He has denied that pubs are putting profits before the health of staff, has also denied being influenced by political donations, or the pressures of individual groups, however, an AHA spokesperson has said that a smoking ban would significantly affect trade, perhaps forcing some pubs to close. It seems clear whose concerns Dr Refshauge is catering to.

Having worked at a local club as a bar attendant, I was advised by my GP to leave after showing signs of asthma. A letter written by my GP stating that the asthma was a direct result of working in a smoke-filled environment was shown to and accepted by the Department of Social Security. I chose to leave a job I was otherwise happy in, I put my health first, Dr Refshauge now has the same opportunity to do the same for all hospitality workers.

I am aware of the view that we all choose where we work, and that if we don't like it we should leave. But why is it the rights of the smoking sector of our community are held more precious than the right of an individual to do a job without endangering their life?

We are told that walking late at night on our own is unsafe, and yet imagine the outrage if when a person was attacked a politician said: "Oh well, they knew it was dangerous, sorry, no sympathy!"

Smokers are not "criminals" but the circumstantial similarity is clear. A person should be able to feel safe at work, as they should walking down the street. Fortunately, unlike street crime, there is a solution to the problem of passive smoking in pubs and clubs.

Dr Refshauge's decision is cowardly and a disgrace to his profession. Sadly, it may take litigation brought about by serious illness or death before something gets done.

That is exactly what will happen if we rely on the technical fix of ventilation no matter what the air quality standards might be. Why do we need exemptions? Why were exemptions not introduced when smoking was banned in cinemas, aircraft and buses? The only thing that will happen is that exemption will delay the process and invite further litigation. I commend the two amendments, which would extract the exemption relating to ventilation solutions.

Dr REFSHAUGE (Marrickville - Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [10:55 p.m.]: The Government rejects the amendment. The honourable member for Manly implied that funding received by any political party determines its voting pattern. I ask him to look at his own electoral funding return and to be very careful about raising that issue. Companies have funded him. Is he saying that as a result he supports all their policies? It is a dangerous precedent for him to set.

Amendments negatived.

Dr MACDONALD (Manly) [10:56 p.m.]: I move:

- (4) An air quality standard must not be prescribed for the purposes of subsection (3)(a) unless the standard is consistent with the requirement that in an enclosed public place where smoking occurs there be no risk to public health from that smoking.

In view of the fact that exemptions will apply based on this so-called air quality standard, I want to demonstrate the nonsense of the legislation on the basis that it refers to air quality standards but contains nothing to guide those who set the regulations as to the objectives. What are the objectives of air quality standards? Are they comfort? Can one smell it, see it or touch it? Nothing in the legislation will help those who set the regulations. That, in a sense, was recognised by the enemy, W. D. and H. O. Wills. Wills wrote a letter

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to all members of the Legislative Assembly on 19 May, begging them to include in the legislation a proper objective relating to air quality standards.

The objective W. D. and H. O. Wills wants does not relate to health standards. It calls upon the Minister and members to support the inclusion of AS1668.2, which is purely a comfort standard. Wills recognises that anything can come out of this legislation. There is absolutely no indication of what the standards should be. On the other hand, my amendment is quite clear. I want to call the Government's bluff. Is my amendment unreasonable? If the Government is to rely on exemptions relating to ventilation and air conditioners, presumably its purpose is to extract the smoke out of the area to protect non-smoking patrons and staff from health risks. That is not an unreasonable request, yet the bill is silent on that point. This amendment, which I call upon the Opposition to support, merely sets a standard within the bill which is consistent with public health and which can be clearly interpreted by those who seek to write the regulations. I seek support for the amendment.

Mr NEILLY (Cessnock) [10.59 p.m.]: I am not completely against the advocacy of W. D. and H. O. Wills of a prescribed standard as Standards Australia advocates. Irretrievably, legislation which is introduced in this Parliament without a defined attitude will be subject to conjecture. At least the standards set by the Australian Standards Association are criteria upon which the legislation can be enforced within a mean period, given that the legislation will be subject to a review in the future. Perhaps between now and when the review is undertaken, Parliament could formulate more definitive standards than those advocated by W. D. and H. O. Wills.

Mrs SKINNER (North Shore) [11.00 p.m.]: The coalition will not support this amendment. However, I repeat what I have already put on the record: that it is the intention of the coalition and, I believe, of this legislation that the standards will take into account acceptable air quality. In other words, the health factor of the air, not the comfort factor, will decide the standards.

Dr MACDONALD (Manly) [11.01 p.m.]: I cannot believe that an intelligent member of Parliament can make such remarks but not accept the amendment. Legislators cannot make assumptions when making laws unless they must rely on comments made in Committee. The point I am making is that this matter is hanging in the air with no indication of the air quality standards that will apply. I do not accept that the legislation should provide for exemptions; the Government must provide air quality standards. Any standards contained in the bill must be based on public health risk, not comfort, which is what the task force said. That is nonsense. My amendment seeks to bring that matter within the ambit of the bill, thus alleviating any uncertainty about it.

Question - That the amendment be agreed to - put.

Division called for. Standing Order 191 applied.

Ayes, 2

Dr Macdonald
Ms Moore

Question so resolved in the negative.

Amendment negatived.

Clauses 3 to 8 and schedules 1 and 2 as amended agreed to.

Title

Amendment by Dr Refshauge agreed to:

No. 13 Page 1, long title. Omit "smoking in public places and places of employment.". Insert instead "smoking in enclosed public places.".

Title as amended agreed to.

Bill reported from Committee with amendments, including amended title, and passed through remaining stages.

BUSINESS OF THE HOUSE

Precedence of Business

Mr WHELAN (Ashfield - Minister for Police) [11.09 p.m.]: I move:

That standing and sessional orders be suspended to allow consideration forthwith of a motion to allow business with precedence and Government business to have precedence of general business on Thursday, 22 May 1997.

Mr HARTCHER (Gosford) [11.10 p.m.]: This is the second time in two weeks that the Government has sought to do this. On the first occasion the Government gave no justification, it simply moved the gag on me when on behalf of Opposition members and members of the crossbench I attempted to protest in the name of parliamentary democracy. The business paper has more than 80 motions to be debated and there are about six private members' bills to be introduced.

Mr BECKROGE (Broken Hill) [11.10 p.m.]: I move:

That the question be now put.

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The House divided.

Ayes, 45

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Mr Moss
Mr Clough	Mr Nagle
Mr Crittenden	Mr Neilly
Mr Debus	Ms Nori
Mr Face	Mr E. T. Page
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble

Ms Hall	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Watkins
Mr Iemma	Mr Whelan
Mr Knowles	Mr Woods
Mr Langton	Mr Yeadon
Mrs Lo Po'	<i>Tellers,</i>
Mr Lynch	Mr Beckroge
Mr McBride	Mr Thompson

Noes, 42

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

Pairs

Mr Carr	Mr Armstrong
Mr Knight	Mr Collins
Mr Price	Mr Humpherson
Mr Scully	Mr Kerr

Question so resolved in the affirmative.

Motion agreed to.

Mr WHELAN (Ashfield - Minister for Police) [11.20 p.m.]: I move:

That on Thursday, 22 May 1997, business with precedence and Government business take precedence of general business.

Tomorrow the House will deal with the following business, but not necessarily in this order: consideration of the joint estimates committee resolution, which must be forwarded to the upper House, consideration of the upper House resolution, dissent from the ruling of the Speaker moved by Mr Phillips, Government bills including

Unclaimed Money Amendment Bill, Annual Holidays Amendment Bill, Crime Legislation Amendment (Procedure) Bill, Costs in Criminal Cases Amendment Bill, Fire Brigades Amendment Bill, Crimes Amendment (Apprehended Violence Orders) Bill and other second reading speeches.

Mr Hartcher: What about the police protection bill?

Mr WHELAN: The Government has that bill in hand, as I announced. The House will deal also with any other Government business.

Mr HARTCHER (Gosford) [11.21 p.m.]: The purpose of this motion is to stop the Leader of the House having to confront the police protection bill, which he conceded this afternoon should be debated because he was frightened of being seen to vote against it. He knows that bill would be introduced by the honourable member for Eastwood, who is the only person in this place who cares about the police and seeks to protect the Police Service. The Leader of the House has been caught flat-footed. All Government members can now go to outdated police stations and say they voted against protection for the Police Service.

Mr Photios: On a point of order. It is absolutely impossible for those of us maintaining decorum in the House to hear the honourable member for Gosford.

Mr SPEAKER: Order! I fully understand the concerns of the honourable member for Ermington. Members will exercise some decorum.

Mr HARTCHER: Mr Speaker -

Mr BECKROGE (Broken Hill) [11.22 p.m.]: I move:

That the question be now put.

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The House divided.

Ayes, 45

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Mr Moss
Mr Clough	Mr Nagle
Mr Crittenden	Mr Neilly
Mr Debus	Ms Nori
Mr Face	Mr E. T. Page
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Watkins
Mr Iemma	Mr Whelan
Mr Knowles	Mr Woods
Mr Langton	Mr Yeadon

Mrs Lo Po'	<i>Tellers,</i>
Mr Lynch	Mr Beckroge
Mr McBride	Mr Thompson

Noes, 43

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

Pairs

Mr Carr	Mr Armstrong
Mr Knight	Mr Collins
Mr Price	Mr Humpherson
Mr Scully	Mr Kerr

Question so resolved in the affirmative.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 45

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Mr Moss
Mr Clough	Mr Nagle
Mr Crittenden	Mr Neilly
Mr Debus	Ms Nori
Mr Face	Mr E. T. Page

Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Watkins
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Mr Beck	Mr D. L. Page
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Mr Downy	Mr Schipp
Mr Ellis	Mr Schultz
Ms Ficarra	Ms Seaton
Mr Fraser	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Small
Mr Hazzard	Mr Smith
Dr Kernohan	Mr Souris
Mr Kinross	Mr Tink
Mr MacCarthy	Mr J. H. Turner
Dr Macdonald	Mr R. W. Turner
Mr Merton	Mr Windsor
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Debnam
Mr O'Doherty	Mr Jeffery

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Pairs

Mr Carr	Mr Armstrong
Mr Knight	Mr Collins
Mr Price	Mr Humpherson
Mr Scully	Mr Kerr

Question so resolved in the affirmative.

Motion agreed to.

STATE ELECTORAL REDISTRIBUTION

Message

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

MR SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following Resolution:

1. That this House calls on the Government to immediately appoint the Electoral Districts Commissioners for New South Wales to immediately undertake the long overdue review of the electorate boundaries for the 99 electorates in the Legislative Assembly of New South Wales. Further that this House does not support any alteration to the 99 Members in the Legislative Assembly of New South Wales and the 42 Members in the Legislative Council of New South Wales.
2. Calls upon the President to convey the terms of this Resolution to His Excellency the Governor together with the debate on the motion.
3. The Legislative Council requests the Legislative Assembly to pass a similar Resolution.

Legislative Council
21 May 1997

Max Willis
President

House adjourned at 11.35 p.m.
