

LEGISLATIVE COUNCIL

Thursday 27 June 2002

The President (The Hon. Dr Meredith Burgmann) took the chair at 10.00 a.m.

The President offered the Prayers.

OFFICE OF THE OMBUDSMAN

Report

The President announced, pursuant to the Ombudsman Act 1974, the receipt of a special report entitled "Speedometers and Speeding Fines—A Review of Police Practice", dated June 2002.

The President announced that she had authorised that the report be made public.

PRESIDENT OF THE LEGISLATIVE COUNCIL PERSONAL DOCUMENTS THEFT

The PRESIDENT: Since becoming President, I have allowed the President's Dining Room to be used by all members of Parliament for community and other purposes. During one of these functions documents were stolen from my staff member's desk. Among them were my personal banking records. On 27 May I was approached by a member of the parliamentary press gallery saying that he had been shown my personal banking records amid allegations that I was using my credit card to pay for official functions in order to gain frequent flyer points. I explained that these were my personal dining room accounts and had nothing to do with my official status as President. I have since ascertained that a considerable number of parliamentarians pay their parliamentary dining room bill by credit card.

I have asked the Clerk of the Parliaments to institute an inquiry into the theft of the documents, and have called for the videotapes of that part of the Parliament to be analysed. On Thursday 20 June another member of the press gallery contacted me and told me that the same documents, including my personal banking records, had been left on their seat in the press gallery. I explained to the journalist that no taxpayers' money was involved, and that journalist also concluded that there was no issue. I commend the members of the press gallery, who have behaved totally ethically in contacting me. I am sure they did not know that the documents were the result of a theft. If analyses of the tapes are conclusive, I will certainly press charges against whoever stole these documents and abused my hospitality in such a way.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Report: Person Referred to in the Legislative Council (Councillor D. Jones)

The Hon. HELEN SHAM-HO [10.10 a.m.]: I move:

That the House adopt report No. 17 entitled, "Report on person referred to in the Legislative Council (Councillor D. Jones)", dated June 2002.

Ms LEE RHIANNON [10.11 a.m.]: I wish to place on the record that the Greens respect and appreciate the citizen's right of reply process. It is important for citizens to have an avenue if they have been aggrieved by a statement made under privilege. Mr Jones is entitled to his reply, and the Greens are not seeking to impede it. I have only brief comments to make on his reply. In his statement in reply, Mr Jones does not introduce any new information or a detailed rebuttal of my original speech. There is little to respond to. I certainly stand by the comments I have made in this House on previous occasions, and the Greens will continue to work to address the wave of complaints emanating from the ratepayers of Warringah.

One specific point with which I must take issue, however, is that Mr Jones has stated that I "alleged the serious claims of ... complicity in the death of a developer ..." Anyone who reads my original speech will see that this is absolutely not the case. I referred to the tragic death of a local developer, and I deliberately stated that the police ruled his death to be a suicide. His death occurred in the midst of the other events that I described.

This is quite different from accusing Mr Jones of being complicit in his death. I have no information to indicate that his death was other than suicide, and I have never suggested otherwise. I believe that it is quite irresponsible, and displays a callous attitude towards the family of the deceased, to misconstrue my comments in this manner.

The Hon. HELEN SHAM-HO [10.13 a.m.]: I will reiterate to Ms Lee Rhiannon that in matters of a citizen's right of reply the Committee does not judge the truth or otherwise of a statement made by honourable members or persons. To be fair to Mr Jones, part of his response to this House states:

I respectfully submit that the allegations are untruthful and without any foundation, and I deny categorically that I have had any involvement in the actions alleged or indeed have any prior knowledge of the allegations. In relation to bribery of Councillors, the Independent Commission Against Corruption has not brought this matter to my attention at any time in the past. The Commission has advised there are no investigations being conducted into the allegations by the Honourable Lee Rhiannon. In relation to complicity in the death of a developer, the NSW Police Service has not been asked to conduct an investigation into the matter and the Service has advised there is no investigation in relation to the allegation. As to the claim of intimidation and harassment of residents, as Mayor and Councillor I seek to guide any resident who comes to me for assistance. I deny any intimidation or harassment of any person. As to obstruction and delay of development applications, I endeavour to assist any person who seeks to invest in our area. My Council has an excellent reputation in facilitating economic growth and statistics released annually by the Department of Local Government show Warringah as having the best processing times for development applications amongst those councils on the northern beaches peninsula.

Motion agreed to.

Pursuant to the resolution the response of Councillor Jones was incorporated.

In accordance with paragraph 1 of the Legislative Council resolution of 13 November 1997 I make this submission on the basis that my good reputation and dealings and associations with others have been adversely affected by the statements made to the Legislative Council by the Honourable Lee Rhiannon MLC on 9 April 2002. The Honourable Lee Rhiannon alleged the serious claims of bribery of councillors, complicity in the death of a developer, intimidation and harassment of residents, and obstruction and delay of development applications and named me as being associated with these actions.

I respectfully submit that the allegations are untruthful and without any foundation, and I deny categorically that I have had any involvement in the actions alleged or indeed have any prior knowledge of the allegations. In relation to bribery of Councillors, the Independent Commission Against Corruption has not brought this matter to my attention at any time in the past. The Commission has advised there are no investigations being conducted into the allegations by the Honourable Lee Rhiannon. In relation to complicity in the death of a developer, the NSW Police Service has not been asked to conduct an investigation into the matter and the Service has advised there is no investigation in relation to the allegation. As to the claim of intimidation and harassment of residents, as Mayor and Councillor I seek to guide any resident who comes to me for assistance. I deny any intimidation or harassment of any person. As to obstruction and delay of development applications, I endeavour to assist any person who seeks to invest in our area. My Council has an excellent reputation in facilitating economic growth and statistics released annually by the Department of Local Government show Warringah as having the best processing times for development applications amongst those councils on the northern beaches peninsula.

STANDING COMMITTEE ON STATE DEVELOPMENT

Report

The Hon. Tony Kelly, as Chairman, tabled report No. 25 entitled "Redevelopment and Remediation of the Rhodes Peninsula", dated June 2002, together with minutes of proceedings, transcripts of evidence, submissions and correspondence.

Report ordered to be printed.

The Hon. TONY KELLY [11.16 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Tony Kelly.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT BILL

Second Reading

Debate adjourned from 26 June.

Ms LEE RHIANNON [10.17 a.m.]: This bill repeals the existing Public Sector Management Act 1988 and replaces it with new legislation to regulate the public sector. The Greens will not oppose the bill. We understand that the Government engaged in genuine consultation with the relevant unions, including the Public

Service Association and the Labor Council of New South Wales, and that their opinions are to some extent reflected in the version of the bill that is now before this Parliament. Consultation with the legitimate representatives of the public sector work force is important as this bill will have a far-reaching impact on fundamental working conditions such as discipline, the movement of staff across the public sector and the employment of temporary and casual employees.

While the Greens do not oppose this bill, we have some concerns in respect of a number of these changes and also in respect of opportunities lost by this bill. The Greens accept the need to manage conduct and performance, and to establish disciplinary procedures to protect the public interest. However, we are committed to the rights of all workers, including public sector workers, to fair and reasonable treatment and to their right to be protected from management harassment and persecution. Specifically, we are concerned that the objectives of part 2.7 of the bill, which refers to management of conduct and performance, do not seek to protect the rights of workers, against, for example, false and vexatious accusations, harassment or bullying. We understand that the procedural guidelines will contain provisions to protect workers' rights to procedural fairness. We also understand that these guidelines will be industrial instruments of some form that will allow the commission to alter or modify them, which might provide some protection to public sector workers. The Minister might care to elaborate on this when speaking in reply.

The Greens are deeply concerned that the provisions for temporary and casual employment will lead to a long-term decline in permanency within the public sector. We appreciate that the bill contains conditions under which casuals and temporary staff can be employed, and we accept that these are probably reasonable. However, that trend deeply worries the Greens. We are implacably opposed to the replacement of permanent workers with casual or temporary employees, not only because it undermines the working conditions of all employees but also because it places at risk the ability of the public sector to deliver high-quality, focused services.

The Greens are keenly aware of the way in which casualisation has been used by this Government in TAFE teaching to reduce costs. The consequences for TAFE students and for TAFE teachers have been disastrous. Casualisation in TAFE has reached a ridiculous extreme, to the extent that some sections now operate without any full-time staff at all. It is extraordinary that we have reached that point. The Greens' concern is that this will happen in other areas. TAFE students are being denied access to out-of-class consultation, and casual teachers are being abused and exploited, because of these conditions. The consequences have become so obvious that the Government can no longer ignore them. We understand there will be some move to increase the levels of permanency in TAFE. We very much welcome that.

The casualisation of TAFE was motivated by a simple desire to cut costs. It is also favoured by many employers, both public and private sector, because it reduces the ability of unions to organise to protect the rights of workers, which in turn further suppresses wages and conditions. For the benefit of honourable members who are not too sure what that means, it means that it is much harder for unions to organise a temporary or casual work force because they are harder to get access to and they are often much busier. It is little wonder that casualisation of the work force is so popular with the corporate boardrooms around Australia and elsewhere and with the economists who so sycophantically feed their needs with theories that justify exploitation and abuse of the work force. It does not, however, belong in public sector management, and the Greens are committed to resisting its growth at every turn.

The Greens believe that a strong public sector is central to a just and efficient society. That is one of the basic objectives of the Greens. We simply do not accept the conventional wisdom that there is something inherently superior about private enterprise activity. We are convinced that the public sector, freed from the shackles of chasing profit, market share and bottom-line accounting, can deliver services for the community that focus on the needs of the community and not the ability to turn a profit from their delivery. It is said that a former Federal Minister with responsibility for the public service, the infamous Dr David Kemp, believed that if a service could be found in the *Yellow Pages* it should not be performed by the public sector. What a way to run a department! Dr Kemp's words are, as is often so in his case, the extreme end of what has become the dominant paradigm in public sector management philosophy: privatise where possible, and, when you just can't get away with it, downsize and casualise. Tragically, in this country that has become the *modus operandi* of governments of both political viewpoints.

There is, however, another vision for the future of the public sector—one that the bill before the Chamber does little to make reality. That vision is of a public service and a public sector that are invigorated and dynamic, that are well funded and nourished with respect and support, where professionalism and commitment

to the public interest are once again allowed to flourish. To achieve this requires more vision and more commitment to enhancing the common benefit of the entire community than this Government or this Opposition are ever likely to exhibit. However, the day is dawning when the people of this State, who have had enough of seeing the public sector run down, casualised and privatised, will find their voice at the ballot box.

The Greens look forward to 22 March 2003. Only when that happens, and when this State has a government that stands up to the budget surplus, tax-cutting fetishes of Treasury and to the privateers seeking to profit from the public sector, will we see a public sector management bill that really builds a new and innovative public sector focused on the delivery of services to the community. Until that day we have to be satisfied with this bill. The Greens will not oppose the bill, but we believe the Government has missed an opportunity to bring forward more substantial measures, and indeed have them passed.

Reverend the Hon. FRED NILE [10.25 a.m.]: The Christian Democratic Party supports the Public Sector Employment and Management Bill. This bill seeks to provide greater flexibility within the public sector in relation to the employment of public service staff. It will make changes in respect of the employment of persons on a temporary or permanent basis. It will also provide for cross-agency employment arrangements. Further, it will provide flexibility concerning employment of public servants on a temporary basis for periods of up to three years, as well as merit selection for periods of employment that exceed 12 months. It provides for other matters, particularly in regard to the streamlining of the disciplinary system for public service staff.

The bill will remove the role of the Governor in the appointment of public service staff and in the termination of their employment. Some honourable members might say, "That does not really matter. It is only a formality that the Governor signs off on the recommendation of the Executive Council or Ministers." From the point of view of those employed in the public service, the role of the Governor affords some comfort in their exercise of independence of the political machinery of government. Whether the role of the Governor actually protects their independence may be open to debate, but at least symbolically the role of the Governor in the appointment of public sector staff and the termination of their employment historically has emphasised the independence of the public service from whichever government is in power in this State, Labor or Coalition.

In the years I have been a member of this place there seems to have been more sensitivity demonstrated by governments when moving in areas that involve the Governor. They seem to move very carefully, and correctly, in their actions—as if they do not want to involve the Governor in what someone might raise as a questionable decision. They have not wanted to involve the Governor in the question: Was this public servant sacked purely for political purposes? Has the public servant fallen from the favour of the Government? That question might be posed whether a government, Labor or Coalition, for political reasons is making a case to get rid of a particular public servant who in fact has been carrying out his or her functions on behalf of the public, the people of New South Wales, with great independence of government. That is my concern with this provision of the bill. As I said, some honourable members may think it does not matter, but it is an important underlying factor in the minds of senior members of the public service in that it provides that degree of protection from arbitrary political decisions regarding their careers.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [10.29 a.m.]: The justification for this bill is that since the Public Sector Management Act was passed in 1988, there have been great advances in the electronic delivery of information services. No doubt that is true, but whether it is sufficient reason for this legislation is a question that should be discussed a little more. I suggest it is not simply electronics that is driving the process. The Minister stated that the demands on the public service have increased within a framework of fiscal restraint. I do not think there is any doubt about that. The public sector is no longer an easy place in which to work. Most public sector employees work above and beyond the call of duty. My experience in the public service was interesting. Certainly very good people were doing very good work, largely unrecognised—indeed, they were caricaturised as people who did not do any work at all.

It was interesting in my office that although the staff finishing time was 4.25 p.m., the professional group remained until 6.00 p.m.; although the administrative or bureaucratic staff had all left the office by 4.30 p.m., most of the professional staff were still working at 6.00 p.m. Some elements of the public service work force are extremely dedicated and they acquire a store of information and expertise. My experience of the public service is that a change in the power relationships was extremely important. Those who had expertise held a lot of power. I was working in an area in which engineering expertise was important, yet people who were good at office politics and political patronage tended to rise in status. An organisation that was initially run by engineers became one that was run by management who often had no expertise at all in the area they were managing.

It has been fashionable for the Harvard School to suggest that, to manage something, a person does not need to know anything about the discipline, but that of course assumes that the person has access to good information. Managers consequently require a good consultant who will give them an opinion, but often from a standing start. Someone who has worked in an organisation for many years, particularly a specialist organisation, has expertise that basically no-one else perhaps in the nation has, and it is dangerous to assume that some expert can simply be chosen from a curriculum vitae, which of course is beaten up for the job, and give expert opinions at vast cost with no responsibility and no long-term commitment. Experts vary, so the manager seeks the view of more and more experts until someone who fundamentally does not understand the issue and has no expertise in the field, makes the call. This is a danger that has not been adequately recognised.

Part of this process asks the public service to respond to political changes. In that sense, there are pros and cons for both the independence of the public service and the ability of the public service to respond to the will of political masters. Obviously if there is a *Yes Minister* situation, effectively the Minister has no power and the public service grinds on, spending money. I cite the example of \$7 billion being spent on an electricity generating plant, which provided 73 per cent excess capacity at peak load, as a decision made without any parliamentary scrutiny or consideration of alternatives.

That was a case in which a public service organisation committed long-term funding without any public scrutiny or expertise beyond its borders. I have also seen expertise replaced by nothing more nor less than political toadies and the senior executive service [SES] effectively dominated by people who were almost political appointments. When that happens at the top, nepotism rather than seniority replaces personnel selection in the middle ranks, and the public service becomes highly politicised quite quickly after some fairly nasty internal politics.

The worry of this of course is that the public service will no longer be the repository of expertise but will merely be a servomechanism of the will of the government. I cite an instance of a Minister involved in an ecological portfolio who said, "Well, I do not have to accept the expertise of the Scientific Committee. I have other things to consider such as the social and economic aspects of the problem, and the scientific expertise is just one input that I have to consider."

The Hon. John Della Bosca: That might be true.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That is an interesting approach. Perhaps it might be true because it is one of the things that the Minister has to consider, but if the matters concerns an ecological issue wherein science in the end will win because that is the reality of an ecosystem, ignoring the scientific facts to serve a short-term social or political objective ultimately will kill the goose that lays the golden egg. That Minister's attitude has a certain Monty Python-esque quality to it because it is an almost absurd outcome in the medium term. The public sector should remain an area of expertise, it has to remain separate from the market, and it is in danger of politicisation. I say that because the bill's main interest for most employees will be the streamlined disciplinary scheme. The Minister asserts that the new scheme will be more concerned with public interest and not just penalties and punishments. I hope that is the case. The current Act has 16 breaches of discipline that will be replaced by a general ground of misconduct. The bill seeks to separate unsatisfactory performance and disciplinary matters and treat them differently. I have no objection to that at all.

The bill also offers remedial action, such as counselling, staff development and rotation as an alternative to disciplinary action. Streamlining of the disciplinary procedures means that a resolution of disputes will occur more quickly. The Minister says that the present system can take up to 12 months and it has a detrimental effect on the workplace and on the employee. I certainly have no doubt that someone who is performing unsatisfactorily or who has behaved badly and cannot be removed has a poor effect on the respect for management and on morale generally. The question is whether an employee will be given a fair hearing under the new streamlined system. I am sure that many honourable members know of friends or acquaintances who have been shafted, to use the vernacular, by the public service.

That happens particularly to whistleblowers—a matter about which I have considerable expertise. I believe that the protections for whistleblowers are quite inadequate in practice, however laudable they may be in theory. If whistleblowers take a stand under the provisions of the Protected Disclosures Act, they tend to be protected under that Act for a particular disclosure, but they are then quietly sacked for some other reason. They undergo a general performance review or a management reorganisation and the net result at a later stage is that they are disciplined, punished or removed. Effectively their careers are curtailed because they did the right thing.

I have consulted the Public Service Association and it has said it is quite happy with this aspect of the bill. I do not think whistleblowers are very well treated now, but the proof of the pudding will be in the eating. Perhaps the realisation of an emphasis on natural justice, as mentioned in the Minister's second reading speech, may make matters better for whistleblowers, but it certainly deserves close attention.

Concern has been expressed about the casualisation of the work force. I recognise the increasing number of people who take secondments to broaden their knowledge base. This practice provides more flexibility within the public service. Maternity leave has also created vacancies that may be filled by casual staff, and it is a good thing that flexibility allows that to happen. The Public Service Association has said it has no concerns and that, although this measure could lead to the casualisation of the work force, the association says that the proof of the pudding will have to be in the eating and that it will monitor the bill's implementation phase. In fairness to the Government, the Minister has stated that casualisation of the work force is not its intention, and I take that statement at face value. I hope the bill will prove to be good for employers and employees by providing flexibility. On that basis, the Australian Democrats do not oppose the bill but we will maintain a watching brief, particularly in relation to whistleblowers.

The Democrats will also closely monitor the potential for a loss of expertise in the public sector and the politicisation of the public service as a consequence of that loss of expertise. The Democrats will also maintain a watching brief on whistleblowers because, increasingly, the Government is trying to stop any leaks of information from the public service. As I said when speaking to my Government (Open Market Competition) Bill, which, of course, I have been pushing very hard in this House, government information is public information. Citizens have a right to that information, and it is not the place of the Government to politicise the public service, use its expertise and then bend that expertise to fit the political mood of the moment. In the broader context of government, that has to be guarded against. The Democrats are in the front line of maintaining that protection.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.40 a.m.], in reply: I thank all honourable members for their contributions to the debate on this bill, and I wish to respond briefly to some of the matters raised. Ms Lee Rhiannon referred to the casual work force or to the supposed or alleged casualisation of the TAFE work force. Regardless of the veracity of the honourable member's remarks, I draw attention to the fact that the relevant TAFE provisions are contained in the Teaching Services Act. We are debating today the Public Sector Employment and Management Bill.

I reiterate that, once this bill becomes law, it will prevent and inhibit the growth of casualisation in the public sector. I note the honourable member's departure in that respect from the general points she made about TAFE. I can make no direct response other than to say that we are dealing with a completely different Act of Parliament. Reverend the Hon. Fred Nile referred to the role of the Governor. The Governor's role, in an operational sense, is very much reduced in respect to the operation of, and the various administrative measures proposed under, this bill. I point out as a matter of courtesy that Her Excellency has been consulted about this matter and she has not expressed any reservation to the Executive Council about it.

Reverend the Hon. Fred Nile referred also to the politicisation of the senior executive service [SES]. I do not think Reverend the Hon. Fred Nile or any other honourable member could point to any recent SES appointments or any appointments to the SES in the life of this Government that could not be supported and defended on the basis of the merit of the appointment of the officer involved. I cannot recall any specific instance in which anything other than a merit appointment was made to the SES. The Hon. Dr Arthur Chesterfield-Evans referred earlier—

Reverend the Hon. Fred Nile: I meant over the past 20 or 30 years.

The Hon. JOHN DELLA BOSCA: Reverend the Hon. Fred Nile has given me an opportunity to make the point that over a longer time frame it may have been a problem. However, in the life of this Government that problem has been much reduced, if not totally eliminated, from the public sector. In response to the remarks by Ms Lee Rhiannon, I can say that during the past five years we have seen a growth in the front-line areas of the public sector. More nurses, more police and more teachers are providing basic services.

The public service, though it is marginally or somewhat smaller, is now able to deliver a wider range of services more efficiently and more quickly than it did only five years ago. Contrary to what the Hon. Dr Arthur

Chesterfield-Evans said, things are changing quite rapidly in the public sector. This bill will contribute towards providing a service that meets the demand in the general community for enhanced public services and services that are delivered more efficiently.

The Hon. Dr Arthur Chesterfield-Evans referred earlier to whistleblowers. I point out to the honourable member that enhanced protection for whistleblowers is provided in this bill. The bill reflects the outcome of extensive consultation with the Public Service Association, the Labor Council and affiliated unions. The main areas of change introduced by the bill, which have been canvassed in debate, include a streamlined disciplinary process that emphasises natural justice rather than a bureaucratic process, and improved methods for dealing with poor performance while preserving current protections for whistleblowers. The bill introduces provisions to enable cross-agency employment—an issue that was well canvassed in the second reading debate.

No honourable members expressed undue concern about that issue. However, honourable members should understand that binding guidelines would be developed with agencies and unions on that issue. In addition, the bill will provide a legislative basis for permanent and temporary movement across the public sector, enhancing the efficiency of the sector and providing career opportunities for officers within the sector. The bill contains protection for employees to cover both intra-agency and interagency secondments. The bill removes the role of the Governor from the majority of the administrative functions associated with the appointment to, and removal of, officers from positions.

There has not been any serious resistance from any quarter to these changes that will result in significant savings for agencies. The changes will in no way diminish the current rights of employees or the transparency of current processes. An up-to-date list of SES positions will be available on the Premier's Department web site. The bill provides two new categories of employment—temporary and casual. The Government has made a strong commitment to preventing casualisation, as I said earlier in response to Ms Lee Rhiannon's remarks. I make the point for the benefit of Ms Lee Rhiannon and other honourable members who are interested, that both the employers and the trade unions overwhelmingly prefer the direct employment of casual employees in the public sector as against the use of labour hire firms.

In response to the Opposition's point relating to overall sector numbers, the New South Wales Government Workforce Profile collects data on the characteristics of employment in the public sector. That includes categories of employment. The definitions of temporaries and casuals will be amended to reflect the definitions provided in the bill. Future Workforce Profile data collections will include details of labour hire and agency temporaries. Public reports are produced following each successive collection. Those reports include extensive data on public sector employees in New South Wales. In response to a point made by the Hon. Dr Arthur Chesterfield-Evans, the Government is well aware that this information remains the property of the people of New South Wales. That information is currently available and even more detail will be available in the future, courtesy of the passage of this bill.

The bill removes red tape and streamlines the appeal processes. These changes will enable appeals to be resolved at an early stage. The proposals in the bill, on the whole, do not affect current appeal rights. In accordance with the bill, binding guidelines will be issued on the new public service disciplinary system, cross-agency employment, staff mobility and the new categories of employment. The guidelines will be prepared in consultation with agencies and unions. The relevant parts of the bill will not commence until the guidelines have been finalised.

Once the guidelines are issued, the agencies affected by them will be required to comply with them. In conclusion, the Government remains committed to ensuring that the community receives value for money and quality services from public sector bodies and employees. The changes introduced by this bill will greatly assist the Government to achieve these outcomes. The bill will give effect to the Government's strong agenda of reform and it will revitalise the New South Wales public sector. I commend it to the House.

Motion agreed to.

Bill read a second time.

In Committee

Chapter 1 agreed to.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.50 a.m.], by leave: I move Government amendments Nos 1 to 8 in globo:

- No. 1 Page 16, clause 28 (2), lines 25 and 26. Omit "if the total periods of employment as a Departmental employee will exceed 3 years". Insert instead "from time to time".
- No. 2 Page 17, clause 29 (4), lines 7 to 15. Omit all words on those lines.
- No. 3 Page 26, clause 45 (5), lines 13 to 17. Omit all words those lines.
- No. 4 Page 26, clause 46. Insert after line 30:
- (3) Before any disciplinary action is taken with respect to an officer under this section, the officer must be given an opportunity to make a submission in relation to the disciplinary action that the Department Head is considering taking.
- No. 5 Page 27, clause 47 (4), line 31. Omit "may be taken". Insert instead "the Department Head is considering taking".
- No. 6 Page 28, clause 47 (5), lines 1 to 4. Omit all words on those lines.
- No. 7 Page 28, clause 48 (2), line 16. Omit "may be taken". Insert instead "the Department Head is considering taking".
- No. 8 Page 123, schedule 6 [5], line 29. Omit "informal". Insert instead "formal".

Amendments agreed to.

Chapter 2 as amended agreed to.

Chapters 3 to 8 agreed to.

Schedules 1 to 5 agreed to.

Schedule 6 as amended agreed to.

Schedule 7 agreed to.

Title agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

APPROPRIATION BILL

APPROPRIATION (PARLIAMENT) BILL

APPROPRIATION (SPECIAL OFFICES) BILL

GENERAL GOVERNMENT LIABILITY MANAGEMENT FUND BILL

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (TRADEABLE EMISSION SCHEMES FUND) BILL

PUBLIC FINANCE AND AUDIT AMENDMENT (BUDGETING AND FINANCIAL REPORTING) BILL

STATE REVENUE LEGISLATION AMENDMENT (BUDGET) BILL

Bills received and read a first time.

Declaration of urgency agreed to.

BILLS RETURNED

The following bills were returned from the Legislative Assembly without amendment:

Radiation Control Amendment Bill
Summary Offences Amendment (Public Safety) Bill
Firearms Amendment (Public Safety) Bill
Police Service Amendment (NSW Police) Bill
Statute Law (Miscellaneous Provisions) Bill

**PARLIAMENTARY REMUNERATION AMENDMENT
(RECOGNISED OFFICE HOLDER) BILL**

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.57 a.m.]: I move:

That this bill be now read a second time.

As the second reading speech is the same as that delivered in the other place, I seek leave to have it incorporated in *Hansard*.

Leave granted.

The Government has agreed to introduce this Bill to amend the Parliamentary Remuneration Act following representations from the Opposition.

The Bill will enable the Deputy Leader in the Legislative Council of a recognised political party with not fewer than nine members in the Legislative Council to receive an additional salary and expense allowance.

The Parliamentary Remuneration Act provides that certain recognised office holders specified in Schedule 1 to the Act are entitled to receive an additional salary and expense allowance.

In May 1996, Schedule 1 to the Act was amended by regulation to insert, as a recognised office holder, the position of Deputy Leader in the Legislative Council of a political party with not fewer than ten members in the Council.

From the commencement of the amendment, the Deputy Leader of the Liberal Party in the Legislative Council became entitled to receive an additional salary and expense allowance.

As a result of the March 1999 election, the number of members of the Liberal Party in the Legislative Council was reduced to nine.

However, the Deputy Leader of the Liberal Party in the Legislative Council continued to receive the additional salary and allowance, in error, for more than a year after March 1999.

The Deputy Leader of the Liberal Party in the Legislative Council has continued to perform this role. There is no suggestion that the responsibilities of the role have been reduced in any significant way because the number of Liberal Party Members of the Legislative Council has fallen from ten to nine.

Accordingly, the Government has agreed to introduce the Bill.

The Bill amends Schedule 1 to the Parliamentary Remuneration Act to provide that the Deputy Leader in the Legislative Council of a recognised political party with not fewer than nine members in the Legislative Council is entitled to receive an additional salary and expense allowance.

That is, the Bill replaces the current requirement for ten members with a new requirement for nine members.

The Bill also provides that the amendment takes effect from 27 March 1999.

I commend the Bill to the House.

Ms LEE RHIANNON [10.57 a.m.]: If it is passed, the Parliamentary Remuneration Amendment (Recognised Office Holder) Bill will bring this Parliament into disrepute. The bill is effectively about the position of the member Mr James Samios. I will examine the bill in some detail, but at the outset I would appeal to the member Mr Samios and his party to, even at this late stage, dissociate themselves from this bill.

Mr Samios is known as the gentleman of the House. Although there is a wide gulf between us politically, I have considerable respect for, in particular, his work with ethnic communities. But I am certainly concerned that this bill could tarnish his reputation. Labor and Coalition representatives should think about what they are about to put their names to: self-serving legislation that changes the rules and backdates those changes. It smells, and if it goes through it will not be forgotten. This legislation actually diminishes the democratic process. It will add to the cynicism that so many people feel towards political activities in this country. We all have a responsibility to clean up the tarnished image of politicians, and this bill, if it is passed, will most definitely set back that process.

The bill is not accompanied by any particular justification in terms of public policy or the public interest. Interestingly for the crossbenchers, the Government failed to brief us on this bill, which, in itself, is

highly unusual. Also, I am the first speaker after the Minister. I took the call because I was worried that the question would be put without any debate, but I did pause to see whether the Opposition would speak to the bill and give us its views. We have a unique situation before us, and it does not do credit to the individual members of this House.

It appears from some corridor comments that there is some angst about the bill amongst members of the major parties, but it appears the leaders of those parties want to keep their heads down, tough it out and hope that the bill passes as quickly as possible and with as little attention as possible being paid to it. The Greens are not looking to apportion blame for the situation that has given rise to the bill. We all make mistakes and when that happens they are fixed, but this problem should not be fixed with this legislation. That is not the way to go. We accept it was a genuine mistake. However, we are quite concerned by the Government's reaction to the mistake once discovered. Given that it has been reported in the *Sun-Herald*, it is probably safe to assume that most honourable members understand the background to the bill.

After the 1999 general election the number of Liberal Party members in this House fell to nine. The Parliamentary Remuneration Act specifies that an opposition party must have at least 10 members in the House for the deputy leader of that party to receive the benefits of office. However, a mistake was made and the Deputy Leader of the Liberal Party in this House continued to receive the higher rate of remuneration as if the Liberal Party had at least 10 members. Presumably, that has continued to this day. The bill does two simple things—reduces from 10 to nine the number of members required for the deputy leader of an opposition party in this House to receive extra remuneration, and effectively backdates that change to the last election.

The Greens are concerned that the law is being changed to accommodate the mistake that was made, rather than putting things right in the more conventional manner. Surely a more appropriate course of action would be to recognise the error and require the money to be paid back. We believe that is what the public would expect. That is how government payments work for ordinary people. That is relevant to my earlier point: this bill, if passed, will bring us into disrepute. For example, if an ordinary person is accidentally paid too much in unemployment benefits or Austudy, that person is certainly required to pay back the overpayment. A payment schedule is negotiated and things proceed from there. I put it to the House and all honourable members that that is exactly what should have happened in this case. We should not waste the time of the House debating this legislation now, on the eve of our winter recess. Once again a controversial bill is being rushed through at a late hour. The mistake should have been handled in the usual manner, and repayments made.

The Hon. Duncan Gay: What time did you get up—its 11.00 a.m.!

Ms LEE RHIANNON: I will beat you up any day, mate!

The Hon. Duncan Gay: Yes, you would, you're a bully.

Ms LEE RHIANNON: A man who throws out insults is a man hard up for a good argument—and that certainly sums up the Deputy Leader of the Opposition. The Greens' concern is that the public's respect for our democratic institutions is undermined when they see one standard operating for politicians and another for everyone else. It engenders tremendous cynicism and mistrust. Most politicians work reasonably hard and do their best in their jobs, but it is difficult to convince the public of this when they see double standards in action. That is what we have here—double standards! The Greens are unable to support the bill. We have some sympathy for the difficulties that have been created by the administrative error, but we cannot support resolving the problem in this way. It demeans Parliament, it undermines respect for our democratic traditions and belittles politicians. It is sad that we have to debate this matter.

The Hon. RICHARD JONES [11.04 a.m.]: From time to time both Opposition and Government members attack Ms Lee Rhiannon, sometimes quite viciously. They call her a Stalinist, and this and that, but she is the conscience of this House. She is the only person speaking out on this issue.

The Hon. Duncan Gay: Has she spoken about getting extra staff for herself?

The Hon. RICHARD JONES: She employs her staff out of her parliamentary allowance, which you do not. I support Ms Lee Rhiannon, because she will continue to speak out in Parliament over the next four years, and it is a good thing she is doing that. The media listens to her, and members of this House should listen to her as well.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.05 a.m.]: On behalf of the Democrats I oppose this bill. It is unfortunate that everything parliamentarians do is criticised. I do not believe that we are

overpaid. The detail with which our expenditure is scrutinised has almost reached the dimensions of a witch-hunt. When I came into this place my salary dropped. My free time is much impaired and this has had an effect on the family. The idea that parliamentarians are all rorters who do not deserve their money and should be paid virtually nothing or very little would lead to people being dependent on their non-salary incomes, and that is a recipe for corruption or venality. We should hold our heads up as parliamentarians and say that we are doing a good job, we are quite hard working and we deserve our salaries.

The Hon. Duncan Gay: Why don't you address the bill?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am going to address the bill, you silly little interjector. I am putting it into some sort of philosophical context. You and your endless niggings prevent philosophical statements being put on record, and that shows how narrow your thinking is.

The Hon. Duncan Gay: If you were listening, you would have realised I was agreeing with you.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am aware that the philosophical statement I am putting on record does not directly address the bill, but the point I am making is that that is the context in which we should do our jobs, and not in the way suggested by this measure. The bill is quite narrow, without much philosophic content. Put simply, it seeks to change from 10 to nine the number of members required for a member to receive the salary of deputy leader of an opposition party. Changes to parliamentary remuneration for all members of the House should be made openly and in accordance with broad principles. It should not look like we are changing the numbers so that a member can continue to receive the same salary after someone has left his or her party. Some members in this House may deserve more money.

The Hon. Patricia Forsythe: Some do not deserve to be in the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Certainly, some do not deserve to be in the House—particularly some of the time servers, who can sit on the backbench without saying a word but who put up their hands on command. They do not belong to the dynamic end of the crossbench, that is for sure. This bill effectively changes the remuneration of only one individual or one category of individual, that is, a person who was deputy leader of a parliamentary party of 10 but whose party's numbers have dropped to nine.

The Hon. Patricia Forsythe: A party of 10 legitimately elected members. Why don't you put that on the record?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am more aware than most in this Parliament of the effect of losing a member of one's party, and that cost me and my party considerably more than it cost members opposite who are heckling. However, I am not demanding any financial compensation for that situation. I think this bill will give considerable grist for the mill to those who criticise parliamentarians for venality, and as such I oppose the bill.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [11.10 a.m.], in reply: I shall respond to some of the matters raised in this debate. First, the Government and I am sure all members of this House are committed to the view that we should be careful to act diligently in relation to the reputation of the House, its members and the parties represented here, and the Parliament as a whole. I think all members who intend to vote for this bill—the Government and, presumably, Opposition and crossbench members—have already considered that aspect in relation to their decision. As was mentioned in the debate by a number of speakers, this legislation is necessary to correct an anomaly in the remuneration of the deputy leader of a political party.

The Hon. Patricia Forsythe correctly pointed out that in the particular instance the bill seeks to address there were 10 members of the Liberal Party in the House at the time the remuneration commenced. For her own good reasons, the Hon. Helen Sham-Ho ceased to be a member of the Liberal Party, and from that time onwards the Hon. James Samios remained as Deputy Leader of the Liberal Party. Clearly, the intent of the original legislation was to provide for the deputy leader of a major political party to be properly remunerated. Therefore, it is irrelevant whether the Hon. James Samios or any other member of the Liberal Party holds the position of deputy leader, or indeed whether it is the Liberal Party, the Australian Democrats or the National Party that has members and is a major Opposition party in the House. It was always the intention to remunerate the person holding the position of deputy leader of a major party.

I think that we are at risk of making a mountain out of a molehill. Government members and other members have a strong intention to address the issue of consistent and fair remuneration. If we fail to address this issue, I think that would lead to greater injustice to the Parliament and to the members involved than any other course of action available to us. Obviously, I concur with honourable members who expressed reservations that this legislation will be misinterpreted by the media. I hope that all members will behave responsibly in that regard and defend the reputation of this House and the process of properly remunerating people for the functions they perform.

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

The House divided.

Ayes, 28

Ms Burnswoods	Mr Gay	Mr Ryan
Mr Colless	Mr Harwin	Ms Saffin
Mr Costa	Mr Hatzistergos	Ms Tebbutt
Mr Della Bosca	Mr M. I. Jones	Mr Tingle
Mr Dyer	Mr Kelly	Mr Tsang
Mr Egan	Mr Lynn	Mr West
Ms Fazio	Mr Macdonald	
Mrs Forsythe	Mr Obeid	<i>Tellers,</i>
Mr Gallacher	Mr Oldfield	Mr Jobling
Miss Gardiner	Mr Pearce	Mr Primrose

Noes, 5

Dr Chesterfield-Evans
Mr Cohen
Ms Rhiannon
Tellers,
Mr Corbett
Mr R. S. L. Jones

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 18 June.

The Hon. PATRICIA FORSYTHE [11.22 a.m.]: The Community Services Legislation Amendment Bill deals with the most vulnerable group in our community: young children in care and their families and people with a disability, including those in care who depend on facilities provided by the Department of Community Services or the Ageing Disability and Home Care Department. The key reason for the introduction of the Community Services (Complaints, Reviews and Monitoring) Act 1993 was that this vulnerable group, particularly those with a disability, believed that if they made a complaint they risked being treated inappropriately and an adverse impact on services from the department. It was with considerable pride that the Coalition in 1993 introduced that legislation. The Minister at the time said in his second reading speech:

A bill that represented the most far-reaching reform and improvement to clients and service provider relationships, complaint and grievances handling, and service provision monitoring of any community service legislation in Australia.

That legislation set a benchmark for the department for the proper support of clients with regard to child protection, family support and people with disabilities and their families. The 1993 legislation was a true milestone for the Coalition when in government. It was a true achievement in the interests of better supporting

people with a disability, children at risk and their families and associated clients, for want of a better word. Those clients would have extended to foster families and people with an interaction with the department who felt very vulnerable if they raised complaints about aspects of service. The Coalition is proud of that legislation, which was supported by the Parliament. The Community Services Legislation Amendment Bill seeks to abolish the Community Services Commission, which was established by the 1993 legislation to provide for a complaints, review and monitoring process. We do not relinquish that initiative lightly.

Today the Opposition does not oppose this legislation but I foreshadow that we will move a number of amendments in Committee. I cannot say at this stage whether the Government will support those amendments. The Opposition acknowledges that there has been and is ongoing extensive consultation with the Government about this legislation. The Opposition is as determined as the Government claims to be to ensure that protection will be afforded to people who have come previously under the ambit of the Community Services Commission. It is appropriate to offer them that protection as broadly as possible. I participated in one meeting, but my colleague, the shadow Minister in the other place, the honourable member for Wakehurst, Brad Hazzard, has had extensive consultations with the current Community Services Commissioner, Robert Fitzgerald, and the Ombudsman, Bruce Barbour.

The Opposition acknowledges that the Community Services Legislation Amendment Bill is very much the product of their work and effort to achieve appropriate outcomes for the needs of all affected communities. The Opposition would not have supported this legislation without the assurance of the Ombudsman and the Community Services Commission that the bill will achieve what we always understood to be the role of the Community Services Commission. Honourable members are more familiar than most with the history of the commission and its relationship with the Government over the past two years, in fact, since the Law Reform Commission Act 1999. We passed legislation in this House to try to address some problems that had emerged as a consequence of advice the Government received from the Crown Solicitor.

I will not go into the detail of that advice, but I remind the House that in 1999 the Law Reform Commission in its report No. 90 highlighted issues regarding the role of the Community Services Commission and made a series of recommendations to improve and strengthen the commission's complaints, review and monitoring roles. That report was not acted upon immediately by the Government. Last year, following a number of critical reports and comments made by the commission, the Government sought advice from the Crown Solicitor about the role of the Community Services Commission in the light of the recommendations of the Law Reform Commission. That advice was that some issues needed clarification.

It is quite clear, as I said in my contribution to the second reading debate on the legislation last year, that the original legislation contained a drafting error. That was highlighted by the Law Reform Commission. The Government should have acted at the time to correct that error. It did not. The Coalition then presented legislation, which the House passed, to clarify and strengthen the position of the commission. We had reached an extraordinary stalemate. To use figures provided to the Opposition then by the New South Wales Council of Social Service, at least 150 complaints and 13 investigations had been impacted upon because the Community Services Commission's jurisdiction had been restricted. In a timeline, today we are continuing to try to resolve some of the issues.

Last year the Opposition sought to supersede by the bill before the House. This bill will abolish the Community Services Commission and create within the Ombudsman's Office a Community Services Division. In fact, the title of Community Services Commissioner will be maintained. The new division will perform the statutory functions set out in the Community Services (Complaints, Reviews and Monitoring) Act 1993. It has been a concern of the Opposition that the commission would not lose its statutory functions. We have been informed by the Ombudsman and the Community Services Commissioner that they are satisfied that those statutory functions are provided for under this legislation through the appointment of the Deputy Ombudsman as the Community Services Commissioner.

I put on the record one matter that the Coalition has raised with the Government. This matter has been of particular concern to the disability sector. One of the great achievements of the Community Services Commission has not merely been in the powers that it has exercised, but the expertise and knowledge it has developed of disability services. As we all know, the provision of disability services is very complex. Nothing is ever black and white in the delivery of those services. The Community Services Commission has done a magnificent job. It understands the range of problems and the difficulties encountered in the provision of services, and with much care has provided very positive support and recommendations to government. A number of organisations have been quite concerned that that knowledge and expertise would be lost.

The Government has indicated that with the transfer of the functions of the commission there will be a retention of staff, without duplication. The legislation clarifies the functions to be performed by the Community Services Division of the Ombudsman's Office subject to the delegation and direction of the Ombudsman. The bill also abolishes the Community Services Review Council. At every step the Opposition has been concerned that the expertise and educative role of the commission be maintained, and that its complaints and systemic issues functions be taken up. Another matter raised with the Opposition, particularly by the Council on Intellectual Disability, is whether the legislation will provide for complaints against boarding houses. I look forward to the Minister clarifying that position in her reply to this debate.

If there is no such provision, the Opposition will consider appropriate amendments. Of relevance is the definition of "residential centre for handicapped persons", premises licensed under part 3 of the Youth and Community Services Act, the definition of service provider, and what is visitable service under the definition of "residential centre for handicapped persons". But it is in regard to disability services in particular that the Coalition has been seeking, and now seeks, assurances from the Government. I was reassured when Commissioner Robert Fitzgerald said these issues were being addressed.

Debate adjourned on motion by the Hon. Patricia Forsythe.

BILLS RETURNED

The following bills were returned from the Legislative Assembly without amendment:

Mining Legislation Amendment (Health and Safety) Bill
Legal Aid Commission Amendment Bill

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (ANTI-CORRUPTION) BILL

Second Reading

Debate resumed from 18 June.

The Hon. DON HARWIN [11.38 a.m.]: The object of this bill is to prevent or reverse the effects of local council decisions that have been tainted by corrupt conduct. Recently publicised events have shown that in some rare cases, more than one councillor or council officer may be engaged in corrupt conduct. This bill provides that when one or more councillors are found to have engaged in serious corrupt conduct in carrying out environmental planning and assessment functions, the Independent Commission against Corruption may recommend that an administrator take on those functions in place of the council.

The bill also provides that when a council's decision is based on serious corrupt conduct, the Independent Commission against Corruption may suspend or revoke a development consent, provided that such a suspension or revocation would not significantly disadvantage an innocent person and provided there has not yet been substantial commencement of the work authorised by the consent. The bill extends the jurisdiction of the Land and Environment Court expressly to cover decisions of a consent authority that has been tainted by corrupt conduct, and the court or the Minister may suspend a consent authority's decision pending proceedings in the court to revoke that decision.

The Opposition will not oppose the bill, but has a number of concerns. It would have been desirable, for instance, had the Government included in the bill a mechanism that would prevent the sale of the property that had been constructed as a result of corrupt conduct, or allow rescission at the option of an innocent purchaser should a sale already have been effected. The Opposition also contends that legislation should afford protection to other property owners who are affected by developments that result from corrupt conduct. Relief either in the form of compensation or orders for modification or demolition should be available to neighbours, for example, of property that has been approved illegally or corruptly.

The Opposition believes that even when a development arising out of a corrupt consent has been substantially commenced, an order of the Land and Environment Court to suspend the consent should include an order to stop work and should also contemplate the possibility of demolition. Additionally, there is a case for saying that the Government should have included in the legislation a provision for compensation for innocent parties who are adversely affected by an order to revoke a consent that was granted as a result of corrupt conduct.

Those concerns of the Opposition are very real. The Government has not incorporated them in the bill, so we place those concerns on the record. Amendments have been foreshadowed but the Opposition has had notice of them for only a short period. The amendments appear at face value to address in some way the Opposition's concerns, but because we have not had time to adequately consult on those amendments it is unlikely that we will be able to give our support. We consider it desirable that on such an important matter, which involves significant changes impacting upon the development application process, any amendments should be fully examined by all stakeholders before the Opposition indicates support. The Opposition does not oppose the bill.

Ms LEE RHIANNON [11.43 a.m.]: Corruption in development assessment and planning is now widespread and growing, and the consequences are becoming a part of the daily lives of the people of Sydney and the other cities and towns of New South Wales. The urban environment of New South Wales is under attack from developers who have purchased the ear of a councillor or of a council officer. They are strong words, and as recently as a few months ago I would have been howled down for having said that. But because of the stories running hot about Rockdale City Council and the reports of other councils being in a similar position, honourable members know that my comments reflect reality.

Communities throughout this State are losing their open space, quality of life and ability to enjoy their homes through inappropriate development—a growing percentage of which is slipping through a supine development assessment system that is oiled by corrupt payments and campaign donations. The corrupt behaviour of developers, their consultants and consent authorities is killing this city, and corruption must be brought to an end. The development assessment system is in desperate need of a major overhaul before we lose everything to the developer onslaught. This bill represents one quite small and somewhat faltering step in the right direction. But the bill is timid in setting its goals, flawed in its implementation, and completely misses the biggest bucket of corruption in the urban environment—the still-legal developer donations to political parties and candidates.

I must say that when I read "Anti-Corruption" in the title of the bill, it took my interest, because when the Government puts those types of titles on bills, I know it is part of its media strategy to regain lost ground. And the Government has certainly lost a great deal of ground through corruption of the political process. However, the Greens support the objective of this bill to revoke development consent or consent that is tainted by corruption. This is an important principle because when a development consent has been obtained by corrupt conduct it should be revoked. This principle recognises the significance of the outcomes of the planning process on people's lives and on the ability of the community to thrive. It also recognises that, once granted, an inappropriate development will continue to wreck the community that hosts it in perpetuity.

The community should not have to suffer forever because some councillor or planner took a bribe from a sleazy developer. That is what needs to be cleaned up. This bill is one step along the road to recognising that inappropriate development is theft from the community. The problem should be recognised in terms of theft from the community. The best remedy is to cause those who perpetrated the crime to make restitution to those who have suffered loss. As I said, the bill is flawed and it is therefore disappointing in a number of aspects. First, it relies largely on the Land and Environment Court to apply the remedy. Because other legislation before this House deals with this issue, I will not now refer to the developer bias of this court, other than to observe that among many communities the court is known as the land and developer court. One of those communities is outside this Parliament as I speak. People from Sandon Point are protesting right now because this Government has ignored them and has not assisted them in their very justified battle to safeguard their community from a greedy developer, Stockland.

The community has waged a heroic fight together with the South Coast Labour Council, many community groups and many concerned local citizens, and has worked in close co-operation with the Aboriginal community. The Kuradji people have had in place for more than a year two tent embassies. Because honourable members have ways of working in politics that are different from mine, they may not be aware of how difficult it is to maintain tent embassies 24 hours a day, seven days a week, yet both tent embassies have existed for more than a year. On behalf of the Greens I congratulate warmly the people involved on their incredible contribution. They are fighting to safeguard our coastal areas and bring some sanity into the way development works.

This bill goes a short way to providing legislative support to people from Sandon Point and other communities who are waging campaigns throughout the State. The bill leaves open two rather large loopholes that the Greens will seek to close at the Committee stage. One problem arises when revocation of consent will significantly disadvantage a person who is not a party to the corrupt behaviour. In that case, the court is not

permitted to revoke the consent. If a site with a corruptly obtained development consent is sold on to another person, the court will be powerless to act and the community is expected to suffer the ravages of an inappropriate development. That is simply not good enough. Any developer who obtains consent by greasing the appropriate palms will do the obvious and on-sell the site and its consent to an innocent third party.

The Minister, in his second reading speech, made reference to recovering the ill-gotten gains of the developer, using the Confiscation of Proceeds of Crime Act to seize the profits. While this is appropriate in cases where criminal prosecutions have been successful, it will do nothing to restore the environmental assets that have been stolen from the community. Clearly, the Minister has not addressed one of the biggest problems facing communities across New South Wales, and developers in this State are just having their way. We will attempt to fix that problem by allowing the development consent to be revoked and compensation to be paid by the corrupt parties.

A second set of problems arise when demolition or construction work has already commenced on a corruptly obtained development application. This legislation wimps out and states that the consent cannot be revoked. That is just not good enough. The Greens believe that this woefully inadequate provision leaves communities unprotected from inappropriate development. In these cases the solution that we will bring forward in Committee is to force the developer to be reassessed and modified to conform with standards that the community expects at the expense of those who behave corruptly in the first place.

The existence of these two loopholes suggests that the Government is still not prepared to take the hard decisions and bring developers under control. This conclusion is consistent with the other gaping hole in this bill. I am referring to the failure to address developer campaign donations to political parties and candidates, which is nothing less than legalised corruption. It is a cancer on the political process and on the fabric of society. I state that vehemently because I have seen time and again how this issue of campaign donations is making people cynical about the political process. They think, "Why should I bother getting involved?" The parties take their donations and get their running orders. They know what to do even if they are not told. They know that if they do not deliver when they get into power they will not get those donations again.

We must address this issue, which is doing enormous damage to the community. Even if we get rid of the illegal palm greasing and the brown paper bags, our cities and towns will still be consumed by adverse decisions which run against community interests, and by a planning system that puts the profits of developers ahead of the best interests of the community—all purchased by perfectly legal but massively corrupting donations to political parties and candidates by developers. This appears to be a game that almost anyone can play. The large corporate developers appear to focus on the State Government, which maintains a well-oiled set of development assessment laws and a totally compliant Land and Environment Court.

The smaller developers appear to prefer candidates for local government election. The going rates are more moderate and the outcomes more targeted. Either way, until we have a State government that is prepared to tackle this issue, we will continue to suffer with a corrupted and biased development assessment process. Honourable members should take careful note that the tide of community sentiment is turning against this corruption. The community is looking for answers. I have found in the 3½ years that I have been a member of Parliament that there is increasing understanding amongst members of the public that this process occurs. There is growing anger that it has to be changed. That is a starting point for achieving progressive change in our society.

That is not surprising, given that every day each voter in this State is visually assaulted by the excrescences thrown up by laws and decisions which are purchased by campaign donations. That most consummate of politicians, the Premier, has already taken note of what for him and his party must be a most alarming turn of events. But, as befits a man of his superior intelligence, he has come up with a brilliant solution: bury the issue in the too-hard basket of public policy, the dumping ground of issues one never wants on the public agenda—the Council of Australian Governments. Mr Carr knows his stuff. Put the issue into the netherworld of Federal-State relations—blaming the Feds is always a good out when one is hard up for an argument; tie it up in committees of the States and the Commonwealth; say that there can be no progress until we get every State and the Commonwealth to agree and then, hey presto, the issue will be solved, at least until after his party has received its next 30 pieces of silver from the development industry and purchased its next election victory.

The Government is dragging the chain on this issue as it is so dependent on developer donations to bolster its election prospects in March 2003. For the Premier on one level it is a brilliant solution, but voters can smell a snow job and, in this case, they can well and truly see it. On 23 March next year every one of them will have walked or driven past at least one outrageous example of developer greed. They will know that the

solutions are being buried and hidden by a Government that is well and truly addicted to the developer dollar. They will not be satisfied by timid, toe-dipping little nibbles of change such as this piece of legislation. The Greens support the bill, but to call it an anticorruption law is just spin.

The people of New South Wales will know that the urban environment will continue to be degraded and abused until there is a major overhaul of the laws governing development assistance and approval, including the Environmental Planning and Assessment Act and the Land and Environment Court Act. Until there is significant reform of the laws governing campaign donations in respect of local, State and national elections to exclude developers, we will not be able to achieve the right thing by the people of New South Wales. I look forward to debate in Committee.

The Hon. PATRICIA FORSYTHE [11.55 a.m.]: It was not my intention to comment in debate on this measure. All honourable members find corruption disgusting and despicable. Many clichés were used in debate on this bill but I want to make only one observation. The word "developer" was used earlier by honourable members as though somehow that word was inherently wrong. Developers build office buildings, commercial buildings, industrial buildings and houses, and they provide jobs. At the end of the day they are responsible for the construction of industrial, commercial and residential buildings which benefit the whole community. We would not have houses and factories if somebody did not build them. Provided there are environmental safeguards there are no dangers in that area. Honourable members referred to developers as though, somehow, they were inherently wrong and they were destroying our society. If we did not have these so-called developers we would not have jobs, houses, factories or retail development. We must stamp out corruption. Honourable members should refrain from using the word "developer" as though it is inherently wrong.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.57 a.m.]: I support the Local Government (Anti-Corruption) Amendment Bill and congratulate the Government on this initiative. But this measure, which is not thorough enough, does not cover the entire corruption process. It is one thing to talk about corruption at a local government level and to deal with it at that level; it is another thing to look at the much more systemic issues of why corruption exists in the body politic and what can be done about it. The Local Government (Anti-Corruption) Amendment Bill amends the Environmental Planning and Assessment Act as well as making minor consequential amendments to the Independent Commission Against Corruption Act.

Schedule 1 provides that the director-general of the Department of Planning may request the director-general of the Department of Local Government to investigate council activities associated with the Environmental Planning and Assessment Act. Provision is also made for the appointment of an administrator who would assume environmental and planning functions if the ICAC considered that that was necessary because of corrupt conduct in council.

Probably the most significant aspect of the bill is proposed section 124A. A development consent may be modified or suspended if the Independent Commission Against Corruption considers that the success of the development application was tainted by corrupt conduct on the part of the council, a councillor or a staff member. If proceedings are brought before a court, a court can exercise its discretion and revoke consent if tainted by corruption. Proposed section 124A (9) exempts the Crown from paying compensation to persons affected by the court's decision to revoke the development consent.

Rockdale council is a prime example of the necessity for this bill; indeed, the activities of the council are currently being investigated. We have been trying to get to the bottom of a large development at Cooks Cove. The Democrats have asked a lot of questions about the development and have put an inquiry on the notice paper. It is interesting that while these allegations are being made quite widely, huge developments that are totally dependent on the outcome of the inquiry are still going ahead. I ask the Minister what he proposes to do about the matter. I am also still awaiting an answer to a question asked in this House.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

ENTERPRISE AGREEMENTS UNION BARGAINING FEES

The Hon. MICHAEL GALLACHER: My question without notice is to the Minister for Industrial Relations. What action has the Minister taken to ensure that non-unionised workers in New South Wales will be protected from fee-for-service arrangements?

The Hon. JOHN DELLA BOSCA: I am pleasantly surprised that the Leader of the Opposition has asked me, on probably the last day of the budget session of this Parliament, a question about industrial relations. It is only the third time during this session that he has asked me a question about industrial relations. It seems that the Leader of the Opposition has devoted all his energies to the WorkCover toilets' colour scheme. The Leader of the Opposition has asked me seven questions about that matter so far, one in question time on Wednesday and six in the budget estimates committee hearing.

Yet, during the budget estimates committee hearing not one question was asked about the Department of Industrial Relations. The shadow Minister for Industrial Relations did not ask a single question about industrial relations. Indeed, throughout the entire budget session of this Parliament, as I said, the shadow Minister has only asked two questions on industrial relations, six questions on why staff were asked their opinion on the colour scheme of their workplace, and two questions on industrial relations.

The issue of fee-for-service bargaining agreements, as the Leader of the Opposition is aware, has recently been the subject of a significant case in the Federal Court. Not only is the Howard Government currently the jurisdiction in charge of those laws, but it actually created the legal arrangements, in a great deal of fanfare, and as usual it has gone to an objective umpire for an interpretation of the laws. The objective umpire, the Federal Court—arguably the most objective black-letter court in the country—has formed the view that the current Federal laws provide for fee-for-service bargaining agreements, provided employers and employees agree.

In other words, they are perfectly legal arrangements in the Federal jurisdiction, which I think would be the jurisdiction most favoured by the Leader of the Opposition. Interestingly, his Federal colleague the Hon. Tony Abbott, as usual, is screaming about the umpire's decision. Late last year the Full Bench of the Industrial Relations Commission also found that clauses in enterprise agreements requiring non-members of unions to pay bargaining fees were lawful. As the Leader of the Opposition should be aware, as he is a student of industrial relations in New South Wales—

The Hon. Michael Egan: No, he's not.

The Hon. JOHN DELLA BOSCA: He's got his L-plates on. Currently, where employers and employees agree in the case of enterprise agreements, there is provision for the payment of bargaining fees, and that includes bargaining fees to unions. That can only occur, as I said, in properly determined enterprise agreements.

It is a matter that people could have a variety of views about. But who took on the tough job of reforming the industrial relations system in the first instance? My good friend Laurie Brereton conducted the real reforms during the term of the Keating Government. At that time the Opposition parties supported the introduction of enterprise bargaining into our Federal industrial relations jurisdiction—something that a lot of people in the Labor Party and the Labor movement had reservations about. Nonetheless, it was something that was seen as necessary to free up the economy. In the course of that, there has been a lot more work for union officials and employers in negotiating individual enterprise agreements. Those agreements take time, effort and energy. [*Time expired.*]

POLICE INTERNAL WITNESS SUPPORT UNIT

The Hon. TONY KELLY: My question without notice is to the Minister for Police. What is the latest information in relation to police internal witnesses and the Government's efforts to protect them?

The Hon. MICHAEL COSTA: As police Minister, I value honesty and integrity in policing—as I think we all do. If police officers are concerned about either management issues or indeed possible corruption, I want them to feel that they can come forward, state their case and be heard. I support the right of every police officer, like Mark Fenlon, to have their complaints heard in a timely manner. Not only that, but police who come forward, whether it be to a public inquiry or to senior police, need to know that they will be protected from harassment or harm.

Much has been said about Tim Priest, Vince Fusca, Chris Laird, Greg Byrne and Bob Francis. These police came forward about concerns they had in relation to policing in south-western Sydney. I note that Tim Priest is leaving the force soon. I want to say that I valued his advice. These men came forward in difficult circumstances and they ought to be commended, not condemned. The system has to support people like them.

Police need to know that the Government is serious about protecting them. We also have to respect the views of so-called critics. Many key matters that have come to my attention since I have been Minister have come from people like Richard Basham. I value his input greatly. The police force must provide protection for police officers who bravely speak out when there is alleged improper conduct on the part of their colleagues.

The police force has established the Internal Witness Support Unit to look after the welfare of police who make complaints against other police. This means there are penalties in place for those who engage in "payback" against the complainant. This is covered in both the Protected Disclosures Act and section 206 of the Police Service Act. Recent changes have also increased the limitation period for laying charges relating to detrimental action against internal witnesses. The new limitation period is two years, compared with the previous period of six months. This allows sufficient time for prosecutions to be taken against those who persecute internal witnesses.

Following a report of the Standing Committee on Parliamentary Privilege and Ethics last year, Commissioner Moroney issued directions to all New South Wales police commanders and managers to advise them that any intimidation of an employee resulting from evidence given before a parliamentary committee may constitute a contempt of Parliament. We must be serious about protecting internal police witnesses. We must also be serious about recognising those who come forward in good faith, and that they must have their allegations tested in good faith. As Minister for Police I will continue to work hard to ensure we protect honest police.

APOLOGY TO DETECTIVE SERGEANT TIM PRIEST

The Hon. MICHAEL GALLACHER: My question without notice is to the Minister for Police. Has the Minister been specifically authorised by Assistant Commissioner Clive Small to apologise to Sergeant Priest on Mr Small's behalf, given Mr Small's public statements on 27 February last year that, "There is no reasonable explanation for the detective's allegations against me other than they are deliberate and a malicious distortion of the truth"? If the Minister has not been authorised by Mr Small to apologise, why not? If the Minister has been authorised by Mr Small to apologise, will he withdraw his evidence to the committee?

The Hon. MICHAEL COSTA: I have just made a statement to the House on a matter that I hold quite dear. I made a statement about a number of individuals who have taken steps in good faith to ensure that we have a police force of the calibre, integrity and good operation that the community of New South Wales wants. The Opposition has chosen once again to play politics, to act like politicians, rather than accept the comments that were made in good faith. I do not want to say another thing.

SOCIETY FOR WORLDWIDE INTERBANK FINANCIAL TELECOMMUNICATIONS ANNUAL CONFERENCE

The Hon. IAN MACDONALD: My question without notice is to the Treasurer, and Minister for State Development. Will the Treasurer please update the House on the latest success of the Sydney Convention industry?

The Hon. MICHAEL EGAN: The Hon. Ian Macdonald's question is pertinent. I am pleased to advise the House that Sydney is set to host the world's most important financial services event. It is expected to attract more than 3,500 finance and information technology senior executives from around the world and inject more than \$41 million into the State's economy. Sibos is the annual world forum for the European-based Society for Worldwide Interbank Financial Telecommunications, the organisation responsible for secure messaging services and interface software for more than 7,000 financial institutions in 196 countries. The Sydney Sibos event will be held in 2006. The Sibos win follows the announcement that Sydney is predicted to become the number one city in the world for holding conventions.

The international meetings and exhibitions sector is worth more than \$2.3 billion a year to the New South Wales economy. That is a vast amount of money. Last year's convention attendees spent \$41.2 million in Sydney restaurants alone—that is also a great boost to the local economy. The selection of Sydney as the site for the annual Sibos conference is also further recognition of Sydney as one of the Asia-Pacific's major financial centres. Sydney is the financial capital of Australia and the financial centre for the Asia-Pacific region, with 65 per cent of output of the Australian finance industry and 70 per cent of the financial services groups in the nation. The Australian Stock Exchange is ranked second largest in the Asia-Pacific and the twelfth-largest in the world.

New South Wales also has a strategic time zone advantage over other Asia-Pacific locations, spanning the closure of the North American business day and the opening of the European markets. By trading ahead of Tokyo, Hong Kong and Singapore, Sydney provides a global connection to major markets. Sydney was assessed against many other world cities and recorded a superior rating in all categories. Our quality of life and wonderful attractions were instrumental in securing this event. Almost half of the delegates attending Sibos will be chief executives, board members or vice-presidents of major world financial institutions, providing good business opportunities for our financial sector. I am pleased to acknowledge the work of the Sydney Convention and Visitors Bureau and the Sydney Convention and Exhibition Centre in helping to secure this event.

TOMAREE NATIONAL PARK PLAN OF MANAGEMENT

The Hon. MALCOLM JONES: My question is to the Minister for Juvenile Justice, and Minister Assisting the Minister for the Environment. Is the Minister aware that Mr Karl Rakus, an elderly man living adjacent to Tomaree National Park, had for many years ridden his horse in that area? When the National Parks and Wildlife Service took over tenure of the land he was forbidden to ride his horse, although, no plan of management exists. Having to ride on the side of the road, this elderly man was hit by a truck and badly hurt. His horse had both back legs broken and was destroyed. What justification exists for banning horse riding in this area without an approved plan of management?

The Hon. CARMEL TEBBUTT: I am not aware of the specific incident to which the honourable member refers. He is quite aware that horse riding is not an activity that is universally provided for in national parks, and there are very good reasons for that. Horse riding can have an impact on the ability of the National Parks and Wildlife Service to play the important role that it does in biodiversity and conservation. Nonetheless, the plan of management process to which the honourable member has referred is extremely important, because it provides for community consultation and provides a process whereby competing demands over the use of public space can be resolved in a way that gives everyone a say. It is certainly not necessarily the case that everyone will be 100 per cent happy with the outcome but it provides a means to manage some of the conflict. I cannot provide details on the plan of management process for the specific area that the honourable member has referred to, so I will refer that aspect of his question to the Minister in the other place and undertake to get a response as soon as possible.

APOLOGY TO DETECTIVE SERGEANT TIM PRIEST

The Hon. DUNCAN GAY: My question is to the Minister for Police. Given the Minister's apology to Sergeant Priest and others earlier in question time, will he ask for similar apologies to be given in the Legislative Assembly by Premier Carr, Minister Aquilina and his Parliamentary Secretary, the honourable member for Cabramatta, who have all challenged the credibility of Sergeant Priest?

The Hon. MICHAEL COSTA: Again, I restate the position I put earlier. That is the only comment I will be making on this matter. In relation to some of the more general issues raised in the honourable member's question, once again I ask the Opposition to stop playing politics with policing in New South Wales. It is too important an issue for members opposite to be playing politics.

The Hon. Greg Pearce: Point of order: We have now heard a very grudging admission from the Minister about what happened to these good policemen. As one who had to stand up for those police in the face of the thugery—

The PRESIDENT: Order! I have warned members previously about using points of order to make debating points. There is no point of order.

The Hon. MICHAEL COSTA: The hysterical nature of that point of order indicates clearly where the Opposition—

The PRESIDENT: Order! I call the Hon. Greg Pearce to order for the first time.

The Hon. MICHAEL COSTA: It indicates clearly where the Opposition is on policing in this State. Members opposite want to play politics with it. They are not interested in outcomes. They have not produced one policy. In the time I have been Minister they have continually been playing politics with this portfolio. They have not sought to support our front-line police. In addition to that, they have criticised police operations directly, and called operations like Vikings, an important operation supported by the community, a knee-jerk operation.

The Hon. John Jobling: Point of order: The question was very specific. It related to a number of persons and sought an apology. The Minister is now rambling into many areas, and I ask you to draw his attention to the relevance of the specific question.

The PRESIDENT: Order! The Minister was referring to apologies in general. The answer is in order.

The Hon. MICHAEL COSTA: As I was outlining before I was interrupted by a spurious point of order, which was taken to stop me from making my comments, the Opposition has not produced one policy to support front-line police.

The Hon. Charlie Lynn: Point of order: My point of order is that the Minister is misleading the House. Over the past three days the Opposition has given total support to a number of bills.

The Hon. John Della Bosca: They are not your policies.

The Hon. Charlie Lynn: No, but we have been supporting the Government.

The PRESIDENT: Order! Again I remind members not to use points of order to make debating points. However, I remind the Minister of the requirements of the relevant sessional order, which requires answers to be relevant.

The Hon. MICHAEL COSTA: As I was saying before the Hon. Charlie Lynn raised another spurious point of order to try to gag me, if Opposition members are serious about supporting our front-line police they should produce some policies. I have been out there trying to deal with issues raised by front-line police. I am completely outcome orientated. Unfortunately, members opposite are totally politically orientated. All they are interested in is using any issue to create a political controversy for narrow political gain.

The Hon. DUNCAN GAY: I ask a supplementary question. In light of the Minister's answer, and if his apology is fair dinkum, will he undertake to ask the Premier, Minister Aquilina and his Parliamentary Secretary to do the same in the Legislative Assembly as the Minister has done here today?

The Hon. MICHAEL COSTA: I do not understand how that is a supplementary question, because it was exactly the same as the original question. As I said, the Opposition needs to give a commitment to the people sitting in the gallery that it will not play politics with policing. The Opposition's refusal to give a commitment that it will not play politics with policing indicates that it is bankrupt on the question of policing strategies in this State. All I hear from members opposite during question time after question time are attempts to denigrate the New South Wales police force.

The Hon. Greg Pearce: Point of order: The Minister was clearly asked to obtain an apology from the named members of the other House, who were very quick to intimidate these officers when they had the opportunity to do so.

The PRESIDENT: Order! There is no point of order. The Minister may continue.

The Hon. MICHAEL COSTA: I will keep my remarks brief. I challenge the Opposition to make a public commitment not to play politics with policing in New South Wales.

DUST DISEASES BOARD RESEARCH GRANTS

The Hon. IAN WEST: My question without notice is addressed to the Minister for Industrial Relations. Will the Minister outline the latest research to assist New South Wales workers who suffer from dust diseases?

The Hon. JOHN DELLA BOSCA: Honourable members would be familiar with the role of the Dust Diseases Board. This year marks the seventy-fifth anniversary of the board, making it one of the oldest bodies of its type in the world. Eighty years ago the Hon. George Cann, Minister for Labour and Industry in the Storey Labor Government, introduced the Workers Compensation (Silicosis) Act 1920. For the first time, it recognised the need to compensate workers whose health had been affected by their work in dust-related industries. The Carr Labor Government continues this proud tradition. New South Wales workers who have contracted asbestos-related diseases as a result of their employment receive every support possible, including medical treatment, hospitalisation and nursing care in the home—all critical factors in reducing worry for the families of those suffering from a serious illness.

The Dust Diseases Board ensures that affected workers are assigned a dedicated case manager, someone they can turn to for support and assistance in times of need and who can arrange services such as oxygen in the home and so on. In the past three years the Dust Diseases Board's grants scheme has contributed \$2.5 million to research designed to improve the treatment for sufferers and to unlock the secrets of diseases like mesothelioma. Yesterday the Dust Diseases Board hosted a major international conference reporting on groundbreaking research into occupational respiratory illnesses. The Frontiers of Research conference allowed physicians to inform their patients and their peers of the latest developments in treatment options and research directions.

I was able to inform participants in the conference of the Dust Diseases Board's latest grants totalling just under \$700,000. The first grant of \$600,000 was to Dr Kwun M. Fong from the department of thoracic medicine at Prince Charles Hospital in Brisbane. Dr Fong will lead a team of colleagues in researching molecular damage in lung cancer. They will examine genes that suppress tumours. The second grant, of \$96,000, was to Professor Jiri Neuzil of the school of health sciences at Griffith University. Professor Neuzil and two associates at the University of Ancona in Italy will examine efficient ways of killing cancer and mesothelioma cells. In particular, they will examine a technique using vitamin E. It is hoped that the research will have major clinical and public health implications for the prevention and treatment of lung disease in New South Wales workers.

In accepting the Deputy Leader of the Opposition's invitation to comment about asbestos exposure in a variety of industries, not excluding the electricity industry, let me say that the lung bus initiative that I launched recently on behalf of the Dust Diseases Board is one outstanding initiative. It will practically assist a wide variety of employees in both the private and public sectors who might have reason to be concerned about past exposure, current exposure or even potential exposure to asbestos and who might therefore be at risk of asbestos-related diseases. The lung bus has completed some service with the State Rail Authority, and it is also available to a variety of electricity employees. I am happy to keep the Deputy Leader of the Opposition advised about progress in this matter.

SWAREFLEX WILDLIFE WARNING REFLECTORS

The Hon. RICHARD JONES: I ask the Minister for Juvenile Justice, representing the Minister for the Environment, how many Swareflex wildlife warning reflectors have been installed on country roads, and what impact has this had on reducing road kills and accidents, particularly between vehicles and kangaroos. If the Minister is unaware of the Swareflex reflectors or their effect, will she come back to the House with an answer?

The Hon. CARMEL TEBBUTT: I will come back to the House with a response to the specific matter raised by the Hon. Richard Jones.

RAIL TRACK MAINTENANCE

The Hon. DUNCAN GAY: My question is directed to the Minister for State Development. Is the Minister aware that on Sunday a freight train carrying \$25 million worth of gold from the Cadia mine at Orange was delayed near Pennant Hills for 3½ hours because a section of the track was unsafe and needed repair? How can companies operating in regional New South Wales be expected to deliver goods to freight terminals in Sydney when the State Government cannot maintain the rail network in a proper state?

The Hon. MICHAEL EGAN: That is a funny question because, first, the honourable member complained about the lack of rail maintenance, and then he complained that a section of the track was under repair. I do not understand the logic. I am not aware of the issue. I will have some inquiries made through my colleague the Minister for Transport. However, I would have thought that anyone concerned about the state of maintenance of the rail track would support the rail track being repaired.

POLICE PROMOTIONS SYSTEM INQUIRY

The Hon. RON DYER: My question without notice is addressed to the Minister for Police. Is the Minister able to give the House the latest information on the police promotions system?

The Hon. Michael Gallacher: How about starting with investigating complaints? That would be good.

The Hon. MICHAEL COSTA: The Leader of the Opposition, who interjected, as usual, before I started to give my reply, made a comment about complaints. It gives me the opportunity to reiterate the answer I

gave to him in the estimates hearing the other night that complaints against our police this year are actually down 30 per cent. That is a good improvement in the complaints system. Yesterday I announced the establishment of a ministerial inquiry into the police promotions system. The inquiry will review legislation governing police promotions; review internal police practices, policies and legislation relating to police promotions, including the collection of statistics as it applies to promotions; develop plans to ensure the integrity of the police promotions system; examine police promotions systems in other Australian jurisdictions; and consider any relevant reports on the topic.

Geoff Schuberg, a member of the Police Minister's Advisory Council, will chair the inquiry. Other members will be the Senior Assistant Commissioner designate, Peter Walsh, and representatives of the New South Wales Police Association, the New South Wales Police Ministry and the Minister's office. Much has been done to make the promotions system fairer and efficient. That includes the imminent introduction of rank-at-a-time promotions for police, which we have discussed in the House this week. Front-line police tell me that the area of promotions still continues to raise many concerns for officers. That is why I believe an independent inquiry will encourage as many police as possible to come forward and raise concerns they may have.

The 12-month ministerial inquiry will provide me with an interim report by 30 September. This is a policy issue. Any matters that arise regarding individual police complaints that require investigation will be referred to the Police Integrity Commission [PIC], the Ombudsman, and police internal affairs. Yesterday I met with Sergeant Mark Fenlon, who made some statements about this matter. He said that he is, "satisfied with the action taken by the Minister". He also said:

I am sick of the politics associated with this matter. Serving police officers like me need real outcomes. This inquiry can deliver these outcomes.

This Government is outcome oriented. Unfortunately the Opposition is concerned about one thing alone, and that is politics, politics and politics. In relation to Mr Fenlon's specific complaints, arrangements have been made for him to be interviewed in the presence of the Ombudsman. In conclusion, I reiterate that policing is too important an issue to play politics with. I challenge the Opposition to give a public commitment that it will not play politics with policing during the next period.

Mrs DAVIS AND Mrs WHELAN MURDER INVESTIGATIONS

Reverend the Hon. FRED NILE: I ask a question without notice of the Treasurer, representing the Attorney General and the Premier. Have the findings of the Coroner into the disappearance and probable murders of Mrs Davis and Mrs Whelan been referred to the Director of Public Prosecutions? Did the Director of Public Prosecutions discontinue the murder case against Mr Burrell because Justice Sully ruled that vital evidence was not admissible because of minor technical problems with search warrants? In view of the reluctance of the Director of Public Prosecutions to proceed against Mr Burrell because of the rulings of Justice Sully, will the Attorney General appeal against Justice Sully's ruling about admissible evidence, particularly relating to the alleged kidnapping, ransom notes and other matters?

The Hon. MICHAEL EGAN: I will refer the question to the Attorney General.

TANILBA BAY PUBLIC SCHOOL

The Hon. PATRICIA FORSYTHE: My question without notice is to the Treasurer, representing the Premier, and Minister for the Arts. Is the Premier aware of a fire started by arsonists or vandals at Tanilba Bay Public School on Sunday which destroyed two classrooms and valuable equipment, including the costumes of students of years 3 and 4 who had spent hours preparing for the Hunter Dance Festival? Will the Premier consider providing funding from his Discretionary Fund to assist students to replace those lost costumes?

The Hon. MICHAEL EGAN: I will refer the question to, more appropriately, the Minister for Education and Training.

INTERNATIONAL PALAEOONTOLOGICAL ASSOCIATION CONFERENCE

The Hon. JANELLE SAFFIN: My question without notice is directed to the Minister for Mineral Resources, and Minister for Fisheries. Minister, what has been done to raise international awareness of our State's geological development?

The Hon. EDDIE OBEID: The plan of the New South Wales Government to encourage investment and exploration in our State's resources means we are gaining a greater understanding of regional geology. Palaeontology, the science of studying fossils, is an important part of this process. I am pleased to advise the

House that this Government's expertise in this area is internationally recognised. Next month New South Wales will host the world's first International Palaeontological Association Conference. This will be the largest gathering of these scientists ever in the southern hemisphere. The five-day conference begins on 6 July at Macquarie University.

It is anticipated that up to 400 scientists from 35 countries will attend the forum. These scientists are expertise in the study of fossils that are formed from animal and plant life preserved in rocks, dating back three billion years. This information helps geologists determine the age and relationships of rock strata. This is critical to our knowledge of where mineral deposits may or may not occur in New South Wales. This forum will be a unique opportunity for the New South Wales Department of Mineral Resources to showcase its expertise in this area.

New South Wales Government scientists will present lectures and leading field trips for international scientists to regional areas where there are important fossils. Department of Mineral Resources scientific staff Dr Laurie Sherwin and Ian Percival will lead field trips to Orange, Cowra and Yass. As always, we are taking a whole-of-government approach to minerals research. Several of the papers being presented are the result of co-operative studies undertaken by the New South Wales Government scientists and those at the Australian Museum. Today, of course, mineral exploration in this State is a much more precise science, spurred on by the commitment of the Carr Government to its Exploration NSW initiative. Funding from this program is enabling large areas of the State to be mapped in detail.

The Carr Government maintains its strong support for the growth of exploration for minerals and petroleum in the State to ensure that the community fully benefits from its mineral resources. Conferences like this highlight the expertise that this Government is providing to encourage investment in our minerals industry. I note the attempted interjections of members of the Opposition, who are not only not interested in the international recognition of our department and its knowledge about fossils but not interested in tourism or the economic benefits that such a major conference, with 400 scientists, will bring to our region.

The Hon. Charlie Lynn: We are interested in fossils, Eddie; that's why we sit here listening to you.

The Hon. EDDIE OBEID: The Hon. Charlie Lynn ought to worry about the next elections, after which the Coalition might be fossilised and long remembered as a minority party. Today we passed legislation to make sure that the Liberal Party is recognised as a major party in this Chamber. It has only nine members and officially a major party needs to have 10 members. It is not even a party; it's numbers are diminishing. The Hon. Charlie Lynn ought to pay much more attention.

The Hon. John Ryan: Point of order: The sessional orders provide that answers must be relevant. I do not think anything that the Minister is speaking about now is relevant to the question he was asked.

The Hon. EDDIE OBEID: To the point of order: We passed legislation today to reaffirm that the Liberal Party is still a party. They were down to nine members and officially in this House 10 members are required to be a party.

The PRESIDENT: Order! I remind the Minister of the requirements of the sessional order relating to questions without notice. The Minister's time for speaking has expired.

HOTEL TRADING HOURS

The Hon. DAVID OLDFIELD: My question is to the Minister for Police, representing the Minister for Gaming and Racing. Is the Minister aware that when hotels close their doors at 10.00 p.m. on Sunday's, patrons wishing to continue enjoying themselves simply move to the nearest restaurant or club? Will the Minister explain the logic behind why hotels must force their patrons onto the street at 10.00 p.m. on Sunday's, when those people can then visit the nearest licensed restaurant and drink without partaking of a meal? Does the Government consider it to be fair or appropriate to hoteliers or their patrons, that patrons, having just finished a meal at their local hotel on a Sunday evening, must leave to find a restaurant or club if they want to continue to drink? Has the Minister considered how particularly unfair this discriminatory legislation is during the months of daylight saving, when it is especially common for people to dine later?

The Hon. MICHAEL COSTA: I will take on notice that detailed statement and get the appropriate advice from the relevant Minister.

RECREATIONAL FISHING HAVENS NATIVE TITLE IMPACT

The Hon. JENNIFER GARDINER: I ask a question of the Minister for Fisheries. What is the Minister's response to indigenous fishers who claim that the designation of recreational fishing areas, which came into effect last month, infringes native title? What is his response to claims that he told indigenous fishers there would be no impact on them as a result of those changes to the fishing regime?

The Hon. EDDIE OBEID: This State can be very proud that it complies with the Commonwealth Native Title Act. New South Wales is one of the States that is exemplary in its compliance. I have no recollection of telling indigenous fishers that they would not be affected by the introduction of recreational fishing havens. We have always said—and it is on record—that anyone covered by the native title Act would be entitled to claim exemption. But indigenous fishers have to conform to the present rules and regulations unless they are part of a native title claim. Neither the New South Wales Fisheries Management Act nor the Marine Parks Act affect the native title rights of indigenous Australians. Native title rights are enshrined in Commonwealth law, and therefore take precedence over State fisheries legislation.

In October last year the High Court handed down a decision confirming that native title exists at sea beyond the mean low water mark. That landmark case related to seas in the Croker Island region, approximately 200 kilometres north-east of Darwin. In New South Wales there are a number of current native title applications relating to fishing rights in State-controlled waters. These applications are being determined in accordance with Commonwealth law. Any native title holder who is fishing as part of their native title rights does not need a recreational or commercial fishing licence from the New South Wales Government.

REINO INTERNATIONAL ELECTRONIC PARKING METERS

The Hon. JOHN HATZISTERGOS: My question without notice is to the Treasurer, and Minister for State Development. Could the Minister advise the House of the latest success story of the Australian Technology Showcase?

The Hon. MICHAEL EGAN: I am absolutely delighted to answer the question, and again I am very pleased to inform the House of the Government's commitment to the promotion of innovation through the Australian Technology Showcase.

The Hon. Charlie Lynn: Can you tell us when the Parliament House lifts will work?

The Hon. MICHAEL EGAN: I can. Not that it had anything to do with me, but I happened to wander into an estimates committee hearing last night to hear the President promising that when we come back in August the lifts will be working. Apparently the problem is that we have two computer systems running the lifts while the old lifts are being replaced. But the President assured the estimates committee last night that when we come back in August they will all be working—and they had better be!

The Hon. Charlie Lynn: Can you fix our pagers too?

The Hon. MICHAEL EGAN: No, I can't fix your pagers—and I don't carry a pager. The Australian Technology Showcase was created in 1997 to foster Australian innovation and promote it to overseas markets, and it continues to go from strength to strength. Today I would like to alert honourable members to an outstanding performing Australian Technology Showcase company, Reino International, which on 28 June will ship about \$2.5 million worth of its award-winning electronic multi-bay parking meters to San Francisco—parking meters designed and manufactured here in Australia being sent to San Francisco!

Reino's 100 per cent Australian designed and manufactured multibay parking meter is a simple to use, ergonomically designed unit with an interactive touch screen. There is no ticket, no ink and no paper, so there is increased reliability, lower maintenance costs, and greater compliance by the parking public. I understand that the unit can even be programmed to change parking fees depending on requirements. That is very important. The ultimate in correct pricing is to ensure that whenever I turn up at a car parking area at Bondi Beach there is always one spot available. If there are no spots available, it means the price is too low. If there are many spots available, it means the price is too high. That is a perfect pricing principle.

The Hon. Duncan Gay: So the price may be variable, like prices at petrol stations?

The Hon. MICHAEL EGAN: Apparently with the Reino meters it can be.

The Hon. Duncan Gay: That's disgraceful!

The Hon. MICHAEL EGAN: No it is not. It is a perfect pricing system. The Reino unit also has a communications system that warns of faults and monitors the meter's operation. I do not get any parking meter revenue; it all goes to other places. Reino's new high-tech product, in what has been a typically low-tech industry, gives it the competitive edge in the international market. The company has grown with its success; initially employing seven people, it now employs more than 40 people in its offices in Australia, with additional staff in North America and the United Kingdom and a network of distributors throughout Europe, Asia and the Middle East.

Reino International has also made the final shortlist for the biggest ever parking meter tender in New York, where it has been running trial installations. And the company has recently received about \$20 million in investment from Saltbush Capital and JB Were. Earlier this year Reino International attained international fame when it was awarded "Best of Show" at the fortieth anniversary of the International Parking Institution's Convention and Expo, held in Toronto. What a pity I was not in Toronto to attend that fabulous convention.

The Hon. Duncan Gay: It is a pity the convention was held overseas!

The Hon. MICHAEL EGAN: No. We want to get it here. Reino International is a great example of the wealth of talent and creativity nurtured and supported by the Australian Technology Showcase.

SANDON POINT RESIDENTIAL DEVELOPMENT

Ms LEE RHIANNON: I direct a question to the Minister for Police. Is the Minister aware of an email sent to his office on 16 June this year from Hamish Danks Brown, representing the Sandon Point community picket, which alerted the Minister to violent incidents perpetrated against the picketers at Sandon Point? Is the Minister aware that last night another petrol bomb incident occurred at the Sandon Point picket line? What steps are being taken to prevent any further petrol bombings or other violence being perpetrated against the Sandon Point picket line?

The Hon. MICHAEL COSTA: That is a detailed question. I will take it on notice and get a detailed response.

POLICE OFFICER TRANSFER

The Hon. JOHN RYAN: My question is to the Minister for Police. Did the Minister personally intervene in a New South Wales police operational staffing matter on 17 December last year and direct that a police officer be transferred forthwith from one local area command to another on personal grounds? Considering that the Minister's directive was that the officer's transfer should occur forthwith, is the Minister aware that this officer has not been transferred, despite relocating his home and family on the strength of assurances that the transfer process had the Minister's complete backing?

The Hon. MICHAEL COSTA: I will take a question on notice and get a detailed response.

DARETON YOUTH CRIME PREVENTION INITIATIVES

The Hon. HENRY TSANG: My question without notice is to the Minister for Juvenile Justice. What is the New South Wales Government doing to reduce crime in south-western New South Wales?

The Hon. CARMEL TEBBUTT: As I have reported to the House previously, it is clear that youth crime can be linked to the fact that young people in some areas have few recreational or other opportunities to keep them occupied, especially in rural New South Wales. Providing facilities and opportunities—which need not cost a lot of money—can have the most dramatic and positive effect on the lives of young people. One such initiative is happening in Dareton. I am pleased to advise the House that a youth crime initiative in Dareton has helped to halve the rate of assault, malicious damage, vehicle offences and break and enter offences.

How has this happened? By introducing a program that young people find relevant, fun and educational—and with the commitment and involvement of local police. As honourable members would no doubt be aware, young men in particular are interested in cars. The Dareton Youth Go-kart project taps into that interest, with the result that the high level of car theft and vehicle misuse has dropped, and young people have

learned automotive skills. The scheme came into existence last year after the Government provided \$30,000 from the Save the Communities Fund for the purchase of two go-karts. The Government also funded the attendance of indigenous youth at organised race meetings in the area and engaged a professional to teach the young people about road safety and vehicle maintenance.

This is a fine example of preventing crime in an isolated community by giving young people recreational opportunities that also teach them something at the same time. It has enabled the young people to build positive relationships with the local police, which is also important. The police played an important role by providing training packages on road safety and drug and alcohol abuse. Their job has been made easier by the introduction of an Aboriginal night patrol in Dareton.

These initiatives and others in the region have been linked to a 54 per cent decrease in assaults and a 49 per cent decrease in break and enter and malicious damage offences—very impressive statistics, as I am sure all honourable members would agree. I acknowledge the input of the staff at the Mildura Go-Kart Club, Aboriginal educators, TAFE instructors, health workers, and the families of the young participants. It has been a major community effort and they deserve congratulations.

SOUTHERN CROSS UNIVERSITY PORT MACQUARIE CAMPUS

The Hon. JOHN TINGLE: My question without notice is addressed to the Minister for Police, representing the Minister for Education and Training. Is the Minister aware that Southern Cross University, which is based at Lismore, has virtually abandoned its so-called campus at Port Macquarie and announced that it will close the premises it formerly occupied and transfer its students to the TAFE campus at Port Macquarie? Has this caused serious concern to existing students of the Southern Cross University who are enrolled at Port Macquarie? Are they claiming that their courses will in effect be discontinued?

Given that Port Macquarie and the Hastings district has a growth rate of almost 3 per cent per annum, one of the highest in the State, is it a matter of concern that it should be treated in such an offhand manner with regard to the availability of university education? Does the Minister support in principle the establishment of a University of Hastings at Port Macquarie? Will he express that support to the Federal Government?

The Hon. MICHAEL COSTA: I will take the question on notice and obtain a response from the appropriate Minister.

NATIONAL PARKS AND WILDLIFE SERVICE CREDIT CARD USE

The Hon. JAMES SAMIOS: My question without notice is to the Treasurer. On what dates did he first become aware that the National Parks and Wildlife Service was not paying credit card bills? Did the Treasury first warn the National Parks and Wildlife Service in December last year about this problem? Why did he take until yesterday, some six months later, to take action to withdraw the cards from the National Parks and Wildlife Service? Will he give other Government departments and agencies the same period of time as he gave the National Parks and Wildlife Service before confiscating their cards?

The Hon. MICHAEL EGAN: I issued a warning through Treasury to all Government agencies in December. It was via a Treasury circular signed by Ian Neale, Acting Secretary of the Treasury, dated 21 December 2001 and headed "Payment of expenses by credit card". That circular made it quite clear to agencies that they ought pay their credit card bills on time and that they had a responsibility to ensure they did. At about that time I also indicated to agencies that if they failed to do so, I would take their credit cards from them.

The Hon. Patricia Forsythe: Have you?

The Hon. MICHAEL EGAN: I have taken them from the National Parks and Wildlife Service.

The Hon. Duncan Gay: It took you a while, though.

The Hon. MICHAEL EGAN: I became aware of it only recently.

The Hon. Duncan Gay: Was that following a freedom of information [FOI] application?

The Hon. MICHAEL EGAN: Yes, it was indeed, and I acknowledge that.

The Hon. Duncan Gay: So we have to get Barry O'Farrell to FOI everything to get you to do something?

The Hon. MICHAEL EGAN: No. This FOI application brought forward a routine check six months after the circular was distributed. We are not completely certain about the accuracy of some of the information we have been provided by the ANZ Banking Group Ltd. Indeed, the National Parks and Wildlife Service has indicated that it is in dispute with the bank and that in fact it has paid its credit card bill on time. If that is the case—and the service will have to establish that—the National Parks and Wildlife Service will be able to use its credit cards, but I say to any Government agency that does not pay its credit card bills on time: "If you do not, we will take your credit cards away from you, even though it is probably more costly for us to have you pay by other means."

It does save money to use credit cards, but I will not allow agencies to fail to pay their bills on time. This Government expects people to pay their taxes on time, and I expect agencies to pay their bills on time. It is not only a matter of credit card bills. If honourable members have information about creditors of government agencies not being paid within a reasonable time, I want to hear about it. I expect all agencies to pay their bills on time.

The Hon. Don Harwin: What a joke!

The Hon. MICHAEL EGAN: If members opposite have information about any creditors who have not been paid within a reasonable time, they must tell me.

GRAIN FREIGHT REBATE

The Hon. AMANDA FAZIO: My question without notice is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Will he advise the House how the Government is assisting grain growers in New South Wales?

The Hon. MICHAEL EGAN: I thank the Hon. Amanda Fazio for the question and acknowledge the hard work that the Country Labor team has done for grain growers in New South Wales. As honourable members may recall, the Government introduced a rebate for grain growers late last year. The grain freight rebate was introduced to ensure that freight prices at New South Wales grain silos did not increase by more than 5 per cent in the current year.

The Hon. John Della Bosca: They are happy.

The Hon. MICHAEL EGAN: I acknowledge that they are happy, but I am attempting to answer the question. As I understand it, at most silos there has been no change or reduction in the prices charged by FreightCorp. However, in some cases where there were increases, the Government decided to introduce a rebate to ensure that, for the number of silos that increased their charge, the increase was capped at 5 per cent. Since October 2001, the Government has provided more than \$1.25 million in rebates on rail freight charges at 48 of the 191 grain silos in New South Wales. More than 770 farmers and grain handlers have benefited from this rebate.

Since October 2001, there have been 1,146 claims paid for a total of just over one million tonnes of grain delivered. The top five silos per number of claims paid are Coonamble with 74, Nyngan with 67, Red Bend with 60, Peak Hill with 51, and Tottenham with 49. I also inform the House that the top five silos by tonnage are Weemelah with 179,000 tonnes, Coonamble with 87,000 tonnes, Nyngan with 81,000 tonnes, Cryon with 66,000 tonnes and Red Bend with 60,000 tonnes. I urge all interested growers to bear in mind that they have until 30 June 2002 to lodge a rebate claim with the Office of State Revenue.

POLICE CRIME STATISTICS

The Hon. CHARLIE LYNN: My question is directed to the Minister for Police.

The Hon. John Della Bosca: You never ask me anything.

The Hon. CHARLIE LYNN: The Minister is right. I will work on that during the parliamentary recess and come back to him in September. What action has the Minister for Police taken to allow local police to

share all crime statistics, good and bad, with their local Neighbourhood Watch groups and local communities? Will he give an undertaking to scrap the new Police Media Unit guidelines of March 2002 that promote spin doctoring in order to, as stated on page 5 of the guidelines, "maximise positive media coverage and minimise negative coverage"? This is to take the politics out of it.

The Hon. MICHAEL COSTA: Of course it is! Members opposite would not even know how to commence to do so. I endorse the right of communities to have access to crime figures. In fact they will receive even more information through the Police Accountability Community Teams [PACTs]. They will operate in 80 local area commands and give communities a louder voice in finding local solutions to local problems. These figures will allow communities to assess local problems and help to develop local solutions.

I am advised that today's complaint is based on correspondence between one officer and the Belmont Neighbourhood Watch group. There have been concerns that the identities of victims could be disclosed by the newsletter. As a result I am advised that Charlestown police forwarded a letter to the convener of the group in August 2001. The letter, which was a reminder of the need to protect the rights of victims, requested:

That due to the risk, however small, of victims complaining that they have or could have been identified from this information, I request that it is not published in future.

I remind honourable members that that letter was sent on 7 August last year. I am advised that the Neighbourhood Watch group continues to receive monthly lists of police incident reports. Police met today with the convener of the group, who I am advised has indicated that her relationship with the local area commander has always been professional and mutually beneficial. She also expressed her dissatisfaction with today's report in the *Sydney Morning Herald*. As I have said all day today to the media, I firmly support community-based policing, which requires a sharing of information between police and the community. Our PACT program will enshrine that as part of police practice.

The Hon. MICHAEL EGAN: If honourable members have any further questions, I ask that they place them on notice.

GAMBLING TREATMENT AND COUNSELLING SERVICES

The Hon. MICHAEL COSTA: On 6 June the Hon. Malcolm Jones asked a question about gambling counselling services. The Minister for Gaming and Racing has provided the following answer:

The Carr Government was the first Government in NSW to provide a specific source of funding for gambling-related counselling services. Since 1996, the Government has made funding available from an earmarked levy on the Sydney casino operator, which is paid into the Casino Community Benefit Fund. By 30 June 2001, 60 agencies had been provided with funding grants for this purpose.

In October 2001, I launched a specific Policy Framework to guide the provision and co-ordination of counselling and treatment services for problem gamblers and their families in NSW over the next 5 years.

The Policy Framework contains a Strategic Plan to deliver improvements to service planning and co-ordination, service provision, funding allocation, service monitoring and evaluation, targeted service delivery, and workforce education and training.

The likely benefits of the Policy Framework in relation to the adequacy of service provision include:

- assisting in the identification of agreed criteria to clarify the nature and extent of problem gambling;
- assisting in the development and delivery of more holistic, multidisciplinary problem gambling programs to suit the diversity of individuals who have gambling problems;
- assisting in the development of more appropriate interventions in terms of cultural, social and community needs;
- assisting in the promotion of better practice in service delivery;
- developing a client data set to track gambling patterns of persons presenting for treatment at treatment agencies;
- developing treatment service delivery models which can better meet the needs of indigenous communities, people from culturally and linguistically diverse backgrounds and people in rural and remote communities; and
- assisting in the identification of the workforce skills necessary to provide interventions to indigenous communities and people from culturally and linguistically diverse backgrounds.

I am confident that these measures will ensure that gambling-related services are not only adequate, but are also appropriate to cultural, social and community needs.

PORT MACQUARIE HIGH SCHOOL ENGLISH CURRICULUM

The Hon. MICHAEL COSTA: On 26 June the Hon. John Tingle asked a question about Port Macquarie High School. The Minister for Education and Training has provided the following answer:

I have consulted with the Deputy Director General, Schools, Dr Alan Laughlin about this matter. He has informed me that he has discussed the school community's concerns with the District Superintendent. He has informed me that the school is reviewing its approach to ensure that, if necessary, alternate material is provided.

Teachers in our schools need to make decisions about what is appropriate and what is not for particular students as well as for a class as a whole.

When it comes to teaching English, decisions are made in every school in every city and town across the State about what texts to use.

There are no "set" poems when it comes to the English Years 7 to 10 curriculum. There is a level of choice for teachers that is guided by a range of factors including the needs and maturity of the students.

In short, every English teacher across the State teaches their students differently.

But, there is an understanding that texts of poems studied should be appropriate for the students in a class.

For example, it is difficult to imagine a circumstance where *Macbeth* would be an appropriate text for year 7 students—for a whole range of reasons.

However, it is generally accepted that *Macbeth* for example—and a range of other texts from the literary greats that depict violence—are suitable for older students, especially those in years 11 and 12.

We do also have guidelines that are applicable to potentially controversial texts. No student in New South Wales is ever forced to study something at school which would upset them or go against their conscience.

For example, some parents have objected to the use of *Harry Potter* in our schools. Teachers routinely provide alternative texts for children in this situation.

These considerations are factored into decisions made every day by teachers exercising their professional judgment.

The poem in question is in two common English textbooks—*Enjoying Poetry* by Sadler, Hayllar and Powell and *Now Get On With It* by Arnold and Wilson.

Questions without notice concluded.

[*The President left the chair at 1.02 p.m. The House resumed at 2.00 p.m.*]

PARLIAMENT OF NEW SOUTH WALES JOINT SERVICES

The President tabled the annual report for the year ended 30 June 2001.

Ordered to be printed.

BILL RETURNED

The following bill was returned from the Legislative Assembly without amendment:

Witness Protection Amendment Bill

TERRORISM REINSURANCE

Ministerial Statement

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [2.00 p.m.]: I wish to make a ministerial statement about matters arising from the lack of availability of terrorism reinsurance. Following the terrorist attacks in America on 11 September 2001, reinsurers worldwide indicated that from 1 January 2002 unlimited cover in relation to claims arising from acts of terrorism may not be available. This lack of availability of reinsurance for terrorism-related losses is a serious matter, with implications for insurers underwriting a range of insurance business across Australia.

It is compounded by important requirements on all insurers to comply with the regulatory requirements of Federal authorities, such as the Australian Prudential Regulatory Authority, in relation to reinsurance and capital adequacy. Therefore, the issue crosses all State and Territory boundaries, and a national solution to this

issue is required. To this end, the New South Wales Government has been pressing the Federal Government for a nationally consistent solution to this problem. Despite the Federal Treasurer's statement on 21 May 2002 that the Federal Government will offer "remainder insurance for losses above the cover available from individual insurers", no solution has been forthcoming.

The Federal Government's failure to respond with national leadership on this matter is particularly disappointing for New South Wales, where some specialised workers compensation insurers are unable to obtain appropriate reinsurance for terrorism-related losses from 30 June 2002. As a result, they will be unable to meet the Australian Prudential Regulatory Authority solvency requirements. Self-insurers would also be exposed to the full costs of terrorism events, as they would be unable to obtain appropriate reinsurance for injuries to their workers. This could have significant implications for workers. The New South Wales Government is not prepared to allow this uncertainty.

As a result, the Government has approved temporary arrangements to establish a workers compensation terrorism reinsurance pool under the Workers Compensation Act 1987. Legislative provisions will be enacted with effect from 30 June 2002. The pool would be activated only after a terrorist event. It would be funded by levies on workers compensation premiums or, in the case of self-insurers, their nominal premium. The purpose of the pool is to make payments in relation to workers compensation claims resulting from a significant terrorist-related loss that are not covered by insurers' reinsurance arrangements. All insurers in the New South Wales workers compensation system would be required to participate. I emphasise again that payments to the pool would be activated only in the event of a terrorist attack.

The intention of the arrangements is to ensure that the cost of any workers compensation losses arising out of acts of terrorism are spread across the broadest base available. The arrangements will be reviewed in two years, as the reinsurance situation may be very different by that time. It is not the New South Wales Government's intention to enter into reinsurance matters in the long term, but it has been forced to act to protect employers and workers of this State in the absence of any action on the part of the Federal Government, which is best placed to provide a nationwide solution to this matter. Legislation is in the process of being drafted. Prior to the legislation being introduced into the House, interested parties will have the opportunity to comment on the proposed provisions.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [2.06 p.m.]: First, I thank the Special Minister of State for briefing the Opposition before the luncheon break on what was being proposed in the ministerial statement. The Minister should continue to do that on all industrial relations and workers compensation matters for which he has responsibility. It is fairly much a given that no-one would suggest that Australia will come under any form of terrorist attack following the events of September 11, or indeed wish to see that. One success of our community is the fact that we are able to live in peace and harmony in this country. Be that as it may, we must be realistic, and people need to take out insurance for terrorism-related events.

The Minister's statement flags the Government's intention in that area with regard to workers compensation. The legislation will take effect from 30 June. However, it is important to note that we will not get an opportunity to debate this issue until about August or September of this year—of course, that depends on whether the legislation relating to the levy is passed in August or September. The Opposition questions why it has taken until now for us to become aware of the Government's intention in relation to reinsurance for terrorism-related losses. This is not the first time this issue has been debated in the Parliament. Earlier this year the House debated the Motor Accidents Compensation Amendment (Terrorism) Bill, which examined the very issue of the lack of availability of terrorism insurance as it relates to motor accident compensation. It has taken until the last day of this session for us to hear about the Government's proposal to introduce legislation later this year.

I am surprised it has taken the Government so long to raise this issue. I would have thought that the Minister, who has responsibility for both the motor accidents compensation legislation and the workers compensation legislation, would have moved on to the issue of workers compensation once the motor accidents legislation with regard to terrorism passed through this House. Workers compensation was a primary focus in terms of reinsurance following the events of September 11. The Government has delayed raising this issue in Parliament, but I anticipate that the Minister will deal with it in a second reading speech later in the year. The Minister has not referred in his ministerial statement to the impact on premiums when this legislation takes effect on 30 June. Will it be 1 per cent, 0.5 per cent or 0.25 per cent?

[Interruption]

An honourable member behind me interjected that it is not spelt out in the ministerial statement. The Coalition can only consider what is placed before us. The Minister's statement does not mention the percentage impact on premiums—whether it will be a flat rate across the board or whether it will depend on the risk of the industry to determine whether it will be a fluctuating percentage rate. These are matters that the Minister will have to discuss publicly as he discusses with the electorate and the business community of this State how his ministerial statement and his intention will impact upon them.

INDIVIDUAL RISK INSURANCE

Ministerial Statement

The Hon. MICHAEL EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [2.12 p.m.]: Honourable members will be aware that earlier in the week the Premier wrote to the Prime Minister, Mr John Howard, urging the Commonwealth Government to legislate to amend the Trade Practices Act to allow individuals to assume their own risk when undertaking risky activities. Honourable members will also be aware that in a number of areas of community activities, particularly adventure tourism, the Trade Practices Act prevented what are known as waivers.

Whilst the Commonwealth Government has indicated that it would consider this matter with other measures that it and the States will be taking in relation to public liability insurance, it became apparent that there was an urgent need for this legislation. Earlier in the week the Premier wrote to and telephoned the Prime Minister. I also telephoned the Federal Minister for Revenue and Assistant Treasurer, Senator Helen Coonan, urging that urgent legislation be introduced in the Commonwealth Parliament. I am pleased to advise the House that today Senator Coonan has announced, by means of a press release:

The Minister for Revenue and Assistant Treasurer Senator Helen Coonan, announced today that legislation to allow individuals to assume their own risk when undertaking risky activities will be introduced into the Parliament today.

I congratulate the Commonwealth Government and Senator Coonan on this quick response. I think credit is due. Her press release continues:

The steep insurance premium rises currently being experienced by many businesses, community groups and not for profit organisations are an issue that needs to be tackled by all levels of Government in Australia.

I certainly agree with that. She continues:

The Commonwealth is doing its part but States and Territories must take responsible action to reform their own laws to reduce the cost of negligence claims and take some of the pressure off insurance premiums.

I agree with that as well. Once again, I congratulate Senator Coonan and the Commonwealth Government on this quick response.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [2.15 p.m.]: I will speak briefly to the Treasurer's ministerial statement. Unlike the Minister for Industrial Relations, the Treasurer did not see fit to speak to the Opposition prior to making his statement, and of course that limits our ability to make constructive comments on it. Be that as it may, it is important to put on the record a number of observations. I am sure the Treasurer would love to say that this response is a recognition of what the Leader of the Opposition, John Brogden, has pursued with this Government. Mr Brogden wrote to the Premier in April this year in regard to phase two. He said in his letter that the Opposition was prepared to work with the Government on this serious issue, and that offer still stands. Politics is not involved in this bipartisan approach to solve a significant issue that faces everyone in this State.

The Treasurer congratulated the Federal Government on doing something positive, and of course he is also congratulating his own Government. By raising this matter today the Treasurer has recognised that the Opposition is prepared to put politics aside and discuss phase two, and not leave it until later in the year to resolve this significant matter. The Treasurer should tell the Premier that this matter was raised in the upper House and that the Opposition is sincere. He should tell him that we should work together, take the politics out of this issue, and implement phase two as quickly as possible. He should work with John Brogden to resolve this matter as a matter of priority.

BILLS RETURNED

The following bills were returned from the Legislative Assembly without amendment:

Crimes Amendment (Police and Other Law Enforcement Officers) Bill
Crimes Legislation Amendment (Penalty Notice Offences) Bill

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

The Hon. Henry Tsang, on behalf of the Chair, tabled a reported entitled "7th Meeting on the Annual Report of the Health Care Complaints Commission", dated June 2002.

Ordered to be printed.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (ANTI-CORRUPTION) BILL**Second Reading**

Debate resumed from an earlier hour.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.18 p.m.]: Earlier I referred to the problems involved in, and the corruption of the process of, planning decisions. I said that it does not relate only to the functions of councils—who, in the final analysis, are the ones that sign off the plans—because in many cases councils are overruled. The State Government has poor processes in relation to councils. It needs to look into its own eyes as well as taking the speck out of councils' eyes.

There has been great criticism of the Wollongong council in regard to the Wollongong Cemetery and Sandon Point. When I raised the Cooks Cove and Rockdale council issue there was a huge roar from the Opposition benches. I wonder what donations the Liberal Party received from developers involved in that process. As I said before the luncheon adjournment, I asked the Government whether it would ensure an open inquiry into the Cooks Cove development in view of the allegations made against Rockdale council, which is of course the consent authority. Another controversial development consent related to the Australian Defence Industries site. The Federal preferred tenderer worked out a deal that will decimate the site and the Cumberland woodland. A sleep-out demonstration will take place this weekend to try to save that site.

The deal worked out provided for preservation of the floodplain and some woodland, but large amounts of open territory will be the site of the school and basically urban sprawl. Approval was the State Government's response to the deal between the Defence Department and the preferred tenderer. At Walsh Bay the Government wanted to give a wharf to the developer. The consortium negotiated a deal that was nothing like the original tender, and that will do a lot of harm aesthetically to the development. The shape of the roof is quite different. The claim that this was done to make it blend with the environment is nonsense. The roof line was changed to add an additional storey. That has had a huge adverse impact on the aesthetics of the development. When the National Trust challenged the development which the Government was pushing for, legislation went through this House the night before the court case was scheduled. Those are the lengths to which the Government went to get that development application through.

On the Balmain peninsula there have been some very tight developments without any quid pro quo of improved public transport, perhaps rail transport. But these are nothing compared to the development issues in the north-western sector, where developers are picking off the bits they want rather than having an overall plan and providing a train line, which is clearly needed given the magnitude of the development and the effect that will have on Sydney air quality. Again the Government sits on its hands. It does not have an overall plan. Its planning is piecemeal. Of course the Environmental Planning and Assessment Act enables developers to defeat councils one by one, as well as any of those councils' planning guidelines. The result is development driven by the current economic value of the land rather than compliance with any overall plan. This is very disappointing.

The Government does intervene positively on occasions. It saved Fowlers Point, and it deserves credit for that. It is worth noting that that area was able to be bought, and thus saved, because it had not been zoned for high-rise or residential development. The Government therefore was able to buy it when zoned industrial, for which the price was a lot lower. In a sense the Government, by acting quickly, obviated having to allocate a large amount of capital to save Fowler's Point, which is opposite Balls Head and gives access to the Parramatta River. The Government is making ad hoc decisions because it does not have an overall planning framework. While the Government, through this bill, is acting to improve corruption procedures and provide for the dismissal of corrupt councils—which no-one can argue against—it is not looking at the broader picture, as it ought to do.

I alluded earlier in my speech to another matter that should be looked at. That is developer contributions to political parties. This practice will always tend to distort the process. We should either prohibit contributions from developers or at least make those donations entirely transparent by means of umbrella groups or foundations that collect donations and forward those to the political parties, so that the donor remains

anonymous to government. However, the donations to umbrella foundations must be transparent so that the individual contributors—who almost invariably donate exclusively to one side of politics—can be identified if necessary. Yes, the bill is a step in the right direction, and one cannot fault it. But in the context of the honesty of government and decision making, it really is only a first step regarding the lowest tier of government. The State Government should be looking closely at the beam in its own eye.

Reverend the Hon. FRED NILE [2.24 p.m.]: The Christian Democratic Party is pleased to support the Environmental Planning and Assessment Amendment (Anti-Corruption) Bill. This legislation has a number of aspects to it that are designed to improve the corruption resistance of the planning and assessment system. The bill has been developed in close consultation with the Independent Commission Against Corruption, the Attorney General's Department and the Department of Local Government. As honourable members know, and as has been stated, this legislation stems from the Rockdale council matters referred to and examined by the Independent Commission Against Corruption. It is fair to say that similar cases, whether more or less serious, could have occurred in other councils. That is the need for this blanket legislation.

This bill will give the Minister for Planning new powers to, on the recommendation of the ICAC, suspend development consents suspected of being obtained through serious corrupt conduct. It will enable the Land and Environment Court, again on the recommendation of the ICAC, to revoke approvals proved to have been obtained through serious corrupt conduct. Further, if building work has substantially commenced, or the property transferred to an innocent third party, thereby making suspension or revocation of consent impossible, the Director of Public Prosecutions will be able to take action in the Supreme Court under the Confiscation of Proceeds of Crime Act to seize profits from the original developer. The bill also gives the Minister for Planning, in consultation with the Minister for Local Government, clear power to appoint a planning administrator to a council, following a recommendation of the ICAC commissioner.

The bill defines serious corrupt conduct as "corrupt conduct (within the meaning of the ICAC Act) that may constitute a serious indictable offence". A serious indictable offence is in turn defined in the Interpretation Act as "an indictable offence that is punishable by imprisonment for life or a term of 5 years or more". The Government will need to monitor in the future whether the interpretation of the seriousness of the offence may enable less serious offences to escape the provisions of this legislation. Perhaps there are other procedures to take care of that eventuality. Other measures that we support are not specifically contained in the bill.

The Government has stated it will implement policy to tighten State environmental planning policy [SEPP] 1—the policy that allows councils to vary development standards in circumstances where strict compliance would be unreasonable or unnecessary or would hinder the broader objects of the Environmental Planning and Assessment Act. We know that became part of the debate regarding the Rockdale council matter and the increase in the height of one of the buildings involved from four levels to eight levels. As honourable members know, other action has been taken to deal with Rockdale council, and that the council will be stripped of some of its powers under SEPP 1, so that variations of more than 10 per cent in building height or floor space ratios in Rockdale will need the approval of the director-general of the Department of Planning.

Obviously, to try to identify corrupt activity, there needs to be strict controls and investigation of payments made to individuals and donations to political parties that may influence a political party. I am aware that one of the Rockdale councillors mounted a defence that the money he received was going to the Australian Labor Party. Of course, there is no way of knowing whether that is true. That sounded to me like the councillor's attempt to evade responsibility when it was proved that he had received the donation. This raises the need for stricter controls over donations to political parties, and whether those donations influence a political party in the way in which it votes. If our criticism is that local council decisions are influenced by financial incentives, we must recognise that donations made to political parties can be made to achieve the same purpose at the State level.

Strict control is required. I always become suspicious when large donations are made by the EROS Foundation or other organisations which are a front for X-rated videos—a euphemistic term for hard-core pornography. Such organisations have donated to the Australian Democrats in the Australian Capital Territory and I wonder whether those donations have influenced the pattern of voting in the Australian Capital Territory Legislative Assembly. That matter needs to be carefully investigated as well.

The Hon. RICHARD JONES [2.30 p.m.]: I know Robbie Swan of the EROS Foundation very well. He used to be the editor of *Simply Living* and he knows very well that the Australian Democrats would have voted the way they did anyway, and would not possibly be influenced by donations. Sadly, that cannot be said of all donations, and some donations are extremely large. We all know of bag people who have done very well.

The Hon. Patricia Forsythe: Don't condemn everybody. Not all developers who make donations are bad.

The Hon. RICHARD JONES: Extraordinarily enough, I agree with the Hon. Patricia Forsythe that not all developers are bad. There are some bad developers who will do anything to get a development approved and maximise their profits, but many developers are just ordinary people who happen to be in that line of business and are trying to make money by developing areas. They are legitimately providing homes for people to live in and factories for people to work in. I do not think the word "developer" is per se a bad word, but some developers by their conduct tend to tarnish the term.

Honourable members always hear of the developments here and there which seem to be damaging the environment. In a sense, we need the development industry to clean itself up by not allowing rogue developers to bring all developers down and give all developers a bad name. After all, we all need developers; otherwise we would not have any homes, roads, or public transport infrastructure.

The Hon. Dr Arthur Chesterfield-Evans: I can build my own house.

The Hon. RICHARD JONES: The Hon. Dr Arthur Chesterfield-Evans would probably build a mud brick house that would not last through one storm. The bill is welcome, but I agree that its provisions need to be much tighter. Honourable members need to be vigilant because recent corruption revelations are probably just the tip of the iceberg. I will not discuss those revelations in this House, lest I jeopardise possible legal proceedings. However, I believe that honourable members need to be very vigilant in protecting the community against corrupt conduct and should very carefully examine developments that receive approval.

The Land and Environment Court has been a real problem for many residents by finding in favour of developments that should never have been allowed to proceed. In many cases, developers who go beyond development control plans and other instruments threaten to take the matter to the Land and Environment Court as a means of getting the developments approved by councils. That happens because court action is extremely expensive and some councils simply cannot afford it. Consequently, they cave in and developments are allowed to be larger and more intrusive than would otherwise be the case.

Honourable members also need to examine whether the Land and Environment Court needs reform to ensure that it acts on behalf of the whole community and not just individual developers who are trying to push the envelope just a bit too far. The legislation is welcome. As I said, honourable members must examine the matter of corrupt conduct very carefully. I believe that the practice of large donations being made to political parties should cease. Any donation over \$1,000 should be prohibited because there is no doubt—and I have seen examples of this—that donations influence government decisions.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [2.33 p.m.], in reply: I thank honourable members for their contribution to this debate. On behalf of the Government I will respond to some matters mentioned. First, the Opposition has called for a mechanism to prevent the sale of a property tainted by corruption, to prevent innocent third parties from being adversely affected. The suspension powers in the bill are intended to allow the Minister for Planning, on the recommendation of the Independent Commission against Corruption [ICAC], to suspend development consent when there is evidence of corruption. The Government believes that this power addresses the Opposition's concerns regarding the sale of properties that are tainted by corruption.

Second, provision for compensation to be paid to innocent third parties who have been affected by corruptly obtained development consent is not necessary because the bill protects the interests of third parties. Remarks made by Ms Lee Rhiannon echoed claims made by other honourable members during the debate that local government is widely tainted by corruption in development matters. She claimed that the mechanisms that are in place are inadequate to address widespread corruption.

First, there is no evidence that corruption is widespread throughout local government, nor that public corruption is widespread at all. Certainly evidence exists in relation to the Rockdale City Council; but labelling all councils in New South Wales as corrupt on the strength of the extraordinary experiences evidenced in publicity about the Rockdale City Council is clearly unwarranted. Indeed, it—inadvertently, I assume—misleads the public about the extent of corruption in local government bodies.

Current mechanisms that will address concerns over corruption in local government include the Department of Local Government's power to investigate councils, the ICAC's investigative powers, the role of

the Ombudsman and the Minister for Planning's power to appoint a planning administrator when it is shown that the council has not undertaken its planning responsibilities according to proper processes. These mechanisms, together with the powers proposed in this bill, will act to, first, discourage corrupt conduct in development matters and, second, will ensure that appropriate mechanisms are in place to take action when evidence of corruption in local government is found.

I take issue with the generalised statements by Ms Rhiannon and, I must say, some of the suggestions and comments made by the Hon. Dr Arthur Chesterfield-Evans. I do not believe that anything is to be gained by sensationalist claims or conspiratorial suggestions about widespread corruption. Although from time to time the Government has viewed certain developments with grave concern, I am prepared to say that public corruption, particularly corruption throughout local government, in many respects is probably at a lower level now than it has been over the past 30 or 40 years—at least, the corruption that many honourable members who are experienced in public affairs would easily have been aware of.

I submit generally to the House that the vigilant mechanisms that are in place are so extensive that, were corruption to exist, it would be more likely to be detected than was previously the case, and would very likely be drawn to the public's attention. While there is increased concern about corruption, I believe there is probably less corruption in real terms; and, where there is corruption, that it is very much more likely to be detected and punished. This bill adds to the sum total of proper process in addressing corruption, and I commend it to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Schedule 1

Ms LEE RHIANNON [2.40 p.m.], by leave: I move Greens amendments Nos 1 and 2 in globo:

No. 1 Page 5, schedule 1 [5], lines 35 and 36, and page 6, schedule 1 [5], lines 1 to 4. Omit all words on those lines. Insert instead:

development consent if the decision is tainted by corrupt conduct.

No. 2 Page 6, schedule 1 [5]. Insert after line 7:

- (7) The Court may, if satisfied that its revocation of a decision of a consent authority under this section will significantly disadvantage a person affected by the decision who was not a party to the corrupt conduct, order any or all of the parties to the corrupt conduct to pay to that person compensation for any loss suffered by that person because of the revocation of the decision.

The bill as it stands does not allow a decision of a consent authority to be revoked by the Land and Environment Court if the revocation would significantly disadvantage a person who is not a party to the corrupt conduct. For example, if a development site were sold to a third party, a tainted decision pertaining to that site would stand and the community would be forced to live with the consequences, such as an overdevelopment. Greens amendments Nos 1 and 2 will protect the community in such circumstances by allowing all tainted decisions to be revoked. They would give the court the ability to order the parties to the corrupt decision to compensate persons who are affected by the revocation but who were not party to the tainted decision.

These amendments would ensure that the community was protected from the effects of corrupt decisions rather than living with the consequences of a corrupt decision just because the site had been on-sold with development consent. These amendments would allow the court to revoke that decision and order the corrupt parties to compensate others who would otherwise have been disadvantaged. Ms Cathy Ridge from the Nature Conservation Council has urged honourable members to support these and other amendments that the Greens will move. I urge all honourable members to consider these amendments carefully.

If they want to do the right thing by people who are undertaking developments and if they want to do the right thing by developers—and we heard interesting things about the rights of developers in the second reading debates on other legislation—surely these amendments should be supported. As is the case in relation to

any criminal activity, it is not only ordinary people that will be disadvantaged. People within the industry who are trying to do the right thing will also be tainted. These amendments will go a long way towards improving the development application system and the development process in this State.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [2.42 p.m.]: The Government does not support Greens amendments Nos. 1 and 2, for a number of reasons. The amendments proposed by the Greens will erode the protections that the bill currently provides to innocent third parties who have not participated in the corrupt conduct. The amendments generally would make overly complex the scheme that the bill puts in place—the revocation of corrupt development. That complexity would not assist third parties.

The amendments proposed by the Greens to give some protection to innocent third persons rely on the ability of corrupt parties to pay compensation. If the corrupt parties are not in a position to pay compensation, innocent third parties may be significantly disadvantaged by the court's decision to revoke a development consent. Greens amendment No. 1 would revoke tainted development consents after the sale of a property to a third party. The bill as it currently stands does not allow a development consent to be revoked if the revocation would significantly disadvantage an innocent third party. Greens amendment No. 1 would remove that protection.

Ms Lee Rhiannon argued that the bill creates a loophole by allowing a corrupt developer to sell a site as soon as consent is obtained. That, of course, overlooks the provisions in the bill that allow the Minister or the court to suspend a development consent that is tainted by corrupt conduct, for example, when the Independent Commission Against Corruption [ICAC] recommends that consideration be given to suspension because of serious corrupt conduct. The argument also overlooks the fact that the Environmental Planning and Assessment Act allows third parties to challenge development consents where they have been obtained in breach of the Act, for example, on administrative and legal grounds such as taking into account irrelevant considerations.

In some circumstances decisions may also be challenged on their merits. The existing provisions already provide avenues to challenge corrupt decisions that may result in overdevelopment. For those reasons the Government opposes Greens amendment No. 1. Greens amendment No. 2 would give the court a discretion to order a corrupt party to pay compensation to an innocent third party but it revokes a development consent. That does not provide third parties with sufficient protection. The corrupt party may not be in a position to pay compensation or that party may take action to avoid doing so. For that reason the Government opposes that amendment.

The Hon. DON HARWIN [2.44 p.m.]: In my remarks in debate on the second reading of the bill I said that the Opposition shared in general terms some of the concerns of the Greens about the provisions they seek to amend by these amendments. Because of the implications of these amendments we referred them to various parties with whom we felt the need to consult. At this time we are unable to confirm whether some of the problems that were outlined by the Minister are without foundation. Unfortunately, the Opposition is not able to support the Greens amendments.

Amendments negated.

Ms LEE RHIANNON [2.45 p.m.], by leave: I move Greens amendments Nos 3 and 4 in globo:

No. 3 Page 6, schedule 1 [5], lines 8-13. Omit all words on those lines.

No. 4 Page 6, schedule 1 [5]. Insert after line 13:

- (8) The following applies if the Court revokes the decision of a consent authority under this section:
 - (a) If the demolition of any building or work authorised by the decision has commenced but has not been completed—the Court must order any or all of the parties to the corrupt conduct to restore the building or work at their expense.
 - (b) If the demolition of any building or work authorised by the decision has been completed and the erection of a new building or the carrying out of a new work on the site has not commenced—the Court must prohibit, by its order, the erection of any building or carrying out of any work on the site for 3 years.
 - (c) If the erection of any building or the carrying out of any work authorised by the decision has commenced or has been completed—the Court must, by its order:

- (i) require a new development application for the building or work to be assessed as if the building had not been erected or the work had not been carried out, and require any or all of the parties to the corrupt conduct to pay damages for any loss suffered because of any modification of the building or work required as a result of a new development consent,
 - (ii) if a new development consent has not been granted within 3 years after the revocation of the decision—require the demolition of the building or work at the expense of any or all of the parties to the corrupt conduct and the payment by them of compensation for any loss suffered by a person who was not a party to the corrupt conduct because of the demolition of the building or work.
- (d) The Court may make any ancillary orders (such as orders for access to land).

These amendments would allow tainted decisions to be revoked by the Land and Environment Court even if demolition or construction had been substantially commenced. Honourable members would be aware that I am referring to those unpleasant situations when bulldozers are used or there is a quick hit-and-run raid in the middle of the night and much damage is caused to an historic building. It appears as though there is no choice, even though it may be illegal, other than to continue with that demolition. The Greens amendments would ensure that developers could not evade the provisions of this bill by immediately commencing work on a tainted approval before the Independent Commission Against Corruption has time to make a recommendation or criminal proceedings have been initiated.

Further, these amendments would ensure that, where such a decision had been revoked, the court must take action. For instance, if demolition had commenced but had not been completed, the structure or structures would have to be restored at the expense of the parties to the corrupt decision. When demolition has been completed but construction has not begun, no construction work can take place on the site for three years. When building work has been commenced or completed, a new development application will have to be submitted and assessed.

These amendments would provide the Land and Environment Court with the power to clean up the mess created by a corrupt decision. I say to those honourable members who might think that this is unreal and unworkable that it would act as a huge deterrent. If honourable members adopt these amendments they would be giving teeth to the Land and Environment Court and they would work as a massive disincentive to shady developers who know how to get around the law. They will continue to get around the law unless we adopt amendments like this and get tough.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.48 p.m.]: I support the Greens amendments. We require amendments such as this that give teeth to the law. Honourable members would remember that famous building at Petersham on Parramatta Road which was partly demolished by bulldozers at 3.00 a.m. Police cordoned off that area but the developer was subsequently given permission to demolish the building. That incident occurred because of some carelessness in regazetting the development. As restitution is a much more expensive exercise than demolition it might put a stop to these demolitions and prevent quick property sales. That is another way of getting around this problem. Development applications are all about the preservation of buildings; they are not about creating loopholes in the law. The Greens amendments, which will close the loopholes in the law, should be supported.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [2.49 p.m.]: The Greens argument ignores the fact that the Minister may suspend corrupt development consents to limit the opportunity for developers to act on those consents.

New subsection (8), which is proposed by the Greens and supported by the Hon. Dr Arthur Chesterfield-Evans, provides that a court must order the restoration of a building or work where demolition has commenced. That may not be practicable or even possible, particularly when old buildings are involved. It may not be desirable when a building represents a safety hazard. That new subsection requires the court to prohibit for three years the erection of a new building or work where the demolition has been completed. That ignores the fact that there may have been merit in the development proceeding. Further, the new subsection requires the court to order the payment of compensation to innocent third parties in certain circumstances in which, for example, a new development consent has not been granted within three years of the revocation of the original consent. Again, this may not be possible or practicable.

The Hon. DON HARWIN [2.50 p.m.]: As with the previous amendments moved by the Greens, the Opposition is concerned about the perhaps unintended consequences of some of these amendments. While we

share the Greens' concerns—indeed, there are some celebrated examples of midnight demolitions—on this occasion we are not able to support their amendments.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 7

Mr Breen
Mr Cohen
Mr Corbett
Ms Rhiannon
Dr Wong
Tellers,
Dr Chesterfield-Evans
Mr R. S. L. Jones

Noes, 26

Ms Burnswoods	Mr Harwin	Ms Saffin
Mr Colless	Mr Hatzistergos	Mr Samios
Mr Della Bosca	Mr M. I. Jones	Mrs Sham-Ho
Mr Dyer	Mr Lynn	Mr Tingle
Ms Fazio	Mr Macdonald	Mr Tsang
Mrs Forsythe	Reverend Nile	Mr West
Mr Gallacher	Mr Oldfield	<i>Tellers,</i>
Miss Gardiner	Mr Pearce	Mr Jobling
Mr Gay	Mr Ryan	Mr Primrose

Question resolved in the negative.

Amendments negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

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

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. PATRICIA FORSYTHE [2.59 p.m.]: Earlier I was expressing concern on behalf of the Opposition about whether the bill adequately provides for coverage of boarding houses under its definition of "visitable services". I look forward to the Government's assurance in that regard. A number of concerns have been raised by and put to the Opposition about this legislation. As I said, disability groups have been and remain concerned about, among other things, the potential loss of expertise and the potential break up of the commission. Part of that concern relates to resourcing this division of the Office of the Ombudsman, and whether all the resources currently provided to the commission would go to the Ombudsman. I shall return to issue later.

The second reading speech highlighted what the Government regards as safeguards in the legislation: client benefits and ways to more effectively monitor, review and manage complaints. At all times we have said that the key issue is objectivity, to ensure the existence of a body separate from the Department of Community Services and its associated disabilities department—an issue that more than anything else was the driving force

behind the creation of the commission. We are seeking assurances about the role of the Ombudsman and the establishment and functions of the commission. We want to ensure that systemic failures, for example, the death of a child or person with a disability, can be properly investigated. The deaths of some children result in inquests which quite often are terminated when the Coroner is satisfied he has sufficient evidence to decide whether charges should be laid. Frequently the inquests do not lead on to investigations. We are seeking an assurance that as a result of this bill the Ombudsman will be provided with the appropriate information. Other legislation will be amended by this bill. The Coroners Act will be amended significantly.

Another issue about which I will be interested to hear a response from the Government relates to advisory committees, which the bill enables the Ombudsman to establish. The Child Death Review Team, for example, has acted in that capacity for the Community Services Commission and has brought together a number of key people. That model would be appropriate with regard not only to child deaths but also to deaths of people with disabilities. The bill provides the Ombudsman with the capacity to set up advisory committees, but his duties would be enhanced if he had the capacity to investigate the deaths of people with disabilities. Of concern also are the statistics relating to members of the indigenous community. Despite Aborigines making up only 1.5 per cent of the community, about 25 per cent of Aboriginal children are in care. Consequently, the Coalition believes it is appropriate that the indigenous communities have the opportunity to work as an advisory group to the Government.

In this regard I am not speaking about individual complaints, but rather systemic issues. The way to go forward with systemic issues is to work with advisory groups, to examine the problems and to look for long-term solutions. When this legislation was mooted some weeks ago the advisory groups had not been consulted. Given the number young Aborigines in care—the figure is as high as 25 per cent—it seemed to us an extraordinary oversight on the part of the Government that they, as a group, had not been consulted. They have had explained to them the impact of the legislation, which probably impacts disproportionately upon them.

The Government has been talking about this legislation for some time. I have a letter dated February 2002 which makes reference to the bill that was written by the Ombudsman to the Deputy Director-General of the Cabinet Office. Discussions in relation to it have been under way at least all this year, but various Aboriginal groups have not been consulted. The Aboriginal Children Service alone represents 350 indigenous children in care. The organisation Link-Up has also been involved in the process. The Aboriginal State Secretary was also not aware of the process, and that is regrettable. The Government has now had discussions with the groups and the Aboriginal community is satisfied with the outcome. However, I place on record that it should not be the responsibility of the Opposition at first instance to inform or consult with groups that are significantly impacted on by legislation. The Government should be thinking broadly about advisory committees, taking up the model presented by the Child Death Review Team and working with Aboriginal and Torres Strait Islander communities so that the systemic issues that seem to emerge time and again as the system is monitored can be addressed.

With regard to systemic deaths, it seems appropriate to us that the Government should take this opportunity to extend the class of "reviewable child deaths" beyond those that are the subject of a report under the Children and Young Persons (Care and Protection) Act. Much has been said in Parliament and in the media about the death on the Central Coast of the little girl Jessica Gallagher. I will not comment on the details of that tragic case as I am not as familiar with them as my colleague in the other place. What I recall to be significant in that case was the fact that the little girl's mother had previously come to the attention of mental health authorities. However, even though the child was known to the Department of Community Services, that information was not transferred on.

If we only isolate the Department of Community Services and not consider the consequences of the actions of other departments where appropriate, we lose the opportunity to work across a variety of systemic failures. Another concern of the Opposition is that of resources. We note the letter from the Ombudsman in that regard. I said earlier that, although we are not opposing the legislation, the Opposition is certainly mindful that the Ombudsman, Bruce Barbour, and the Community Services Commissioner, Robert Fitzgerald, have played a significant role in drafting the legislation, and a number of their concerns have now been addressed.

In February in a letter to Dr Neil Shepherd, the Deputy Director-General of the Cabinet Office, the Ombudsman, Bruce Barbour, confirmed his commitment to the proposed amalgamation. He said that there would be significant benefits, but one of his paramount concerns was to ensure there was no diminution in the level of services and range of functions and responsibilities currently provided by the Community Services Commission. In the letter the Ombudsman said:

I am satisfied that the proposal meets that concern.

The draft Community Services Amendment Bill incorporates almost all of the functional and jurisdictional matters which have been the subject of agreement through the negotiation process.

As you are aware, my support for the proposed amalgamation has always been, and continues to be, conditional upon the following:

- the full current budget of the CSC coming across to the Office of the Ombudsman;
- additional and adequate funding being provided for co-location, fitout and IT integration (cost estimates have been provided to you ...); and
- the provision of additional resources to meet any new statutory functions/responsibilities not previously undertaken by either the CSC or the NSW Ombudsman.

In addition, I confirm my commitment given during the course of negotiations to quarantine the budget (subject to the matters raised below) of the CSC once transferred to the Ombudsman until 30 June 2004. The budget will continue to be used for the functions and responsibilities currently performed by the Commission and any restored functions.

This bill arises out of the loss of functions by the Community Services Commission following the Crown Solicitor's advice obtained by the Government. The Government sought advice as a result of the 1999 Law Reform Commission report which led to a number of complaints and reviews being suspended, the then workload of the commission being reduced, and indeed a number of staff leaving the commission. The Ombudsman in his letter referred to the budget continuing to cover the functions and "any restored functions". The Opposition sought advice to ensure that this legislation will not result in a diminution of the commission's role in its broadest context. In his letter the Ombudsman further said:

However, the Commissioner, Mr Robert Fitzgerald and I have agreed that there will be a pooling of resources where necessary to coordinate across the whole office corporate service type functions including publications, information, access and awareness and training.

I will not quibble with that. I note that one great achievement of the Community Services Commission has been its excellent publications, which are outstanding in terms of providing advice or, so to speak, indications of lessons learnt, whether through community visitors or any other aspects of its work. While the commission's other functions will ultimately be incorporated in other services provided by the Ombudsman, I would not like to see the Community Services Commission's educative role diminished in any way. In the letter Bruce Barbour further stated:

I have also agreed, in relation to the new Ombudsman function of reviews into deaths of children, to utilise the independent members of the current Child Death Review Team.

That relates to the point I made earlier about the appropriateness of extending that model to look at the deaths of children with disabilities and to see whether there is a role for a similar advisory group for Aboriginal and Torres Strait Islander communities. In the same instance I mention the Care Leavers of Australia Network, which provides valuable support, drawing on the knowledge and expertise of people who have left care. In dealing with and resolving systemic problems, nothing could be more important than drawing on the experience of people who have been part of the system. Certainly, the Opposition has suggested to the Government that that is appropriate. The Ombudsman further said:

I have agreed to the independent members providing advice and expertise to the Ombudsman for at least the first 12 months of operation of this new responsibility. I have agreed that regular meetings take place, initially monthly, the scheduling of which will be determined after the commencement of the legislation.

The exercise by the Ombudsman of the child death review function will be a significant new challenge for the Office. I recognise that the expertise of the independent members of the Child Death Review Team will be very beneficial to the development of appropriate procedures to underpin the new review role and to the consideration of a broad range of issues relevant to the success of the function.

I look forward to continuing to work with you to ensure the smooth progress of this important initiative.

On 27 June the Ombudsman wrote another letter to Dr Shepherd stating:

Please find ... a copy of my letter to you of 11 February 2002 wherein I make certain undertakings in relation to the proposed merger of the Community Services Commission and the Ombudsman.

In addition, I confirm that I will adopt an equivalent approach to the review into deaths of people with a disability as I have for the review into deaths of children, by utilising an advisory group to provide advice and expertise relevant to this responsibility.

The Opposition would like to claim that important achievement, which was part of the process that has been under way for some weeks as this legislation was finalised. We think the lessons learnt about the expertise of the Child Death Review team are valuable. We acknowledge and thank the Ombudsman and the Cabinet Office for their support during what were significant negotiations on this legislation. I hope the Government understands the Opposition's genuine interest in the Community Services Commission and the transfer of its powers to the Ombudsman. Of course, it could be said that the Opposition has a genuine interest in all legislation. However, as I said at the beginning of my contribution, the Opposition did not want the history of the commission's development to be lost without another appropriate body, with all the benefits and safeguards, being established.

Although the Opposition accepts this legislation, this is not the way it would have reformed the Community Services Commission. It is of the view that many of its concerns have been addressed. On behalf of the Opposition I acknowledge Dr Neil Shepherd, to whom I referred earlier; Nick Rowley from the Premier's Department; the Community Services Commissioner, Robert Fitzgerald; and the Ombudsman, Bruce Barbour, for their co-operation and support in addressing the issues raised with the Opposition by a number of groups. At the end of the day I think the Opposition's amendments will sharpen the legislation a little further, as will the Government's amendments. So I commend the legislation to the House, although it is not the way the Opposition would have sought to resolve the problems highlighted by the Law Reform Commission.

The Opposition would have worked within the commission, as it did when it brought the bill to the House last year. However, the Government has a right to undertake reform in its own way. Indeed, I see the hand of the Cabinet Office all over this bill. It is no secret. I have said it often enough before that under the Coalition Government the establishment of bodies, such as the Community Services Commission, did not normally attract the absolute support of the Cabinet Office. Sometimes these things are driven by Government Ministers and by the Executive. It would be fair to say that the Cabinet Office was not delighted with the Coalition Government's original proposal for establishing the Community Services Commission. However, the Cabinet Office has probably got its way now, in a sense, in terms of transferring the commission's functions to the Office of the Ombudsman. Whether or not the Ombudsman carries out those functions more efficiently, there will be one less government body.

Under this bill I hope that the Ombudsman's powers are strengthened and that he will act in the best interests of all the commission's clients—I am not sure that "clients" is the right word to use; I do not like the word. At the end of the day it is most important that the Ombudsman is objective and is capable of strong, independent thought and providing strong, independent advice to the Government. Various reports show that the Department of Community Services is still not on top of its brief. It is not dealing appropriately with all the issues and it is not adequately providing for children at risk, particularly those with disabilities. There has been a lack of progress in some areas that have been key standards for many years. Having said that, I commend the bill to the House.

I thank the Government for its co-operation during the negotiations in the past few weeks. I am sure my colleague the honourable member for Wakehurst would want me to note that, because he does not give up easily. He has taken a very strong position on certain issues. As shadow Minister he has come to know various groups, including Aboriginal groups, which have acted on behalf of children and people with disability, and he is of the view that this legislation reflects the various concerns of those organisations.

The Hon. IAN COHEN [3.20 p.m.]: I listened with great interest to the contribution of the Hon. Patricia Forsythe. The bill represents a sorry end to a long saga that began in November 2000. At that time the Community Services Commission was advised by the Crown Solicitor that the term "community service" as defined in section 4 of the Community Services (Complaints, Reviews and Monitoring) Act did not give the commission jurisdiction to handle complaints relating to the exercise of statutory functions or duties carried out by service providers, particularly the Department of Community Services. This has drastically reduced the ability of the commission to handle complaints, particularly in relation to certain aspects of child protection and involuntary out-of-home care matters. At the time the commissioner prepared a background briefing paper on the loss of jurisdiction. It specified:

The Commission is currently not able to deal with those matters defined as statutory functions. This excludes complaints in relation to such matters as a failure of DOCS to assess and investigate reports or notifications about the care and safety of children, the inadequate preparation or failure to prepare care plans for children or young people, the removal of a child from a family or carer, and certain aspects of involuntary out of home care.

In April 2001 the Opposition moved to reinstate the commission's powers. This was done through the introduction of a private member's bill by the Hon. Patricia Forsythe. The bill passed the upper House, 21 votes

for and only 12 against. Significantly, there were no crossbenchers who opposed the bill. Despite the overwhelming multiparty and independent support for the bill, the Labor Government refused to pass the bill in the lower House. The Government preferred instead to leave the commission languishing in an untenable situation. It is now more than 18 months since the Community Services Commissioner lost jurisdiction to review statutory functions, and until now the Government has made no attempt to rectify the situation. Disability groups are outraged by the proposal to merge the Community Services Commission with the Office of the Ombudsman. They are extremely concerned that the merger will lead to a watering down of the role, functions and independence of the commission, which is currently a strong, independent specialist watchdog operating across the Community Services portfolio. They are concerned the commission will be swallowed up by the Ombudsman and will lose its independence and valuable expertise. In a letter to crossbenchers People with Disabilities wrote of the proposal in the following terms:

People with disability who rely upon services provided or funded in the Community Services portfolio are among the most marginalised and vulnerable members of our community. They require, and deserve, strong safeguards of their rights and interests. Abolition of the Community Services Commissioner would destroy the limited consumer protection that is available to them.

We have no confidence that the Ombudsman's Office is capable of performing the current role of the Community Services Commission with respect to people with disability. It has not done so in the past when it did have jurisdiction over government provided disability services, and it still fails to do so now in those other areas of administration where it retains jurisdiction over disability matters ...

We are not ready to surrender a system of consumer protection the disability sector struggled so hard to establish.

The Community Services Commissioner on the other hand is confident that the bill will result in the retention of a strong consumer protection regime for consumers of community services. In a letter to the Premier circulated to crossbenchers, Robert Fitzgerald, the Community Services Commissioner, wrote:

The bill preserves the holistic approach envisaged in the establishment of the commission ... ensuring that the wide ranging functions including complaints, reviews, inquiries, community visitors, community education, etc. are retained and in some cases strengthened.

Significant safeguards have been built into the proposal, and incorporated into the bill, which provide assurance that the focus of the Commission's work can be maintained.

The ability to monitor and review the delivery of community services at individual, service unit and systemic levels and to make recommendations have been strengthened.

He concludes:

I have formed the opinion that the bill, and the arrangements proposed, should, with adequate and ongoing resources, ensure that no consumers of community services, including people with disabilities, children and young people in out of home care or receivers of home care services are disadvantaged by this proposal.

The child welfare sector, led by the Association for Children's Welfare Agencies [ACWA], supports the legislation. It is extremely concerned that statutory child protection and out-of-home care matters have been left uninvestigated for so long. On the basis that the commissioner—now Deputy Ombudsman—will have his powers reinstated, the child welfare sector is prepared to support the merger. On Tuesday morning the crossbenchers were briefed by both the disability sector and the child welfare sector. It is important to realise that while the disability sector is opposing the bill and the child welfare sector is supporting the bill it is not because they come from any difference of principle or philosophy. There is no split between the two sectors; they just have different approaches to dealing with the impasse.

Both sectors would prefer to have an independent Community Services Commission with its powers reinstated. This would be the preferred option. It is appalling that the Government is travelling down this path putting both sectors and the Community Services Commissioner in a no-win situation. The bottom line is if one does not support the legislation one ends up with an unsatisfactory situation in that statutory functions fail to be investigated. If one does support the legislation, one has an unknown situation ahead and that could lead to significant losses for the disability sector. At a practical level the Office of the Ombudsman is situated in the middle of the central business district, level 24, 580 George Street. It is a large bureaucracy in a large building. It is an ivory tower. Compare this with the Community Services Commission, which is situated in Surry Hills, a residential area and only on the third level of 128-136 Chalmers Street. It is a much smaller organisation. Important non-government disability services such as the Intellectual Disability Rights Service are housed in the same building. It was pointed out during the crossbench briefing that physical accessibility is important.

The Community Services Commission is physically and emotionally embedded with its sectors. Placing it physically and legislatively with the Ombudsman will have an impact in terms of accessibility. A move to the Office of the Ombudsman must also have an impact on its culture. It has been pointed out to us that the Ombudsman's approach and legislation is a totally different from that of the Community Services Commission. The review process of the Ombudsman is error-based review whereas the Community Services Commission is more merit-based review. There will be changes as a result of the merger, it is inevitable. We can only hope that the commission's activist approach remains and that it is able to continue to deliver an effective and much-needed watchdog service to the community. The Greens have listened carefully to all the arguments presented regarding this bill. We are interested in being part of the Committee process of this bill, but because of our long history of concern for the marginalisation and poor treatment of the disability sector, we maintain our opposition to the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.28 p.m.]: This bill has presented a very difficult quandary for the Australian Democrats. While there is agreement in the community services sector that the bill has some merits and the child welfare sector supports the bill, the disability sector does not support it. This bill strengthens the power of the Community Services Division and extends the jurisdiction of the Community Visitor and Disability Death Review Team to licence boarding houses for people with disabilities under the Youth and Community Services Act 1993. It implements a number of very sound and reasonable recommendations from the Law Reform Commission 1999 review of the principal Act.

Most people involved in the community and disability non-government sector support most of the bill. However, many of the same non-government organisations in the disability services sector feel that the interests of many people under their care would be sacrificed if this bill were enacted, and that the bill in its current form will do more harm than good. It would be a pity if merging the Community Services Commission and the Ombudsman's office soured the other positive features of the bill. The independence of the Community Services Commission is an absolute touchstone for the disability services sector. That sector has had to fight extremely hard for advocacy. It felt it was increasingly being marginalised and that the problems of the sector were totally out of control.

Perhaps due to demographic changes—through the survival of more disabled infants due to improvement of medical services in the 1950s and the closure of institutions—the loads and stresses within the sector were simply too great. I was there at the wheelchair blockade of a Labor dinner in Burwood, and I was there when Parliament was blockaded by wheelchairs. The Standing Committee on Social Issues examined the issue of unmet need in the disability sector and found the Government had not really quantified that unmet need. I think the Government is still reluctant to quantify that unmet need because, of course, once the need is quantified there will be even greater pressure to meet it. What was needed was an organisation that would take a very strong advocacy line on behalf of the disability sector and be absolutely uncompromising.

Roger West took that line, and was very much praised for his courage in doing so. But his contract was not renewed. Robert Fitzgerald's appointment as Community Services Commissioner was much appreciated because he exhibited courage in continuing the good work of Roger West and did not compromise his stance in taking an advocacy position. The disability sector was very pleased about this and was very happy with his work. Therefore, I was somewhat surprised when Community Services Commissioner Robert Fitzgerald and Ombudsman Bruce Barbour both supported this legislation. The Commissioner and the Ombudsman were at great pains to address the issues that I had about this legislation. I have great respect for both of them.

I was therefore very pleased when I received a comprehensive briefing from Robert Fitzgerald on 9 May, along with a comprehensive discussion of the bill and the reasons that he recommended I should support it. He asked that I have an open mind on the proposed amalgamation of the Community Services Commission and the Office of the Ombudsman, as provided for by the bill, and he outlined a very reasoned argument. I thought, "Well, if Robert Fitzgerald thinks it is a good idea, I am happy with that, and I will take his word for it." He is certainly no patsy of the Government—and his office had been a watchdog that had caused quite a few headaches for the Government. But I was taken aback when the disability sector came to me and said, "This is not good enough." Of course, that put me in the difficult situation I have spoken about.

It must be acknowledged that the Crown Solicitor's advice of late 2000 was that the Community Services Commissioner was acting beyond his jurisdiction. The mere fact that that advice was sought suggests to me that the Government adopted a very defensive attitude, and that the Government was becoming embarrassed by the strident advocacy of the Community Services Commissioner. Of course, that advocacy was argued meticulously and incisively, and it had very high credibility. That the Crown Solicitor's advice was

sought also suggested that a muzzle was about to be applied. The Community Services Commissioner commented that 60 per cent of the commission's complaint load was unable to be investigated, but the Government did nothing to address that problem. Some relatively small amendments would have done that. So the commission was muzzled.

Nor does it escape my attention that if this bill were defeated, the Committee Services Commissioner would still be ineligible to respond to 60 per cent of the complaints he has been getting. As such, the present muzzled state would continue. I wonder whether he has recognised the TINA—there is no alternative—principle. If this bill is not passed and the Government still refuses to increase the commissioner's powers to give effect to the Crown Solicitor's advice, the Community Services Commission will not be able to investigate many of the complaints lodged with it, and in fact they will not be investigated. It may be that the commissioner, in the interest of the disability sector, agreed to this legislation as a compromise in an attempt to get something done for the sector. I do not know whether that is what the disability sector thinks, or whether that is what Mr Fitzgerald thinks. Naturally, if he did, he would not be able to tell me so.

This bill implements the recommendations of the Law Reform Commission. The key issue is the abolition of the Community Services Commission and putting its functions under the community services division of the Office of the Ombudsman. I note that the Opposition has foreshadowed amendments to change the title of the unit to recognise that fact. Recommendation 5 of the Law Reform Commission's report is that the current structure of the Community Services Commission should be retained. Of the 65 recommendations, that is a critical one.

The bill will incorporate the Community Services Commission within the Office of the Ombudsman, which is funded from the Premier's Office. So, instead of reporting to the Minister for Community Services—which, the Law Reform Commission noted, provided grounds for conflict of interest—the commission also is now under the Premier's Office. The up side—if you believe in the scenario which I have put forward—is that Mr Fitzgerald negotiated with the Government and is appointed for three years. That in itself is significant in the sense that Roger West was not reappointed. Three years is quite a long time. One might say that legislation should not rely on personalities, but often legislation is modified in less than three years. Therefore, to have a commissioner of the courage of Mr Fitzgerald appointed for three years as part of the package is not an unattractive feature from our point of view.

The 40 staff and 25 community visitors are to be transferred to the new division. I understand there will be a quarantining of funds. One hopes that will be maintained in the longer term, because one of my worries about the Government is that, although the structures may be in place, if the division is not adequately funded most of the clients of the Community Services Commission will slip through the cracks. That can occur in a State that has a poor process of open government. With the Senior Executive Service and the increasing political direction of the public service, stifling of public information release makes investigations of such monitoring bodies far more significant in the maintenance of public accountability within the public sector organisations and in service delivery, particularly in vulnerable sectors such as disability services.

The Law Reform Commission noted in the introduction to its report that consultations revealed widespread community support for the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the processes and programs it establishes. Except for some changes to particular provisions, mainly to address an anomaly or omission that was brought to our attention, the commission recommended that the overall legislative framework remain intact. The commission also recommended that the Government continue to support the work of the Community Services Commission and community visitors to ensure that they continue to perform their functions effectively.

The Law Reform Commission recommended that to ensure the independence of a Community Services Commissioner, a joint parliamentary committee should be established to oversee the operation of the Community Services Commission. The integration of the commission into the Office of the Ombudsman means that the Committee on the Office of the Ombudsman and the Police Integrity Commission will oversee both the Ombudsman's office and the Community Services Commission's function. The Government has implemented this recommendation—albeit, one could argue, by default. As I stated earlier, in late 2000 the Minister for Community Services wrote to the commissioner advising that advice had been received from the Crown Solicitor that the commissioner was acting beyond its powers, but that was not corrected. Thus, the Community Services Commissioner has effectively had his wings clipped and has perhaps been forced into agreeing to this legislation.

A joint position statement was prepared by People with Disabilities which indicates that most of the bodies in the community services and disability sector oppose the bill in its current form because the merging of

the commission into the Ombudsman's responsibilities "would sacrifice the long-term interests of our constituency" for what the organisation considers to be "short-term political expediency". Another major concern is that the merger does not refer to the provision of additional necessary resources for the Community Visitors Scheme when it comes to licensed boarding houses for people with disabilities. The organisations that are signing off on this document, which I must confess is my guide throughout this debate—the Disability Safeguards Coalition, the Physical Disability Council of New South Wales, Family Advocacy, the New South Wales Council for Intellectual Disability, the Intellectual Disability Rights Service and the Multicultural Disability Advocacy Association—have told me that the Government issued a warning that if they did not support the bill the commission would suffer "death by a thousand cuts" through a decreasing budget allocation.

However, the point they make was echoed in the speech made by the Hon. Ian Cohen, namely, that there are two different cultures in the Ombudsman's office and the Community Services Commission. The Ombudsman's office exists to ensure that the proper processes, as defined, are adhered to. In that sense, it is policing an existing structure to ensure that correct processes are adopted in fairness to the individuals concerned. In contrast, the Community Services Commissioner advocates changes to improve existing situations. The approaches adopted are quite different. Moreover, the Ombudsman's office is far larger than the office of the Community Services Commissioner. A merger may well dampen the more activist approach adopted by the Community Services Commission.

The geographic location of the two offices will also make a difference, particularly as the commission will be moving to an inner-city site which may prove to be less accessible for disabled people than the present one. I have noticed that lately the Ombudsman has made more activist noises and that the paper produced on the Department of Community Services [DOCS] by the Ombudsman's office was quite condemnatory and very significant. However, it is just one paper, and it arrived very late in the disabilities debate. Children's welfare groups are impressed and very happy with the new approach that is being adopted by DOCS. The Association of Child Welfare Agencies [ACWA] supports the legislation, which makes matters more difficult for me.

However, I have worked with disabled support service organisations through my work on the Standing Committee on Social Issues, General Purpose Standing Committee No. 2 and the Select Committee on Mental Health, and I believe that these groups are vital. In a sense, they have a corporate memory which gives them a very long-term and historical perspective and a better understanding of the needs of people who have disabilities—perhaps even far better than departmental staff. After all, disabled people have a lifetime of continuous experiences that are not affected by public service staff rotations or political passions, fads or dogmas. They deal with the reality of the major determinant of the quality of life for people with disabilities. For the reasons I have stated, I am unable to support the major thrust of this legislation, which seeks to combine the two offices. The amendments propose minor changes, but they do not affect the reality. I will not support the bill, even with amendments.

The Hon. ALAN CORBETT [3.44 p.m.]: This bill has been presented as one way of dealing with advice from the Crown Solicitor in 2000 that effectively stripped the Community Services Commission of 60 per cent of its jurisdiction. The commissioner and his staff have been hamstrung since then in areas that have required their investigation and input, and the legislation before the House is entitled to bring that jurisdiction back to life in some form. Concerns have been expressed by a number of groups, most notably the disability advocacy groups, that this bill will not solve the issue at hand. In fact, these groups are concerned that the bill will deprive the Community Services Commission of a range of vital functions.

The concerns relate, first, to independence; second, the ability to safeguard the consumer rights of the disabled; third, the role of merit-based assessment of functions and policies, rather than just compliance with policy; and, fourth, jurisdiction to investigate allegations of unreasonable conduct in relation to statutory functions, notably with the Department of Community Services [DOCS] in child protection and substitute care duties and functions. However, after advice from the New South Wales Commissioner for Children and Young People and discussions with the Community Services Commissioner, Robert Fitzgerald, I am convinced that this bill has elements of worth and that most of the fears that have been expressed will not be realised.

The Community Services Commissioner feels that the new legislation gives jurisdictional certainty to the functions he fulfilled prior to the Crown Solicitor's advice. In exchange for total independence, the Community Services Commission gains the security of becoming part of the Ombudsman's office, and acquires the strength of the Ombudsman's powers and budget guarantees. The Community Services Commission has a slightly different culture from the Ombudsman's office, and those cultural differences are likely to be kept intact. The commission has 40 people and its own commissioner, an advocacy role and a merit-based overview focused

on outcome, rather than compliance. Its advocacy role has been included in the bill at least to imply a need for advocacy programs, even if it is not expressed in the more desirable, more specific and original wording found in the current legislation.

The majority of the recommendations made by the New South Wales Law Reform Commission during its 1998-99 review of the Community Services (Complaints, Reviews and Monitoring) Act 1993 have been included in the bill. Perhaps the bill could have been improved by the addition of the remainder of the recommendations, but it is still vastly superior to the current state of affairs. I have looked into this legislation for some months. I am convinced that it deserves support, although there may be amendments which could improve it—not the least of which would be a reduction in the review period from five years to two. I drafted some amendments, including one that provided for a two-year review, but the matter has been covered by amendments proposed by other honourable members. I will not move those amendments but will instead support most of those that will be moved at the Committee stage. I commend the bill to the House.

Reverend the Hon. FRED NILE [3.47 p.m.]: The Christian Democratic Party supports the Community Services Legislation Amendment Bill. The main object of the bill is to bring the Community Services Commission and the office of the commissioner within the auspices of the Ombudsman and the Office of the Ombudsman. The effect of the bill will be, among other things, to create a community services division of the Office of the Ombudsman. I sought responses from organisations concerned with disabilities to ensure that they were content, particularly as the bill had been improved by its consideration in the lower House. I received correspondence from the Council of Social Service of New South Wales [NCOSS] dated 25 June. The council's director, Alan Kirkland, stated:

NCOSS was prepared to consider support for the bill on the basis of several conditions, one of which was an extension of the Commission's investigation powers to matters relating to people with disabilities in boarding houses.

I understand that that condition has been met. That is one of the concerns that was expressed by the Council of Social Service of New South Wales. It also urged us to support an amendment to the legislation to:

- extend the scope of community visitors to take in licensed boarding houses;
- grant the Community Services Commissioner the power to investigate complaints in relation to people with disabilities in licensed boarding houses, where such complaints have been referred by a community visitor.

The Council of Social Service of New South Wales, which includes disability groups, tried to pick up the concerns of the disability organisations that met with us on Tuesday. It asked us to oppose the bill because ideally we should have an independent Community Services Commission with additional powers given to it as a result of the decision of the Crown Solicitor—a factor that has undermined the operation of the Community Services Commission for nearly two years. The New South Wales Council for Intellectual Disability is deeply concerned about the bill. It believes that the bill addresses community service needs and overlooks the needs of people with disabilities. In a letter dated 6 May that council expressed its view—and it repeated its view on Tuesday morning when it met with members of the crossbenches. It said:

We have carefully considered the proposed legislative amendments and do not believe these will provide the safeguards necessary to protect the rights and interests of a vulnerable group such as people with disability.

We are calling for the Government to restore the Commission's jurisdiction in relation to child protection and out of home care matters and to implement the June 1999 recommendations of the LRC review of the DSA and CRAMA and we would ask you to support this position.

I understand that the Opposition's amendments pick up some of those concerns. I hope that there will be general agreement with the Council of Social Service of New South Wales and the Council for Intellectual Disability, and that honourable members accept the bill, perhaps with some reservations. There is provision for a review of the operations of this bill. In two years we will be able to determine whether it has been successful. The Christian Democratic Party received a copy of a letter from Robert Fitzgerald, Commissioner of the Community Services Commission, which was sent to the Premier on 19 June. I believe that other honourable members also received copies of that letter, which stated:

I have considered the Bill and the amalgamation proposal in detail, and indicate my support based on the following grounds:

- First, the Bill combines the strength and certainty of the Ombudsman's power with the extensive range of functions, principles and objects that have underpinned the Commission's work, creating a strong consumer protection regime for consumers of community services.

- Second, the Bill preserves the holistic approach envisaged in the establishment of the Commission and embedded in its legislation... ensuring that the wide ranging functions including complaints, reviews, inquiries, Community Visitors, community education, etc. are retained and in some cases strengthened.
- Third, significant safeguards have been built into the proposal, and incorporated into the Bill, which provides assurance that the focus of the Commission's work can be maintained. Importantly, the CRAMA legislation has been retained, with some amendments, and a new statutory Community Services Division will be established, headed by the Community Services Commissioner as Deputy Ombudsman.
- Fourth, the ability to monitor and review the delivery of community services at individual, service unit and systemic levels and to make recommendations accordingly have been strengthened.

I have formed the opinion that the Bill, and the arrangements proposed, should, with adequate and ongoing resources, ensure that no consumers of community services, including people with disabilities, children and young people in out of home care or receivers of home care services are disadvantaged by this proposal. Indeed, the increased powers, jurisdictional certainty and safeguards incorporated into the Bill will enable a strong response to issues at individual, service and systemic levels.

There are and will be differing reactions to this proposal in the community services sector with some in support and others who oppose it. I appreciate the wide range of issues people have raised, including genuine and long standing concerns expressed.

Nevertheless, on balance I have come to the position as stated above and believe that the proposal has considerable merit.

Yours sincerely

Robert Fitzgerald AM
Commissioner

19 June 2002

We asked the Ombudsman to write a similar letter but he indicated his unwillingness to put his support for the bill in writing. It is not that he has any reservations about the bill as both he and the Community Services Commissioner attended the briefing on 21 June. He indicated that he could express his views at the briefing but because of his independence he was not able to express those views in writing. Due to longstanding practice the Ombudsman is not permitted to act in a way that could be perceived as political. However, that does not mean that he has any reservations about this bill. The Christian Democratic Party supports the bill.

The Hon. RICHARD JONES [3.57 p.m.]: The bill amalgamates the Office of the Ombudsman and the Community Services Commission. The Community Services Commission, as we currently know it, will be abolished. This bill is extremely contentious. I have received similar letters to those received by Reverend the Hon. Fred Nile from organisations such as the New South Wales Council for Intellectual Disability, People with Disabilities and the Council of Social Service of New South Wales [NCOSS]. They have all expressed a range of concerns in relation to the legislation. Their concerns relate not only to the content of the legislation but also to the manner in which it was introduced.

The Council for Intellectual Disability and People with Disabilities are opposed to the legislation outright. They believe that it will mean the abolition of an independent specialist watchdog for the disability sector. In a briefing to members on the crossbenches the Ombudsman and the commissioner replied to their concerns by claiming that no disability groups will be adversely affected by the legislation and that none of their rights will be diminished. The Ombudsman and the commissioner believe that the disability groups fought hard for the establishment of the Community Services Commission because the Ombudsman had failed to address their needs in the past. That is why they are resisting change now.

The Ombudsman and the commissioner claim that these groups will not be marginalised under the legislation. They say that there will be no difference to the actual practices of the Community Services Commission under the Office of the Ombudsman because the Community Services Commission has never been an advocate. Under the provisions of the bill, the current Community Services Commissioner will be appointed Deputy Ombudsman for three years. Provisions are inserted that require mandatory notification to the Coroner of the death of certain categories of children in care and people with disabilities in care. The Ombudsman will be responsible for the review of all deaths of children and people with disabilities in care instead of the Child Death Review Team and the Disability Death Review Team.

The Ombudsman will be responsible for the monitoring and review of community service providers. The Ombudsman may, on his own initiative, review the situation of a child in care or a person with a disability in care and the situation of a group of children or people in care. The disability sector maintains that the Government has not taken action to resolve the dispute between the Minister for Community Services and the Community Services Commission, which deprives the commission of jurisdiction to investigate allegations of

unreasonable conduct in relation to the exercise of statutory functions. They maintain that the Crown Solicitor's advice on which the Minister relies was obtained on the instruction of the Department of Community Services with the explicit purpose of preventing the commission from investigating allegations of unreasonable conduct in the exercise of child protection and substitute care duties and functions.

They believe that there are strong grounds for doubting the Crown Solicitor's advice. One ongoing criticism in this entire saga is that there is no reason why the commission, as it currently exists, could not be maintained with minor legislative amendments to its Act, rather than abolishing it in its current set up and merging it with the Office of the Ombudsman. The 1998-99 review of the Community Services (Complaints, Reviews and Monitoring) Act 1993, which was conducted by the New South Wales Law Reform Commission, recommended significant enhancements to the commission's jurisdiction, powers and functions. It noted that the Community Services Commission enjoys wide community support and its structure and independence are considered vital. It recommended that the Community Services Commission be given stronger and clearer powers. In particular, the Law Reform Commission recommended:

- the Community Services Commission be able to review groups of children in care;
- retribution against a service user for lodging or intending to lodge a complaint be an offence even where the complaint was brought about by another person; and
- the jurisdiction of the Community Services Commission be extended to cover residents of boarding houses, children in foster care and the actions of the Children's Guardian.

The organisations opposed to the legislation note that some of these recommendations are included in the merger proposal, but most are not. In particular I ask whether boarding houses have been omitted from the bill. It is vital that the commission be given powers to investigate matters relating to people in boarding houses. The Council of Social Service of New South Wales and other advocacy organisations have long been concerned about poor conditions in some boarding houses and the lack of complaint mechanisms for people with disabilities. I believe that amendments will be moved in Committee to rectify this anomaly, and I will wholeheartedly support them.

It is extremely important that a strong, independent, specialist watchdog operate across the entire Community Services portfolio, not just part of it. For many years now the Community Services Commission has operated effectively as an independent specialist watchdog in relation to the disability and community services provided or funded under the Community Services portfolio. It was established in response to many years of lobbying by disability representative groups for an independent complaint-handling agency for consumers of disability services.

In 1992-93 the Working Party on Complaint and Appeal Mechanisms pointed out that the complaint and appeal mechanisms in operation at that time were ineffective for consumers of disability services. After extensive consultation they explicitly ruled out the retention and expansion of the Ombudsman's role in this area. The Community Services Commission was thus established in 1994. Over the years the commission has repeatedly drawn the Government's attention to major systemic problems in disability and community services that require reform. Last March the Opposition introduced a bill to restore the commission's jurisdiction, and the bill was passed in this place. The Opposition's bill addressed the anomaly that exists in the Community Services (Complaints, Reviews and Monitoring) Act 1993 that prevents the Community Services Commission from investigating matters defined as statutory functions.

The commission had worked on the premise that there was no differentiation between statutory functions, duties, forms of assistance and services. For seven years the commission has investigated the various components of a community services transaction. When its functions were separated following the Crown Solicitor's advice, a complex and confusing situation was created in which some parts of the complaint could be dealt with within the commission's jurisdiction while others could not.

The fact remains that nothing about the measures the Government is now introducing requires the merger of the commission and the Office of the Ombudsman. I am sorry that the Government was not prepared to resolve the matter in any other way, but I hope that the measures it is now introducing will benefit the sector because it is quite clear that people with a disability who rely on disability and community services are among the most marginalised and vulnerable members of our community. However, due to the concerns I have outlined, I am not convinced that passing this legislation unamended will benefit the disability sector, and I will support the amendments to be moved in Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.02 p.m.], in reply: I thank honourable members for their contributions to the debate: the Hon. Patricia Forsythe, the Hon. Ian Cohen, the Hon. Dr Arthur Chesterfield-Evans, Reverend the Hon. Fred Nile, the Hon. Alan Corbett and the Hon. Richard Jones. The Government acknowledges the useful and genuine discussions that have been held with the Opposition on the bill. We welcome the Opposition's acceptance that this reform is about politics. We believe that the bill will create the best and most comprehensive system of consumer protection for vulnerable people in Australia. Discussions between the Government and the Opposition have resulted in agreed amendments that will improve the oversight of those providing services to the most vulnerable members of our society.

The Opposition raised a number of other concerns with the Government. Whilst they did not result in amendments to the bill, they are nevertheless important issues and therefore require a response. The first concern relates to ensuring that the systemic failures underlying the death of a child or person with a disability can be properly investigated. The concern arises because the deaths of some children result in an inquest which is terminated as soon as the Coroner believes there is sufficient evidence to lay criminal charges. The person or persons are charged and the trial process begins. It focuses on the events immediately around the death, and not on the underlying failures of the support system. After the trial concludes, there is no formal requirement to look at the underlying problems unless there is a formal complaint to the Community Services Commission.

The bill provides comprehensive coverage for this situation. The Coroner is obliged to provide the Ombudsman with all the information on the case. The Ombudsman has the power to investigate the underlying issues on his own initiative—he does not have to wait for a complaint—and the Ombudsman can report on the case either separately or in an annual report, or both. The bill gives the Ombudsman the power to establish advisory committees. The Ombudsman has indicated that he will initially establish two such committees to provide him with expert advice on child deaths and the deaths of persons with disabilities.

The Opposition has asked about the membership of advisory committees, including the need for a broad base involving persons who have been in care, persons with disabilities and persons of Aboriginal or Torres Strait Islander descent. The Government believes that such a constituency is appropriate for general advisory committees but not for the expert committees currently envisaged by the bill. The Government will monitor the situation and revisit it should there be evidence that a general advisory committee would add value to the work of the Ombudsman in this area.

Concern has been expressed that licensed boarding houses would not be included in the bill. I assure the House that they are included. They fall within the definition of a visitable service, so that community visitors may have access to them. In addition, if a community visitor provides an adverse report on the service, the Ombudsman may then investigate and report to the Parliament. Concern has also been expressed about the extension of the class of reviewable child deaths beyond those that are the subject of a report made under the Children and Young Persons (Care and Protection) Act 1998 to include reports made to any government department. The concern here is to ensure that children who die, and who have been the subject of safety or welfare concerns for any government department, come within the definition of reviewable deaths.

The Government believes that the new requirements of the mandatory reporting system will ensure that all relevant government department information for at-risk children will be captured by the Department of Community Services client information system. It would be a waste of time and resources to duplicate this system and to have the Ombudsman chase information across government that is available in a central location. The Government has ensured that the Coroner and the Ombudsman have full capacity to interrogate any service providers, including government departments, in the investigation or review of child deaths. However, the Government will monitor the situation closely over the next three years and will adjust the reporting system should it become necessary to do so.

In summary, this bill simplifies, clarifies and strengthens the roles of the Coroner and the Ombudsman in the review and monitoring system. By amalgamating the Ombudsman and the Community Services Commission, it adopts the best and most effective powers currently available to those organisations. The proposals in the bill have been subject to extensive consultation and are strongly supported by the Ombudsman, the Community Services Commissioner, the Commissioner for Children and Young People, and the Coroner. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee**Clause 1 agreed to.****Clause 2**

The Hon. PATRICIA FORSYTHE [4.08 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 2, clause 2, line 5. Omit "or days".

The purpose of this amendment is to ensure that the whole of the bill is proclaimed, that it cannot be proclaimed in parts. We have learnt some lessons from the Children and Young Persons (Care and Protection) Bill; we are still waiting for a significant number of sections of that bill to be proclaimed. More particularly, the amendment is moved so that the various groups that have concerns about the legislation, particularly the disability groups, know that the Government has the clear intention to adopt all parts of the legislation and that the safeguards and various other aspects are all proclaimed at the same time.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.09 p.m.]: The Government supports this amendment. It has no intention of doing anything other than proclaiming the legislation as a whole on the one day.

The Hon. IAN COHEN [4.09 p.m.]: The Greens support the Opposition amendment. It will ensure that the Government cannot part-proclaim this legislation, as it has done recently. The Children and Young Persons (Care and Protection) Act was passed in 1998, but major parts of it have still not been proclaimed. I draw the attention of the House to a Community Services Commission media release issued on 29 June, yesterday, by Robert Fitzgerald, which states:

The well-being of about 9,100 children who are in the State's care system would be far better known if the Government were to end a four-year delay in implementing the remaining sections of the law governing the care and protection of children in NSW passed in 1998.

I support the Opposition's amendment.

Amendment agreed to.**Clause 2 as amended agreed to.****Clauses 3 to 6 agreed to.****Schedules 1 to 3**

The Hon. PATRICIA FORSYTHE [4.11 p.m.]: by leave, I move Opposition amendments Nos 2, 3, 5 and 12 in globo:

No. 2 Page 3, schedule 1 [4], line 22. Insert "and Disability" after "Community".

No. 3 Page 3, schedule 1 [4], line 23. Insert "and Disability" after "Community".

No. 5 Page 10, schedule 1 [21], line 23. Insert "and Disability" after "Community".

No. 12 Page 39, schedule 3 [2], line 15. Insert "and Disability" after "Community".

The effect of these amendments is to alter the name of the Community Services Commissioner to the "Community and Disability Services Commissioner". It is not meant to be window-dressing in any sense. It is an attempt to acknowledge the concerns of the disability sector, which, quite rightly, has a tremendous sense of ownership of the Community Services Commission. In many ways that sector was responsible for the commission's establishment in 1993 through that sector's tireless lobbying about the problems it saw in not having an independent group to which it could express concerns about services. There was always an issue as to whether those people would be victimised if they raised complaints, given that they were so dependent on the department for the delivery of services—hence the reason for the commission.

The Community Services Commissioner is to be a Deputy Ombudsman, and we need to be very clear that we were not in any sense devaluing "disability" within the functions of the newly created Deputy

Ombudsman. The Coalition has met with the Ombudsman and the Community Services Commissioner, and there is no intention of abandoning or subsuming people with disabilities under the proposal. Nevertheless, the specific reference in the title of the new position of Community and Disability Services Commissioner is a public acknowledgment of the importance that is to be placed on the investigation and resolution of complaints made by and on behalf of people with disabilities.

The Hon. IAN COHEN [4.13 p.m.]: The Greens support the Opposition's amendments. I support what was said and recognise that it is symbolic to the disabilities sector. Considering the heartache that has been generated over time, it is appropriate to acknowledge that symbolic name change.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.14 p.m.]: The Government supports these amendments.

Amendments agreed to.

The Hon. PATRICIA FORSYTHE [4.14 p.m.]: I move Opposition amendment No. 4:

No. 4 Page 4, schedule 1 [5]. Insert after line 17:

- (e) who would be, if the amendments made by schedule 1 [17] and [18] to the *Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Act 2001* were in force, the subject of an out-of-home care arrangement referred to in paragraph (d), or

This definition will alter the definition of out-of-home care used in this bill to make it consistent with the definition contained in the Children (Care and Protection) Amendment (Permanency Planning) Bill. That is, to include children formally placed in the care of relatives. This amendment acknowledges the importance of ensuring that children who are placed in the care of their relatives, rather than with non-related foster carers, are also regarded as being in out-of-home care. Honourable members will remember that the debate on the permanency planning legislation surrounded precisely this issue. Although the relevant section of the permanency planning Act has not yet been proclaimed, it is important to have consistency and to protect children who might otherwise not enjoy the protection offered under this new proposal.

The Hon. IAN COHEN [4.15 p.m.]: The Greens support this essentially technical amendment. It is very poor that the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill has not been unproclaimed. We support the amendment.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.16 p.m.]: The Government does not oppose this amendment.

Amendment agreed to.

The Hon. IAN COHEN [4.16 p.m.]: I move Greens amendment No. 1:

No. 1 Page 9, schedule 1 [21]. Insert after line 22:

- (j) to promote, liaise with and assist advocacy services and organisations for persons receiving, or eligible to receive, community services,
- (k) to support the development of advocacy programs,

This amendment simply reinstates certain functions of the commissioner relating to advocacy as set out in the 1993 Community Services (Complaints, Reviews and Monitoring) Act, which will be removed by the bill. The provisions relating to advocacy will be significantly weakened by the bill. The amendment will reinstate the lost functions of the commissioner, which are to promote, liaise with and assist advocacy services and organisations for persons receiving or eligible to receive community services; and to support the development of advocacy programs. I commend Greens amendment No. 1 to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.17 p.m.]: The Government does not support this amendment. The inclusion of these provisions would create a conflict of interest for the Ombudsman. The Ombudsman cannot act as an advocate for those receiving services from the service providers that he is charged with investigating or reviewing. It would be impossible to defend the Ombudsman's reports about service providers against allegations of bias.

The bill provides for the Ombudsman to promote access to advocacy support, to make recommendations for improvements in the delivery of community services, to assist in the making of complaints and to provide information, education and training and consult with persons and groups with an interest in the provision of community services. We believe that is far more effective than the amendment that has been moved the Greens.

The Hon. PATRICIA FORSYTHE [4.18 p.m.]: The Opposition does not support the amendment. However, the Hon. Ian Cohen has given the Opposition the benefit of his considerable knowledge and expertise in this area, and we have been grateful for his assistance. But on this occasion I agree with the Government. The most important thing about the role of the Ombudsman, as it has been for the commissioner, is objectivity and independence. It is not possible to be objective when promoting, liaising and assisting with advocacy services in the way it is defined. The capacity to offer both objectivity and, in particular, independence is weakened if we add this as one of the functions of the Ombudsman.

The Hon. ALAN CORBETT [4.18 p.m.]: I do not know whether the Opposition did, but I took advice on this legislation from the Commissioner for Children. In May I received a letter from her that addresses advocacy, and I thought it would be useful to the Committee if I read out what the commissioner said on the issue. She said there are possible problems with the proposal, and she expressed concern about advocacy. In the letter she said:

The advocacy function in the *Community Services (Complaints, Review and Monitoring) Act 1993* will be limited to promoting access to advocacy support for clients receiving community services. This has the benefit of avoiding any perceived or real conflicts that may arise by the Ombudsman holding both an investigative and complaints handling role and an advocacy function.

Both the Opposition and the Government made that point—

This will therefore increase the Ombudsman's credibility and the potential for his recommendations to be adopted. The Commission for Children and Young People, which has been established by Parliament since the initial creation of the Community Services Commission, will of course continue the important role of advocating for children and young people.

We should pay attention to the view of the Commissioner for Children. Another problem is that the amendment would not delete any provisions relating to advocacy. Indeed, if the amendment were incorporated in the bill it would contradict other provisions.

Amendment negated.

The Hon. PATRICIA FORSYTHE [4.21 p.m.]: I move Opposition amendment No. 6:

No. 6 Page 10, schedule 1 [21], lines 31 and 32. Omit all words on those lines. Insert instead:

- (5) The Community Services Division may not be abolished under section 55A of the *Public Sector Management Act 1988*.

This is a technical amendment to overcome the unintended situation whereby the current wording provides for the Community Services Division to be dissolved on the signature of the Governor. The amendment will prevent that from happening. Any intended changes to the Community Services Division will have to be brought before the Parliament in the form of an amendment.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.21 p.m.]: The Government does not oppose this amendment.

Amendment agreed to.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.22 p.m.]: I move Government amendment No. 1:

No. 1 Page 11, schedule 1 [21], lines 23-25. Omit all words on those lines. Insert instead:

- (5) The Ombudsman:
 - (a) must give a copy of the report to the relevant Minister in relation to the service provider concerned and to the service provider concerned, and
 - (b) may give a copy of the report to any other person or body as the Ombudsman thinks appropriate.

This amendment will allow the Ombudsman to provide a copy of a report to any person or body. Previously, there was some doubt as to whether the Ombudsman could provide a report to interested parties, such as the family of a person in care. This amendment clearly clarifies that issue.

Amendment agreed to.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.22 p.m.]: I move Government amendment No. 2:

- No. 2 Page 13, schedule 1 [21], line 11. Omit "functions of a service provider are exercised". Insert instead "services of a service provider are provided".

This amendment is a recommendation of Parliamentary Counsel to provide wording consistency. It simply changes the word "functions" to "services".

Amendment agreed to.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.23 p.m.]: I move Government amendment No. 3:

- No. 3 Page 19, schedule 1 [22]. Insert after line 23:

- (5) The Ombudsman may monitor the progress of an investigation by a service provider into a matter referred to the service provider by the Ombudsman under subsection (1).
- (6) A service provider is to provide the Ombudsman with such documentary and other information as the Ombudsman may from time to time request with respect to an investigation referred to in subsection (5).

The Ombudsman was intended to be able to monitor the progress of investigations that he requests service providers to undertake. Part 6 contains a consequential power to enable the Ombudsman to carry out the functions under part 5.

Amendment agreed to.

The Hon. PATRICIA FORSYTHE [4.23 p.m.], by leave: I move Opposition amendments Nos 7 to 10 in globo:

- No. 7 Page 22, schedule 1 [30], line 18. Omit "2". Insert instead "3".
- No. 8 Page 22, schedule 1 [30], line 23. Omit "2". Insert instead "3".
- No. 9 Page 35, schedule 2 [8], line 28. Omit "2". Insert instead "3".
- No. 10 Page 36, schedule 2 [8], line 4. Omit "2". Insert instead "3".

The purpose of these amendments is to extend from two years to three years the time within which a report is made under the Children and Young Persons (Care and Protection) Act. This is an attempt to catch children who are brought to the attention of the Department of Community Services [DOCS] but who would not otherwise be referred to the Ombudsman under the original two-year restriction. Part 6 deals with the review of deaths of children in care and certain other children and persons with disabilities in care. Three years is considered to be more likely to cover those children who were known to DOCS and therefore the subject of a mandatory report to the Coroner than the proposed two years. Evidence from the recent Ombudsman's report and other sources has revealed that the Department of Community Services is often unable to follow up notifications within a short time frame. Therefore, the Opposition is of the view that three years would be more appropriate. I understand that the Government accepts these amendments.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.25 p.m.]: The Government supports these amendments.

Amendments agreed to.

The Hon. IAN COHEN [4.25 p.m.], by leave: I move Greens amendments Nos 2 and 3 in globo:

No. 2 Page 29, schedule 1 [48], line 16. Omit "5". Insert instead "2".

No. 3 Page 29, schedule 1 [48], line 20. Omit "5". Insert instead "2".

Clause 53 provides for a review of the Act after five years. However, given the uncertainty and unease as to how the Act will operate, the Greens are of the view that a more appropriate time frame would be two years. That means that if any sector, such as the disability sector, is being significantly disadvantaged by the new Act, the review and accompany report will be able to identify that. Five years is far too long for any disadvantage to continue undetected. I commend the Greens amendments to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.26 p.m.]: The Government does not support these amendments. It is of the view that two years would not give reasonable time for these reforms to work before a parliamentary review commences. The period of five years was selected after extensive consultation both inside and outside the committee. The Committee should note that the review will be a parliamentary review rather than a ministerial review.

The Hon. PATRICIA FORSYTHE [4.26 p.m.]: The Opposition does not support this proposed change. It agrees that two years is too short a time frame in which to judge the success of the proposal, given the extent of the changes that will occur. The Opposition argued for four years, but the Government contends that five years is a better time frame for a review. I simply say that should there be a change of government after March next year, a coalition Government will maintain a watching brief, whether or not it is a formal review, and in whatever period of time.

This is Government legislation; it was not the way the Opposition would have chosen to proceed. The Opposition will certainly keep this amalgamation, this absorption of the commission into the functions of the Ombudsman, under review. However, I hope that the amalgamation is successful in the interests of all the people who will come under the jurisdiction of the Ombudsman.

Amendments negatived.

The Hon. PATRICIA FORSYTHE [4.28 p.m.]: I move Opposition amendment No. 11:

No. 11 Page 36, schedule 2 [8]. Insert after line 22:

- (3) If jurisdiction to hold an inquest into the death of a child arises under this section or section 13A, the coroner must use his or her best endeavours to notify the following persons of any right that they have to legal representation at the inquest:
 - (a) the persons having parental responsibility for the child,
 - (b) the child's parents (if they do not have that responsibility),
 - (c) such family members as would be reasonably expected to have an immediate interest in the outcome of the inquest.

This amendment seeks to overcome the situation whereby grandparents, aunts, uncles and other people important in a child's life do not know that they might have the right to legal representation at a coronial inquest. At present, the legislation sets out who may be represented. In some cases family members have attempted to negotiate the coronial inquest process without any legal representation, while DOCS and other agencies have had barristers representing their interests. After the grief of losing a child, it is an unnecessary additional burden for families to be expected to find out for themselves that they may have the right to appear or to be represented at a coronial hearing.

Therefore, this amendment will require the Coroner to make his or her best endeavours to notify family members of their right to be represented at a coronial inquest. I understand that the Government will not oppose this amendment. Those of us who have had dealings with families of children who have died, or indeed children who have been at risk and reported to the department, realise that often it is concerned relatives, grandparents, aunts, uncles and siblings who, in the best interests of the child, may have notified concerns to the department. Indeed, frequently it is the extended family that notifies concerns to the department, and it is absolutely appropriate that the Coroner makes all endeavours to ensure that people are aware of their rights of representation at a coronial hearing.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.29 p.m.]: The Government supports this amendment.

Amendment agreed to.

Schedules 1 to 3 as amended agreed to.

Schedule 4

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [4.30 p.m.], by leave: I move Government amendments Nos 4 and 5 in globo:

No. 4 Page 47, schedule 4.10, line 9. Omit "Appeals". Insert instead "Reviews".

No. 5 Page 47, schedule 4.10, line 11. Omit "Appeals". Insert instead "Reviews".

These amendments provide wording consistency as recommended by Parliamentary Counsel.

Amendments agreed to.

Schedule 4 as amended agreed to.

Title agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

GAME BILL

Second Reading

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.32 p.m.]: I move:

That this bill be now read a second time.

I am sure that most honourable members of this House would be aware of the capacity of pest animals to cause significant losses to agricultural production, and also of the threat pest animals pose to native plants and animals. Most members would also be familiar with the killing and maiming of lambs and adult sheep by feral pigs, dogs and foxes. These shocking attacks cause great pain and suffering to the animals concerned. Pest control officers attached to the State's 48 Rural lands protection boards [RLPB] work with State government agencies and private land-holders to control wild dogs, pigs and other animal pests to minimise the economic and environmental costs of these attacks by pest animals. Apart from benefiting neighbouring farmers, these programs produce conservation benefits as pest animals are also a major threat to the conservation of biodiversity. Feral goats, for example, compete with the rare yellow-footed rock wallaby and cause severe damage to habitat in forests and on rangelands. We have also heard much about the capacity of feral cats to create havoc among our smaller native fauna, particularly birds and other animals susceptible to their predation.

A great many of Australia's minor species are the prey of feral cats and foxes. Predation by foxes and cats is widely recognised as the key process associated with the threatened status of many of these species. Foxes also pose a threat to mountain pygmy possum in the Snowy Mountain National Park, and to the southern brown bandicoot, the little tern and the pied oyster catcher on coastal areas. The Carr Government is keen to build on these joint pest control initiatives, and to take advantage of other opportunities to minimise the damage caused by pest animals, particularly on public and neighbouring private lands. For this reason, in November 1998 the Premier, Bob Carr, announced, in response to representations from the Hon. John Tingle, that the Government would establish a Game Council to enable hunters to become more involved in pest management. Since the Premier's announcement the Government has been examining options to involve private hunters more in pest control, particularly on Crown lands.

Hunting, as many in this House would be aware, is a popular and widespread activity, and many vertebrate pests are sought after by hunters. Despite this, RLPBs and State government agencies in New South Wales have not routinely involved private hunters in pest animal control. The Game Bill seeks to remedy this by

creating a framework for involving private hunters to much greater extent than in the past. The bill proposes to create a new statutory body—the New South Wales Game Council. The council will have 16 members, who will be eight persons nominated by hunting organisations; a nominee of the State Council of Rural Lands Protection Boards; a nominee of the Australian Veterinary Association; two wildlife management scientists; a nominee of the New South Wales Aboriginal Lands Council; a nominee of the Minister administering the Forestry Act; and a person appointed on the nomination of the Minister.

The Game Council will report directly to the Minister for Agriculture and also be available to provide advice to other Ministers responsible for pest control on public and private lands. The bill also provides for a six member Committee of Management of the Game Council, which is to consist of the Chairperson of the Game Council, who is to be the Chairperson of the Committee of Management; two other members of the Game Council, appointed on the nomination of hunting organisations; the Game Council member who is the nominee of the State Council of Rural Lands Protection Boards; the Game Council member who is the nominee of the Australian Veterinary Association; and the member of staff of the Game Council who is the chief executive officer.

The Game Council may also establish other committees to assist it in connection with the exercise of any of its functions. The members of these committees need not be members of the Game Council. Rural lands protection boards are represented on the Game Council to take advantage of opportunities to involve hunters in regional pest control programs and because of the increasingly important role they play in general landscape management. This bill also underpins the tough animal welfare and gun control laws the Carr Government has introduced since 1995 through its amendments to the Prevention of Cruelty to Animals Act and the Firearms Act.

As one of its first actions, for example, the Game Council will develop a code of practice for hunters, subject to the approval of the Minister after a public comment period. This code of practice will address, among other things, acceptable standards of behaviour in areas as diverse as animal welfare, firearms safety, access to private and public land and recognition of target species. To promote responsible firearms use and humane hunting behaviour, licences will be conditional on the applicant agreeing to abide by the code of practice. Failure to comply with the code will result in the hunter being banned from holding a hunting licence. This bill therefore codifies in legislation for the first time in New South Wales acceptable standards of hunting behaviour.

The bill also gives the Game Council the explicit power to cancel a game hunting licence if a person is found guilty of an offence involving cruelty or harm to animals, personal violence, damage to property, or unlawful entry into land. In this and other ways the Game Act will directly emphasise humane hunting. A hunter who loses his or her Game Council licence will forfeit his or her legal right to hunt on public lands in New South Wales, and also lose the right to hunt deer and other game animals on all private property in New South Wales. The bill also enables the Game Council to appoint inspectors who will have the responsibility, among other things, of ensuring that hunters observe the Hunter Code of Practice. To underscore the importance of the Hunter Code of Practice, Minister Amery has given an assurance that he will direct that the Game Council ensures that any inspectors appointed under the bill are properly trained to ensure that hunters comply with the code and with other aspects of the bill.

I also want to touch on what this bill does not do. It does not mandate unrestricted access by hunters to all animals on all lands in New South Wales. It does not mean a return to the era of duck "open" seasons. It does not enable ducks to be hunted for sporting or recreational purposes. It does not introduce game parks. As I said earlier, national parks and other lands reserved for similar conservation purposes are outside the scope of this bill. Also, access to public and private lands will continue to be controlled by the landowner or manager, whether that is a private individual or a New South Wales Government Minister. This bill does not restrict the activities of farmers and other land-holders who need to control pest animals as a normal part of land management practice.

I want to make it very clear to those who see this bill as a retreat from tight gun control and animal welfare laws that this bill explicitly emphasises responsible and humane hunting. I also want to make it very clear that this bill does not undermine the provisions of the Prevention of Cruelty to Animals Act—in fact it is subordinate to it. These animal welfare laws must be observed by hunters if they want to continue to have the privilege of hunting game on private and public lands anywhere in New South Wales. I think it is worthwhile to remind ourselves about exactly what is being debated here. What we are talking about is hunting.

Hunting, as I said earlier, is a legal pastime in New South Wales as long as it is carried out in a manner consistent with the Prevention of Cruelty to Animals Act 1979, the Firearms Act 1996, the Weapons Prohibition

Act and other legislation. I am sure that most members of this House acknowledge the legitimacy of hunting. I make this point because hunting is legal in spite of the fact that we have a Prevention of Cruelty to Animals Act—which I am sure all honourable members who have followed this debate would know by now is more usually referred to as the POCTAA. The basis of this apparent contradiction lies in the fact that the POCTAA, while designed to prevent animal cruelty, also permits a limited range of acts, some of which might be regarded as cruel, to be performed—provided that they are carried out in accordance with certain standards and in specific circumstances.

Section 5, for example, states that where pain is being inflicted upon the animal, the perpetrator is to take such reasonable steps as are necessary to alleviate that pain. Section 6 states that a person shall not commit an act of aggravated cruelty upon an animal. As a mark of the seriousness it attaches to such offences, the Government has set a maximum penalty for an offence of aggravated cruelty of 500 penalty units in the case of a corporation, and 100 penalty units or imprisonment for 2 years, or both, in the case of an individual. These amounts equate to \$55,000 and \$11,000, respectively.

On the other hand, section 24 states that a person charged with a cruelty offence is not guilty of that offence if they can prove that their actions were undertaken in the course of various permissible activities. The POCTAA standards have been drafted to help the community strike a balance between acceptable or warranted levels of harm and unwarranted cruelty. Finding the right balance is never easy, and the Government relies heavily on the advice provided to it by the Animal Welfare Advisory Committee and similarly on research protocols by the Animal Research Review Panel. It also relies on and respects the advice of the staff of the New South Wales Agriculture Animal Welfare Unit, from those staff who regularly deal with animal welfare issues from an animal industry, pest control or a legal perspective, from the Royal Society for the Prevention of Cruelty to Animals and the Animal Welfare League. The combined input of these bodies is vital to ensuring that the outcome reflects both the community values of the day and the cost and availability of alternative technologies and production regimes.

Since coming to office the Carr Government has made well over 30 major changes to the POCTAA. These changes have been in diverse areas. The first I mention is animal husbandry. For example, it is now an offence to tether a sow in a piggery or to operate a feedlot without regard to prescribed guidelines for the welfare of farm animals, or to grind the teeth of sheep or to fire the tendons of horses. The second is hunting. It is now an offence to set a steel-jawed trap with the intention of using it to trap an animal, or even to possess a trap for that purpose. Third, animal baiting and fighting offences have been extended and clarified. It is also now an offence to simply be found in a premises where dog fighting is occurring. Coursing laws involving live quarry have been similarly revised. The fourth area I mention is electrical devices. It is also now an offence to use certain devices which give an animal an electric shock.

Several very important points are to be noted in this debate. First, hunting is legal in New South Wales. Secondly, the Game Bill proposes no amendments to the POCTAA. Moreover, clause 6 of this bill explicitly states that nothing in the bill exempts people from their responsibilities under the POCTAA. Also the bill does not give a "green light to recreational hunters to use any means at their disposal to injure maim or kill any cats, dogs, deer, pigs foxes goats or other animals who cross their path." This was a quote of a statement made in a letter to the Editor of the *Sydney Daily Telegraph* by one national animal rights group. Rather, this bill addresses the composition, powers and activities of a new statutory body, the Game Council. In doing so, the bill consolidates some of the hunter permit systems which are currently used by State government agencies to provide hunters with access to game and pest animals on public and private lands.

As I said earlier, questions of regulating hunting behaviour and animal cruelty will remain with bodies other than the Game Council. As such, judgments about the animal welfare component of hunting are largely out of the hands of hunters, in just the same way that questions about the welfare aspects of animal husbandry are not given over to industry bodies. This has been conveniently ignored by those who are opposed to hunting and to this bill. The State Government currently has few opportunities—other than through the POCTAA—to directly promote ethical and humane activities of hunters who are not actively involved in hunting or shooting club activities. The Game Council will address this vacuum. The bill therefore underpins, rather than undermines, the POCTAA. It is not a bill which throws the POCTAA out the door, as others have suggested.

I wish to turn now to some amendments that the Government will move to the bill. First and foremost, the title of the bill will be changed to the Game and Feral Animal Control Bill. This reflects the Government's priorities of tackling the wild feral animal problem in New South Wales. Second, all references to ducks and native quails, and overprotected fauna, have been deleted from the bill. The list of game animals, as a result of

these amendments, now comprises deer, California quail—which, as all honourable members know, is an introduced species—and pheasant, Partridge, pea fowl and turkey, and, further, any of the following pest animals that are living in the wild or on public land: Pig, dogs—other than dingo—cat, goat, rabbit, hare and fox.

Importantly, it is also proposed to amend clause 5 (3) of the bill to include reference to the National Parks and Wildlife Act. This underscores the existing reference to the Threatened Species Conservation Act in this clause, which stipulates that no animal which is a threatened species can be declared to be a game animal. This will add protected fauna within the meaning of the National Parks and Wildlife Act to the list of animals which are specifically excluded from this legislation. The Government also proposes to replace the land care representative on the council with a representative of the Australian Veterinary Association. It is also proposed that the Australian Veterinary Association will be represented on the Game Council Committee of Management. Importantly, it is also proposed that all references to ducks, as I have said, will be removed from the bill. Reflecting this, it is also proposed to delete the reference to the occupier's licence in the bill.

The Government also proposes to amend clause 9 (1) (a) so that the Game Council now may only represent the interests of hunters in matters pursuant to this bill. The powers of the Game Council to delegate its functions to any person have been limited by the proposed removal of clause 13 from the Game Bill 2002. A number of other amendments proposed for consideration in Committee have been circulated to honourable members. This bill has taken a while to fashion. The views of a wide range of statewide community groups have been consulted in framing this legislation. We believe that the bill achieves a very good balance between responsible shooting, particularly of feral and pest animals, and the conservation needs of New South Wales. I commend the bill to the House.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.47 p.m.]: I am pleased to lead for the Opposition in debate—which I anticipate will be lengthy—on the Game Bill 2000, or, as the Government amendment intends it to be, the Game and Feral Animal Control Act.

The Hon. Richard Jones: And the Greens want to change it to the Blood Sports Act.

The Hon. DUNCAN GAY: Who is doing that?

The Hon. Richard Jones: It is a Greens amendment.

The Hon. DUNCAN GAY: The worldwide wankers? We have the worldwide wankers and bloodsports! And you want to be taken seriously! You crow at us, want to be taken seriously, and you want to change it to the Blood Sports Act. Come on, cobbler! I agree with the Government amendment to change the title of the bill. I think it is sensible—as are many of the amendments that the Government has foreshadowed. It is interesting that Minister Amery's bills seems to have more amendments made to them in this place than any other bill, indicating that he is arrogant and does not consult in the first place. The bills that he produces in the lower House are so out of touch that they require more amendments. I state at the outset that the Opposition does not oppose the main principle of the bill. However, in Committee we will seek to move amendments which we believe are sensible and appropriate if the bill is to succeed with its objectives, particularly the amendment to extend the title of the bill. The intention of the bill is stated in the explanatory note:

- (a) to provide for the effective management of native and introduced species of game animals, and
- (b) to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land.

I do not believe that any responsible member of this House would argue with the objects of this bill—that is, to provide for effective management of pest animals and of introduced and native species of game animals.

The Hon. Ian Cohen: But it does not do that.

The Hon. Richard Jones: It is promoting hunting.

The Hon. DUNCAN GAY: I hear some opposition, and point out that I said "responsible member". Unfortunately, as that interruption demonstrates, my belief will not mirror reality, as many members of the House will undoubtedly engage in hysteresis over this bill.

The Hon. Rick Colless: Frivolous hysteresis.

The Hon. DUNCAN GAY: As the Hon. Rick Colless says, frivolous hysterics. I wonder if any of the honourable members who speak against this bill and implore people to remember what will happen to kangaroos and game animals have ever stood at the edge of wheat field at sunrise or sunset and seen the devastation that kangaroos can cause, or if they have ever seen the impacts that wild dogs can have on sheep flocks? I suspect not. The problem of introduced species in New South Wales is becoming more and more important. The issue of controlling introduced species is even more important, and it is our role as responsible members of Parliament to control the management of these animals in the most effective way possible.

There has been a great deal of debate about whether this bill will create a responsible and orderly system of game animal control or whether it will open up hunting to all and sundry in an appalling way. Fran Kelly from the Total Environment Centre claimed in a recent article in the *Australian* newspaper that the bill will fail to control shooters and will encourage "every Tom, Dick and Harry" to grab their gun and go out shooting. That is nonsense, and I suspect that if Fran Kelly read the bill, she would know that it is nonsense. The Firearms Act of 1996 will still apply, as will the provisions of the Prevention of Cruelty to Animals Act [POCTAA], as the Parliamentary Secretary indicated. That really is appropriate. Hunters will still have to be licensed to own a gun, and the provisions of the POCTAA will remain. This bill is designed to ensure responsible management of pest and game animals.

The Coalition is pleased to note that an objective of the bill is to promote the hunting of pest animals on public land. However the Coalition also questions why the Game Bill excludes national park estate land from the definition of public land. Some 6.7 per cent, or 5.4 million hectares, of the total land area of New South Wales is national park estate, and that leads me to question why the Government does not intend to allow cost-effective pest management to take place in national parks. As the Leader of the National Party in the other place stated, the result of excluding the national park estate from this bill is that the parks will continue to be a refuge for pests and prolific game animals, and that in turn will present significant problems for neighbouring landholders and property owners as the animals encroach onto private property from the national park areas. General Purpose Standing Committee No. 5 is inquiring into that matter currently. I am sure that the Hon. Rick Colless, who is next to me at the table, and other members of that committee would attest that this is a real problem. Certainly it is a matter of serious concern for the Coalition.

Time after time we hear reports that property owners whose land holdings adjoin national parks have lost sheep and other livestock to feral animals which have allegedly come out of the parks onto private property. That is why the Coalition will move an amendment in Committee seeking a two-year trial of hunting game in three national parks yet to be determined. Those parks would be determined by the Minister and set out by regulation, and the Director-General of the National Parks and Wildlife Service would supervise the trial. The Coalition could specify the selected national parks but we believe that the Minister and the director-general are in a better position to choose. Obviously the Royal National Park would not be one of the national parks selected because of its high number of visitors.

The Hon. Ian Cohen: Why not?

The Hon. DUNCAN GAY: Kosciuszko National Park may be a suitable place to start. The trial could be conducted by National Park and Wildlife Service personnel which would supervise people who take part in the trial.

The Hon. Ian Cohen: You would get a few down at the Royal.

The Hon. DUNCAN GAY: The Royal National Park might be selected in the longer term if the program is conducted properly, but the trial certainly should not be initiated in an area that attracts a lot of people. The amendment is not designed to open up national parks to every person who has access to firearms—that would be absolutely stupid—and this amendment is not intended to create a free-for-all in every park across the State. Just as I would not want people roaming over my farm, I do not want hunters roaming all over national parks. The trial should be conducted in a supervised and sensible way. This is an amendment to allow for a trial—and I stress that point—of controlled shooting in national parks. It is an amendment to allow the government of the day to conduct a trial upon which to base a decision whether or not to go ahead with the policy. The amendment is certainly not designed to entrench forever in the legislation control of feral animals in national parks. I reiterate that it is just a trial. If the trial is unsuccessful, it would be fair for the Government to decide that the proposal should cease. The Coalition is not arguing for the trial to be compulsory. If the trial is unsuccessful, the Government can call for its cessation.

However, having said that, I add that if the Government is serious about this bill promoting responsible animal control, it will agree to this key amendment because the greatest breeding ground of feral animals in this

State is in national parks, yet this Government proudly announces the declaration of national park after national park. Sometimes the Coalition is perceived to be against increasing the size of the national parks estate, but I have to tell honourable members that the Coalition is not. We think that the national parks system is good, but what we are against is national parks being set up at an alarming rate without concomitant resources to manage the parks, the feral animals and the weeds.

People who reside in regional areas and whose properties adjoin national parks—not the people who visit a national park two or three times a year and return home with wonderfully warm fuzzy feelings of delight about the national park estate—put up with problems caused by feral animals transgression and weeds infestation emanating from national parks day after day, week after week and year after year. The suggestion of a hunting trial in national parks is not new. When I was the State Chairman of the National Party in 1994, this very issue was high on the agenda. I announced that the National Party, in government, would introduce a trial of hunting in national parks. The *Sun-Herald* newspaper reported on 24 April 1994:

The plan would allow members of the Sporting Shooters Association to kill, under strict supervision by various Government authorities, feral animals in National Parks, State forests livestock routes and other crown lands.

I do not think that that is an outrageous proposal. My announcement of the trial of hunting in national parks was welcomed in a letter to the *Manning River Times* dated 30 April 1994—a letter from none other than Mr Warwick Murray of the Shooters Party. He stated:

Piecemeal drives in the past by national parks officers using semi-automatic rifles from helicopters have had the same effect as police raids on SP betting shops during the 50s and 60s—the illusion being given that the problem was being addressed when in fact the outcome was questionable.

That is a fair comment. This issue has been in play for the best part of a decade. The National Party firmly believes that it is time the issue became a reality. I expect that honourable members will hear arguments from those opposed to hunting in any form as to why a trial in national parks would not be warranted. I refer again to the *Sun-Herald* article to which I referred earlier, which states:

An RSPCA report—

this is 1994—

has claimed that animal conservationists were just as irresponsible as shooters during the opening of duck hunting season ...

The Hon. Rick Colless: They were too; I have seen it with my own eyes.

The Hon. DUNCAN GAY: The Hon. Rick Colless said that he has witnessed animal conservationists being irresponsible. The article goes on to describe how animal liberationists were removing injured ducks and carrying them long distances before seeking treatment, leading to what the then RSPCA President Hugh Worth described as "undue suffering". The point I am making is that the holier than thou attitude of some in the environmental movement in relation to this debate may ring a little hollow. The Opposition has several concerns about the bill as it now stands. Those concerns relate to the duplication of the licences proposed by the bill, the lack of power of the Game Council, the effect of the Game Bill on the Rural Lands Protection Act and the New South Wales Firearms Act as well as the exclusion of national parks from the bill—a matter to which I referred earlier.

The Liberal and National parties are aware that this bill has the hallmark of the Carr Labor Government—that of arrogance. Limited public consultation was high on the Government's agenda when this bill was first introduced in the Legislative Assembly. The initial draft bill was not even discussed with the largest hunting organisation in New South Wales, the Sporting Shooters Association, New South Wales Division, which represents some 36,000 members. If that shooting group and other shooting groups had been consulted the Minister and his advisers would have been aware of a program that is currently in place that allows controlled hunting activity on private and Crown lands mainly in State forests.

State Forests liaised with the Sporting Shooters Association to facilitate hunting on land that is controlled by State Forests. It appears as though the proposed restricted licence in the Game Bill, which provides for the hunting of game animals on declared public land, is a duplication of a program that already exists. It is nothing new; it will just duplicate something that is already there. It will simply be another way in which the Carr Government will be able to collect a fee, even if it is a fee for an activity that already takes place. The Coalition is firmly of the belief that the licensing system proposed by this bill is unnecessary and overly complicated, requiring a duplication of effort and expense. It effectively creates another layer of bureaucracy and extra expense for hunters on top of their initial expenses.

The bill allows land-holders to hunt pest animals on their land without a licence. But hunters will be required to apply for a general game licence before they can hunt game animals on private land of which they are not the owner. The licensing system proposed under the bill is effectively a double-dipping exercise. It adds unnecessary bureaucracy to the system of licensing firearm owners. My colleagues in the other place signalled the Coalition's intention to move amendments to consolidate the licensing system and avoid the duplication that the bill would create. The Minister for Agriculture in the other place commented on this proposal. I ask the Deputy-President to listen carefully to my comments. If this Government is elected in March 2003 and the Deputy-President is a Minister in that government, there will be lessons to be learned.

The Minister for Agriculture in the other place, when responding to our proposal, made very little sense to anyone. That shows just how out of touch the Minister is with those who hunt animals. The Minister rejected some of our proposals and said that he would withdraw the bill. The Minister was huffing, puffing and pontificating about certain proposals, but those proposals have been included in the Government's amendments. Obviously, the Minister has some sensible staff. There must have been a weak moment when he listened to them. Coalition members committed themselves to further detailed consultation on the issue of licensing. Following that consultation we decided not to move amendments that would have altered the licensing provisions of the bill. However, as I said earlier, the big bully has now included those provisions in his amendments.

The Hon. Ian Macdonald: Who is the big bully?

The Hon. DUNCAN GAY: The Minister for Agriculture. I was going to call on the Government to do a number of things, but that was before I saw the Government's amendments.

The Hon. Ian Cohen: A bit behind the times, are we?

The Hon. DUNCAN GAY: The Hon. Ian Cohen said that Opposition members are behind the times. I do not intend to refer in my speech to the fact that the Opposition was going to call on the Government to provide certain guarantees. The Government's amendments actually address the issues to which I was going to refer in my speech. The Government must guarantee that, after two years from the commencement of the bill, there will be a full and independent review of the licensing system to determine whether it is the most appropriate system for hunters in New South Wales. That review must occur independent of the Government and possibly independent of the Game Council. That review must include issues such as the appropriateness of the system and an examination of where revenue raised from the licensing system is being spent. I would like an assurance on that issue from the Parliamentary Secretary in this Chamber, representing the Minister for Agriculture, before the final vote on this bill.

Under the bill the functions of the Game Council itself—the core creation of the bill—will be limited, and the Minister has refused to include a provision for the Game Council to recognise additional species of either game or pest animals. Is this because the Minister believes that the list of game and pest animals is exhaustive and will never need to be updated, amended or changed in any way? I suspect it is more likely to have been an oversight—an oversight that needs to be addressed. The Coalition is also concerned about the powers of entry of officers of the Game Council as proposed by the bill. The exercise of those powers should be limited to occasions when there are reasonable grounds for suspecting that an offence may have been committed, rather than the all-encompassing powers that the bill currently contains. It must be borne in mind that the powers entrusted by the bill relate to private property as well as public property. An amendment to that effect will also be moved in Committee.

I also call on the Government to give an assurance that the bill does not undermine the network of hunting clubs throughout New South Wales. The responsible approach of hunting and other recreational shooting clubs has been integral to the process of firearms licensing and ownership reform in New South Wales, and the good work of those clubs should not be undermined by the introduction of game hunting licences. The Minister for Agriculture made special mention in the other place of the amendment to clause 30 of the bill to contain mandatory provisions in the proposed hunting code of practice that must be observed by licensed game hunters. My colleague the Leader of the National Party has raised concerns—concerns that I reiterate—about expecting the hunting community to support this provision when as yet no code of practice has been developed. In essence, the bill as it stands requires hunters to abide by a code of practice that they have not seen and know nothing about.

The Hon. Ian Macdonald: The amendments are there.

The Hon. DUNCAN GAY: I know that there are amendments to the bill. However, before passing a bill as important as this a draft should be provided, just as in other legislation a draft regulation is provided so members have some insight. The bill contains two key provisions which the Coalition would like the Government to clarify. Firstly, the Minister for Agriculture has stated that he will ensure that a regulation exempting land-holders from the need to hold a game hunting licence when taking part in joint pest control programs is drafted as soon as possible. The Coalition fully supports such a regulation, and I call on the Government to provide a guarantee that the regulation will be made as soon as possible. Secondly, the Minister must explain why a person assisting another person hunting pest animals in accordance with a duty imposed on the person under the Rural Lands Protection Act or the Wild Dog Destruction Act is not exempt from the requirement to hold a game hunting licence.

The Coalition remains unconvinced by the Minister's assurances regarding the issue of western lands leases. Farmers in the Western Division remain concerned that the definition of "public land" may be deemed to include their western lands leases due to the fact that the High Court is yet to rule as to whether western lands leases confer a right of exclusive possession. Therefore, in the absence of a decent explanation from the Government on this issue—apart from a media release from the Minister—we will move an amendment in Committee to clearly exempt western lands leases from the definition of "public lands".

Hunting without the permission of a land-holder was identified by the Pastoral and Agricultural Crime Working Party as an issue of great concern to farmers throughout New South Wales. The Coalition acknowledges that provisions exist for penalising people who enter land without permission, but we are eager to ensure that land-holders are protected to the greatest possible extent from hunters accessing their land without permission. To this extent, we will move in Committee that a person hunting game on private property must receive, and carry, written permission from the land-holder to hunt on that land.

We will make this process as easy as possible for both hunters and land-holders by requiring the Game Council to prepare and distribute a standard form that will fulfil this requirement. I hope that that amendment will receive support from all sides of Parliament. As a farmer, I am aware that the issue of hunters entering private land without permission is one of the greatest concerns. I know that the Hon. Ian Macdonald, who is also a farmer, would have faced the situation of people entering his farm illegally. We need to be fair and sensible, but we also need to ensure that such people have permission.

The Coalition believes that farmers must be protected from hunters accessing private property without permission, while respecting their right to invite hunters onto their land if they so choose. Further, game licence holders wishing to hunt on private land should be prepared to make the effort to obtain written permission to access private property. We believe this amendment is totally consistent with the objects of the bill. The Coalition will also move to protect hunters who lawfully hunt with a game licence. We are concerned that the hysterical dialogue emanating from the extreme green movement may translate into people protesting against hunters in the field, therefore endangering themselves and hunters. To this end, the Coalition will move in Committee to introduce a provision protecting hunters against such a danger.

As the Hon. Richard Jones looked at my amendments, he asked, "Are you going to put in place the Victorian provision?" Indeed, the Victorian Labor Government has included a similar provision in its legislation. The provision is worth considering, and I hope all sides will support it. The Coalition amendment proposes to make it an offence to unreasonably prevent or obstruct the holder of a game licence from engaging in the lawful hunting of game animals with the intention of protecting a game animal from hunting. The maximum penalty for this offence would be 50 penalty units. The amendment has been carefully considered; it places an onus on the hunter to act in accordance with the law in order to be protected. Again, we believe this amendment is consistent with the objects of the bill.

I have been amazed by some of the rhetoric and material being bandied about against the bill. Generally speaking, the majority of licensed firearms users and hunting groups are law-abiding citizens. They possess skills that could be used to address the problem of pest and feral animal control in rural and regional New South Wales. I make those comments as a person who is not a shooter or the owner of a firearms licence. I, like the Hon. Charlie Lynn, have not shot since I left the army.

The Hon. Ian Macdonald: I've never shot.

The Hon. DUNCAN GAY: The Hon. Ian Macdonald says he has never shot. I rely on decent, responsible people to control the feral animals on my property. I have observed these people to be very sensible.

If anyone seeks to suggest that I am supporting the bill because I am a red-neck shooter, I can assure them I am not. This bill will not set up game parks, it will not encourage animal massacres and it will not result in wholesale bloodshed as has been claimed. I extend the same invitation that my colleague the Leader of the National Party in the other place made to any critic of this bill: Come to country New South Wales and witness first hand the damage caused to crops and fences by wild pigs and the massacre of sheep by wild dogs in areas bordering national parks and nature reserves. Come and see the damage caused by pests and feral animals before springing a knee-jerk reaction to this bill.

The Coalition, in close consultation with a wide range of interest groups, has prepared several key amendments to the bill aimed at improving its value. While the Government appears to have gone down this path with good intention, it appears that the intention may have been lost in the interpretation. Our amendments are aimed at striking the right balance. We hope that the Government and crossbench members will carefully consider the amendments, as we have carefully considered the Government's amendments and the crossbench amendments. We will support many of the Government's amendments and some of the crossbench amendments in Committee. I commend the bill to the House.

Ms LEE RHIANNON [5.21 p.m.]: The Greens are appalled by this bill. We have heard from the Parliamentary Secretary the Hon. Ian Macdonald about balance and responsible shooting.

The Hon. Dr Arthur Chesterfield-Evans: And consultation.

Ms LEE RHIANNON: And consultation, thank you. We have heard that, but nothing has changed. This bill is about animal cruelty. It is something the Greens will speak strongly about in the House. We have opposed and campaigned with many organisations prior to the bill's introduction and we will continue to fight it when it becomes law. Both major parties have a deep commitment to the bill, which raises animal cruelty to levels that we have not seen in this State. The Hon. Ian Macdonald says the bill does not resemble the original draft that we were shown. Another Minister told me that the bill had been gutted. The only thing that is gutted is the bill itself. The bill will be damaging to so much of what the majority of the people of New South Wales hold dear. It is an ugly piece of legislation.

Even the justification of feral animal control cannot standardise the bill. This proposed legislation is a low point for the Carr Government. We have seen a lot of despicable, right-wing actions by this Government, but this is down there with the worst of them. The bill is an unashamed capitulation to the gun and hunting lobbies and will take New South Wales back 10 years. It legitimises recreational cruelty, cruelty for so-called fun, while increasing feral animal populations. It is a repugnant bill, a reactionary bill, a bill that will make New South Wales a laughing stock, and the Greens will oppose it in this House and beyond. When I say beyond, I mean internationally, because that is where this legislation makes us look so foolish.

In a great many countries at the moment there is a shift to greater humanity toward animals and greater compassion for the way our society works. When cruelty to animals is reduced, human beings treat each other with greater dignity. In England, a country that has for centuries been a home for hunting, the Blair Government—a Government I understand Premier Carr emulates and admires so deeply—has already introduced legislation to ban hunting. The motivation for this bill can be most easily understood by examining the statements of those who stand to gain by it. In a document titled "Newsletter from the Office of John Tingle MLC" dated 13 December 2001, the member makes the following comment:

This was put together by hunters, for hunters. Hunter organisation numbers effectively will control the Game Council—

The Hon. John Tingle: Point of order: The honourable member has referred to a newsletter that she said emanated from my office and in which I made a statement. I did not make the statement. The statement was made by another person in a letter attached to my newsletter. I have never made that statement.

The Hon. Richard Jones: You published it.

The Hon. John Tingle: I never made that statement. I ask that the honourable member withdraw her statement because she said I made the statement, and that is a misrepresentation.

The DEPUTY-PRESIDENT (The Hon. Henry Tsang): Order! There is no point of order. The honourable member has made a personal explanation. Is Ms Lee Rhiannon prepared to correct her statement?

Ms LEE RHIANNON: I am happy to change the word "makes" to "publishes". I understand that will satisfy all parties. The member Mr Tingle publishes the following comment:

This was put together by hunters, for hunters. Hunter organisation numbers effectively will control the Game Council; the chairman must be a Hunter; and any money derived will be used to the benefit of hunters.

Make no mistake, this bill has been the highest priority for the representatives of shooters and hunters in this State. The members in this House who represent those interests have used whatever influence and leverage they could muster to advance this cause. The Carr Government is delivering for shooters and hunters because it wants to rob the Coalition of its territory. That is the strategy behind the bill, and this is where the Coalition loses the plot. It drops itself into the strategy set out by the Government and does not realise what is going on.

The Hon. Rick Colless: We know a lot more about these things than you will ever know.

Ms LEE RHIANNON: It is about time the member spoke out about this, because he is being dragged along. He is losing the initiative time and again. On this one he has dropped himself in it big time. The Carr Government is delivering for shooters and hunters because it wants to rob the Coalition of its territory. It is wounding the Coalition. The Carr Labor Government is trying to out-National the National Party and thereby catch conservative rural voters, and members of the Opposition do not know how to combat that. If ever the proof was needed, it has been provided in a most comprehensive fashion by the member Mr Tingle. I repeat the member's words: written by hunters, for hunters.

It is a shameful day when the Labor Party comes to the Chamber with such a bill. Let me make it clear that the Greens will not let the Labor Party get away with this unscathed. We have been campaigning on the issue for some time and we will continue to do so. Thousands of postcards have been printed and distributed around the State, calling on individuals to support the Greens' campaign. Around 500 have been received in my office to date. I believe the majority of people in New South Wales are horrified by animal cruelty and are appalled by the gun culture that infests hunting organisations. It will not sit easily with them that a Labor Government has acted this way. The postcard that the Greens are distributing is very striking. On one side is a beautiful picture in full colour of the bush, with the word "Bloodsports" written across it in dripping red. On the back it carries this text:

Bloodsports in your forests! The gun lobby has convinced the Carr government to give shooters access to our forests. A new law will allow hunters to track, club and shoot ducks and other animals. Help the Greens keep hunters out of the bush.

It then invites people to tick a box asking the Greens to pass on their protest to the Premier. As I mentioned, this has been very successful. On behalf of the Greens—

[Interruption]

The Hon. Richard Jones: Point of order: The Hon. Rick Colless and the Deputy Leader of the Opposition are harassing Lee Rhiannon from across the table. I can hardly hear what she is saying; and nor can Hansard. I ask you to call them to order.

The Hon. Duncan Gay: To the point of order: I wish that was the case but I think it was the other way round.

The DEPUTY-PRESIDENT (The Hon. Henry Tsang): Order! There is no point of order. Ms Lee Rhiannon may continue with her speech.

Ms LEE RHIANNON: As I said, this has been very successful. On behalf of the Greens I now pass on the protest against the bill from about 400 people. I seek leave to incorporate the names of approximately 400 people who oppose the Labor Government's Game Bill.

Leave not granted.

The names of the people who have signed the Greens' protest postcard in opposition to the Labor Government's Game Bill are: Sandra Del Carmen Veloso, Jan Green, Sara-Jane Tripolone, Judith Daniel, Max Katterns, Sienna Blake, E. G. Seymour, F. L. Seymour, Tiet Ho, Judith Greening, Chad Spencer—

Reverend the Hon. Fred Nile: Point of order: Under the new privacy legislation, before the member can quote the names of people she must indicate that she has evidence that they have given their permission to be quoted in any way, including in Parliament. Does the member have their permission?

Ms LEE RHIANNON: To the point of order: As I explained, I have the postcards on which people have placed a tick. People had two boxes to tick. I can show the postcards to the member if he so wishes, on which people gave permission for their name to be quoted in opposition to this bill. It is quite clear. The postcards are in my office; I have that proof.

The Hon. John Jobling: To the point of order: If the honourable member reads out the names, but not the addresses, she must indicate that she, and she alone, accepts the veracity of those names and that, in fact, these people gave permission for their names to be given. She must realise that the privacy Act is such that she must vouch for the veracity of the names.

Ms LEE RHIANNON: Further to the point of order: Yes, absolutely. I accepted that responsibility from the moment I started speaking. I was quite clear about that. It is important that I give the people's names because, effectively, that is what they have requested.

Reverend the Hon. Fred Nile: Further to the point of order: Another matter relates to whether all the names and addresses on the cards are in fact genuine. We all receive cards signed by people but we have no way of knowing whether they are genuine. There may be a prominent person on Ms Lee Rhiannon's list who is a member of the Hon. John Tingle's organisation but did not sign the card or send it. I am simply posing a question as to the genuineness of the names and addresses.

The Hon. Dr Peter Wong: To the point of order: It is not up to members of this House to determine whether what Ms Lee Rhiannon is saying is legal or breaches any law. She is naming these people under parliamentary privilege. If she breaches any law she can be taken to court or a complaint can be made to the Parliament. But that is another matter.

The Hon. Duncan Gay: To the point of order: When incorporating large documents into *Hansard* we must be mindful of the cost in terms of the time taken and the production. These names are in the form of a petition which, I understand, should have gone to the Premier. Indeed, the petition may have already gone to the Premier, which is what the people requested. Recently I received petitions on a local government matter from 6,000 people. Although I presented those petitions to the House, not one of those names was recorded. It is a precedent in this House that not everyone who signs a petition has their name recorded. I think Ms Lee Rhiannon is rightly making a point, and it is a valid point that she has 500 people supporting her case. However, I think she demeans her own case by insisting on incorporating or reading every one of the names into *Hansard*, which takes up the time of, and is a cost to, Parliament.

The Hon. John Jobling: Further to the point of order: I understood from Ms Lee Rhiannon's speech that these people had agreed that the postcards could be presented to the Premier. My question is: Does the member have the authority or permission of these people to release their names? Is it possible for the member to show us a card with a tick indicating that the person's name can be made public, or does the tick relate to an agreement to present the postcard to the Premier, which is a variation on a petition?

The Hon. Dr Arthur Chesterfield-Evans: To the point of order: Ms Lee Rhiannon said that she is taking the names from postcards sent to her. Often when members of this House want to indicate that people support their case they say, "I have received letters from the following". In this case Ms Lee Rhiannon has received letters from people and on those letters she specifically asked—

Reverend the Hon. Fred Nile: It is not a letter; it is a card.

The Hon. Dr Arthur Chesterfield-Evans: A card—it makes no difference. Ms Lee Rhiannon received a card on which the box is ticked, and these people presumably want to indicate their disapproval of this legislation. The honourable member said that. If we are doubting her integrity, that is another question. Members' speeches are based on what they believe and they take responsibility for them. If they take up more time, that is a separate issue. And that often happens when members filibuster. The fact is that the honourable member is demonstrating the support she has for her speech, and she is entitled to do that. I believe that the members canvassing this ruling are aware of that. They have no point of order; they are being ridiculous.

The DEPUTY-PRESIDENT (The Hon. Henry Tsang): Order! I am advised that under the standing orders members may, under privilege, say what they like. However, I urge Ms Lee Rhiannon to be more considerate.

Ms LEE RHIANNON: The list continues: Lesley Sammon, B. Doherty, Cindy Parker, Suzannah Nobbs, C. Harris, H. Thompson, Jessica Bailey, Nik Willett, Rachel Margolius, Jan Garland, Jan Dickson, S. Edwards, Alexander Browne, V. Simpson, Taran Sahdeva, Nicole McKinnon, E. G. Quinn, Elka Wardega, D. Pogson, Tina Tapara, Maroe Larkin, Tas Willett, David White, Peter Strachan, Margaret Person, Justin Gilfedder, Leanne Hutchinson, Jennifer Daley, Lani Willett, Claire Black, Prue Willett, Sandra Ehamli, Steve

Green, Megan Cameron, Mariella De Broot, Petra Maul, Hunnie Yi, Anjee Krieke, Isa Stankov, Juliet Brollo, D. Michel, Katharine Stevenson, Chris Meares, Vasanthi Rao, Katharine Cooper, Sharon McConville, Patrizia Bush, Elizabeth Hutchison, Don Hutchison, Roy Goodman, Sylvia Goodman, Donna Mosford, Tracey King, Judith De Groot, Jimmy Sanders, Cecil Anne Carmody, Olga Parkes, J. Seingry, Erin Normayle, Amir Elleissy, Geoff Montgomery, Lisa Montgomery, Carole Cole, J. Neare, Victoria Mielewska, G. S. Rao, Stafford Sanders, Annette Basile, Lesley Jane Killen and Melissa Deacon.

The Hon. Malcolm Jones: Point of order: It occurs to me that we may ask the honourable member to give the addresses as well, to prove their authenticity.

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

Ms LEE RHIANNON: The names on the list continue: Sophie Cooke, Dougal McRae, Kim Blazey, Dagmar Gromaski, Susan Phillips, Roslyn Reay, Barry Bollinger, L. Basile, Mandi Deer, Veronica Papa, Steve Thiele, Kelly Truran, J. Deschapper, J. Erskine, B. Erskine, Leone Manwaring, C. Russell, A. Russell, R. Russell, Hannah Russell, Elizabeth Russell, Monika Kopp, Michelle Begovic, Arthur Hurwitz, Mrs. P. Day, D. Neaves, Mrs. M. Perry, Nicholas Dettman, A. Covelle, Carole Dettmann, Trevor Bradbury, Sally Lloyd, Jessica Simpson, Rachel Gregg, Trevor W. Smith, Lilia Peterson, John Woodhead, Thelma Hobday, Joy Allen, Louise Poidevin, Lucie Frankham, Alessandra Eliades, Christine Dempsey, Kate Stewart, Sue McCreddie, George Merryman, Jo Smith, Marie Maraschio, Victoria Spence, Dom Brownbridge, Peter Jensen, Lorraine Durston, Rane Adams, Jade-Snow Kemety, Graham Rendoth, Elizabeth Usher, Ramesh Achar, Jo Imung, Jeni Warne, Christine Black, Laurie Levy, Claudia McQuillan, Phil McQuillan, Deborah Bornzin, K. Magiisa, S. Noordhus-Fairfax, Claudette Vaughan, R. Lewis, Felicity Marguin, George Bagster, C.J. Caruana, Rhonda Boswell, Melitza Lui, Siobhan O'Sullivan, Ingrid Urh, Sara Browne, Christine Quelch, M. Alexander, T. Turner, Carolyn McGuinness, A. Russell, C. Russell, J. Harlow, J. Sutcliffe, Barbara Wright, A. Rasztabiga, Linden Drysdale, Roslyn Lister, Dan Goodridge, Christine Perrers and Malcolm Fitzgerald.

The Hon. John Ryan: Point of order: The rules of debate in this House are set out in Erskine May, which is used as a guide. One of the areas of guidance says:

A Member is not permitted to read his speech, but he may refresh his memory by reference to notes. A Member was permitted to read a speech which he was making on behalf of another Member who had lost his voice. A Member may read extracts from documents but such extracts and quotations should be reasonably short. The purpose of this rule is to maintain the cut and thrust of debate, which depends upon successive speakers meeting in their speeches to some extent the arguments of earlier speeches; debate is more than a series of set speeches prepared beforehand without reference to each other. For the same reasons the Speaker has urged Members to remain in their places after they have spoken and to return to the House for the concluding speeches of a debate.

That is meant to be a description of how members shall speak in a debate, but Ms Lee Rhiannon is reading a prepared list, and that is clearly not part of the cut and thrust of debate. If that is allowed, reading a list, and indeed reading a speech, will become a regular habit in the House. I urge you to request the member to stop reading the list, because it would be impossible to read a list of that nature without notes. It certainly does not maintain the cut and thrust of debate. There is no way of replying to that other than, I suppose, by reading an equally lengthy list. Therefore we are not likely to get to the actual nub of the issue and the spirit of the debate. I would be grateful if you would request the member to say what she wants to say in the debate rather than read a lengthy list of names of people who the Greens believe support them.

The Hon. Duncan Gay: To the point of order: To help you in your consideration and to make a decision, if the honourable member is allowed to continue, it would be akin to allowing me to read out every name of members of the New South Wales Farmers Association if they supported a bill we were debating. If I had National Party support for a bill, I could read out the name of every member of the National Party. A precedent will be set if the member is allowed to read this list. I think you have to think clearly about the ramifications of allowing a member who, in this instance, just wants to be tedious and boring, and, I suspect, annoying, which does not help her case to any extent.

She runs the risk of allowing this House to be held up to ridicule in the popular press, because she is trivialising the debate. If she wants to put an argument against what I or other honourable members have said, she should do so, rather than read from cards—I have not seen one—that people have filled in at stalls and meetings and which I think were designed to go to the Premier. Mr Deputy-President, you have to make a careful ruling because a precedent will be set in this Parliament if this member is allowed to waste our time, let alone her time, and disrupt the functioning of Parliament over something that is silly and petty.

Ms LEE RHIANNON: To the point of order: The Hon. John Ryan spoke about the importance of the cut and thrust of debate. I clearly support that, as I showed in the initial part of my contribution when I laid out a

number of arguments and then developed them. The next argument made against me was that if I were allowed to continue it would set a dangerous precedent. I suggest that a dangerous precedent would be set if the point of order were upheld, because it would effectively stifle debate. I am reading out the names of people who support the work that the Greens and other organisations have done to defeat—

The Hon. Rick Colless: We can read out the names of all the people who support the Game Bill?

Ms LEE RHIANNON: I do not believe you have them; otherwise get up and do it.

The Hon. Rick Colless: We haven't bothered to list them. Every farmer in New South Wales supports this bill.

Ms LEE RHIANNON: They are very different from the members of the National Party. I submit that upholding the point of order would set a dangerous precedent, because it would stifle debate.

Reverend the Hon. Fred Nile: To the point of order: Standing Order 85 states:

Continued irrelevance or tedious repetition

85. The President or the Chairman of Committees may call the attention of the House or the Committee to continued irrelevance or tedious repetition on the part of a Member, and may direct such Member to discontinue his speech ...

Under Standing Order 85 she can be directed to cease reading the list.

The DEPUTY-PRESIDENT: Order! The House relies on Erskine May only if the standing orders or sessional orders are silent on the point under consideration. It would be undemocratic, and a dangerous precedent, to rule out of order a member who seeks to read a list, even if it were a long list. Therefore, I will allow Ms Lee Rhiannon to continue. However, I would suggest that she table the list, or again seek leave to incorporate it.

Ms LEE RHIANNON: I sought leave to incorporate it and that was knocked back. I again seek leave to incorporate the list of names.

Leave not granted.

The list continues: Dan Goodridge, Christine Perrers, Malcolm Fitzgerald, Chelsea Ruiter, Eleanore Goodridge, Glenda Womsley, Penny O'Hara, Tracie Tait, A. Chan, Sam Mudd, Adam Taloni, P. Ellul, Ken Setter, D. Kesys, Nella Clarke, Nicholas Carlile, Dana Namir, E. Carney, C. Salih, F. Carney, Mary Moorhead, Lisa O'Neill, Stefanie Scheff, Ineke Smee, Hendrika Luderus, David Turnbull, Rain Basile, Sr. G. Kelly, Grace Thompson, Carol Flanigan, Stuart Russell, Sonja Klein, Margaret Nay, John McCain, Lindy McMahon, C.M. Willcocks, Anita Gesson, Babs Foller-Quinn, Jimmy Shaw, Lois Horton-James, Pat Mackle, David Sullivan, Ann Davidson, Anoushica De Bruyn, Dean Leith, D. Giles, Maureen Dimgelstad, Natalie Stevens, Marg Beal, L. Brown, Luna Roduguer, Jean Carey, Irina Giles, Mr. M.C. Lusty, Elizabeth Jones, Tess Pierchorowica, Karina Bray, J. King, Fiona Byrne, Judy Skipper, L. Klymenks, Tessa Olive, Maureen King, Vanessa Whikinglen, R. Morden, L. Morden, Doreen Cranridge, Annemarie Barton, Gabrielle O'Neill, Ian Clark, Gloria Stirrat, Anna Crare, Danielle Mahoney and Alison Lyssa.

Also Mr. H.A. Steart, Carole Ruthchild, Anna Enno, C. Bradley, Rick Roberts, Vivien McCormack, Jacki Goodridge, Lyn Harrie, Alana Rose, Janetta Huoson, Sam Renwick, Sarah Valance, Skinner, Susan Shade, J.W. Solomon, Shayne McVay, Clark, Carlie Parkinson, Rod Cass, Natalie Wand, Laura McPhellamy, Leanna Lewis, Alan Hyland, Nicola Biyner, Mrs. & Mrs. McVay, Fred Rainsford, M. O'Brien, Jean Sandoz, Mora Main, Susan Jarnason, Rory O'Gorman, Paula Bloch, Reg Seally, Louisa Jansen, Kristelle Gardiner, Sheree James, Melanie Kealley, Yvette Salem, Penny Souris, Corel Garling, Robert Wade, Linda Eisler, Catherine Martin, Patricia Philippou, Lynda Gordon-Squire, Cara Phillips, Aileen Treichel, Stewart Gemmell, Suzanne Gemmell, Julia Sideris, Wendy Benson, Jenny Kosch, Taro Keefe, Amanda Quinn, Susan Meyer, M. Llewellyn, Joyce Dodds, A. Todd, Craig Dacy, Peter Masia, Annie Biossonneau, Jenny Parkes, Leone Manwaring, Mikala Yakich, Penny May, A. Eggers, Deidre Brollo, Margaret Yakich, M. Shoemark, Yvonne Edgren, Valerie Nobel, Elizabeth Riley, Serge Killingbeck, Rita Sofea, Ben Phelps, Eva Griffith, Iris Yee, Susan Ingram, Lisette Salkavich and Sidsel Farrimond.

Further, Wendy Whitton, Amanda McCarthy, Julie Price, Stan Mills, Anna Viale, Helen Scott, Janette Balfor, Jeanne Marie Thomas, D. Lewge, Graham Owens, Joan Crofts, Giovanni Viale, Joanne Mereza, Georgia Jarrett, Joan Leach, Alesoun Marsden, Mary Willcox, Julie Cooper, Helen Clark, Angela Gregory, Gael Pascoe,

Joan Lindsay, Sue Bond, Trevor Dunbar, Astrid Stephens, Eleanor Douglas, A. Wright, Steve Gray, C. Balmond, Carrie Hardie, Alex Money, Lyn Streckfuss, Caroline Toomey, C. Hardie, Rebecca Filipczyk, D. Wright, Rosemary Milburn, Wendy Kerr, Audrey Dorne, Linda Wilson, Helen Daley, Kim Bolitho, Susan Atkinson, Ben Douglass, J. Tomkins, J. Gibson, R. Gibson, Judith Ambler, Will Douglas, Louise Dever, Fab Gallo, Adam Miles, M.J. Cambell, Michelle Bray, Chris Maltby, Linda Wilhelm, Prue Cancian, J. Mines, Gina Maglione, Nita Harvey, Belinda Bourke, Tara Jarnason, M. Farrar, Jane Castle, Nicola Stahl, Mrs. L. Donnelly, Gurjit Kaur, Halina Pochwyt, Dean Allen, Dean Bruce, Danielle Archer, Cameron Schraner, Dorothy Pochwyt, Rachel Margolius, L. Moore, Trent Middleton, Joanna Norman, Geno Van Osch, Faye Burke, Sundar Mahtani, Nina Evans, Kelly Reckwell, Muriel Hortin, M. Bowman, Marion Woof, Chislaine Barbe, Josette Wunder, Bill Jones, Roger Lambit, Stefan Jarnason, Larissa Kociumbas, Ana Lucia, Umberto Lavezzari, S. Clark, Ben Fletcher and Connie Plasto.

Further, Gemma Fox, Anne Gaskett, Victoria Pymm, Greg Sumner, Rowena Hamilton, Sharyn Aiken, Jessica Condon, Martine Finemore, Isobel Evans, Susan Oxenham, Marilyn Marel, Greg Miskelly, J. Rares, Jacqueline Noble, Kellie Walsh, Amy Smart, Matthew Weaver-Smart, Joan Simpson, Lea Pinker, Ariel Marguin, Emma Searle, John Robertson, Siouxzi Connor, Paul Andersen, Mark Bockhodt, Shellee Thorne, Christine Sharp, Hugh and Ruth Southon, Aanne Smart, Zara White, Howie Cooke, Lynne Saville, Katika Schultz, Trish Scott-Wandwater, Catherine Peter-Power, Ana Lefalher-Hurdle, Joan Simpson, Doug Pereira, Eileen Metherell, Pat Skinner, Cameron Sharp, Barbara Hasslacher, Charmaine Reeves, Daniel Resoort, David Gibson, Karina Akerlind, Nina Lansbury, Erika Bartak, Ghislaine Barbe, Layla Whittle, Dale Whittle, Sieanna Whittle, Michelle Whittle, Vanessa Whittle, Patricia Whittle, Narell Whittle, Cecilia Nunez, Cassandra Salisbury, Benita Popovic, Michael Cooke, Lorna-Jean Shead, Peter Shead, Hilary Shead, Oliver Shead, Jennifer McCallum, Julie Hoskison, Judith Yates, John Haymes, Dr. C. Nixon, Lorne Johnson, Peter Hubble, C. Ashton, Silvana Costa and Kristy Swan.

Those people feel very passionately that the Game Bill should not be passed by this Parliament. They are only a small proportion of the people in the community who are outraged by the bill. The Greens will be doing everything in their power to reach out to the rest of the community and explain to them exactly what this Labor Government has done. The Government's representations on the bill have been a sordid sequence of spin, deceit and outright lies. Perhaps the greatest lie is that this is some kind of environmental measure—a practical step, the Government tries to argue, to reduce feral animal numbers. This is the most facile of misrepresentations, but it is destined to fool no-one. It certainly has not fooled the animal welfare and environment movement in New South Wales, which has been at the forefront of opposition to the bill.

The simple fact of the matter is that it is not in the hunter's interests to reduce feral animal numbers. It is very important that honourable members take that on board, for they will hear the opposing argument that the bill is about controlling feral animals. They will be told that if hunters come in, feral animal numbers will go down. That is an absolute lie. If you love bloodsports, if you cannot think of anything better to do than get out in the bush and kill something, the last thing you want is a reduction in the population of the animal you are out there to kill. Logically, if you are a hunter, you need animals to kill. So the animal population will not decrease when you go out in the bush to kill it. That is a big lie.

It has been consistently documented that hunters are already stocking areas with feral animals brought from other areas. Indeed, it has been established that it was hunters who recently introduced foxes to Tasmania. Under this bill, hunters will stock up areas with feral animals and then hunt them. That will be the outcome. Have no doubt about that.

The Hon. Rick Colless: They would be vandals. You have no proof that they were hunters. There were vandals.

Ms LEE RHIANNON: Exactly. I accept the honourable member's interjection. That is what hunters are—vandals. When hunters introduce feral animals, they are vandals. I thank the member for his clarification.

The Hon. Rick Colless: Point of order: The member is now—

The Hon. Ian Macdonald: Verballing.

The Hon. Rick Colless: Yes, verballing. She is now trying to say that anybody who hunts is a vandal. A lot of honest, hardworking farmers hunt feral animals every day, and they are not vandals. I ask the Ms Lee Rhiannon to withdraw that statement.

The Hon. Richard Jones: To the point of order: Farmers who kill feral animals are not hunters. Hunters are a certain breed of people who kill for pleasure. They are not the same as farmers who have to shoot feral animals to protect their stock.

The Hon. Rick Colless: Farmers do have to hunt.

The Hon. Richard Jones: They do not hunt. Hunting is stalking animals and killing them. Sometimes you miss them, and sometimes you get them. Hunters are very different from farmers who have to kill feral animals to reduce predation of their stock. Ms Lee Rhiannon is quite right when she says that hunters are vandals.

The DEPUTY-PRESIDENT (The Hon. Henry Tsang): Order! Points of order should not be used for debating points.

Ms LEE RHIANNON: The lie is that when this legislation is enacted it will reduce the feral animal population in New South Wales. That lie ignores science and it ignores the biology of wild animal populations. Hunted populations often respond to hunting pressure by breeding more rapidly to make up the shortfall. What is more, recreational hunting is hardly the scientific process that effective feral animal control requires. Simply shooting all the larger male individuals in a population, for example, will have little impact on the population's ability to regenerate. It is testimony to the arrogance of this Government that it really thought it could spin recreational hunting as a responsible feral animal control initiative. That sums up the Government's attempt to justify this bill. The Government is delivering recreational hunting to the shooting lobby but tries to justify that to the environmental groups, animal welfare groups and the public at large by saying, "Oh, it is just a really good piece of legislation. We will be able to control feral animals." That is a big lie. Let us remember Mr Tingle's words—written by hunters, for hunters.

When the bill was first presented it would have reintroduced duck hunting. Black ducks, grey teal ducks, wood ducks, mountain ducks, California quails, brown quails, stubble quails, pheasants, partridges, peafowls and turkeys were all on the death list of the bill's original draft. Judging from comments made by the Parliamentary Secretary, the member Mr Macdonald, at least the native species will be spared, but the hunting and the cruelty will still be allowed under this legislation. This entire bill is about recreational hunting. I will continue to emphasise that point because this bill is a con job. It is about recreational hunting—and nothing more. The feral animal tag is an attempt to sanitise the bill, but that will not work. It is offensive and it is an insult to the intelligence of the people of New South Wales that the bill tries to pretend that game hunting is carried out for other than sport or recreational purposes. It is a sign of just how desperate the Government's lie is that the pest eradication element had to be included. Again I refer to Mr Tingle's publication—written by hunters, for hunters. Therein lies the exposure.

The Game Council is in charge of compliance, but I have to say that that is akin to putting a five-year-old child in charge of the number of chocolate biscuits children are allowed to have. As Mr Tingle so authoritatively stated, hunters' organisation numbers will effectively control the Game Council and it will not matter how many scientific studies the Director-General of National Parks and Wildlife uses in determining the quotas. Once hunters get out into the wetlands and into country areas, it will be on for young and old as they blast away at anything that moves. I say "blast away at anything that moves" because that is what happens on hunting expeditions. One hears so many stories.

The Hon. Rick Colless: You have never even been on one.

Ms LEE RHIANNON: I have heard enough stories.

The Hon. Rick Colless: But have you ever been on one?

Ms LEE RHIANNON: I acknowledge the interjection. I have seen and read the results of tragic outcomes when people are injured or even have lost their lives because of the mistakes that shooters make. The Government has said that duck shooting will not be reintroduced. That sounds good, but how realistic is that statement? I cast the minds of honourable members back to prior to 1995—the year in which the Government saw its way clear to support a ban on duck shooting. Prior to 1995, duck shooting was legal in declared seasons. Many people went to hunting areas to protest. My colleague Ian Cohen was often part of the protests against duck shooting. I can remember when Ian and other colleagues who attended the protests described the number of protected species that had been killed, despite the illegality of shooting them. I put it to this House that just because the bill declares that duck hunting is not part of the hunting regime and will not be allowed, does not mean duck shooting will not occur.

Who will enforce a bill that stops cruelty to animals? Who will enforce illegal shooting in various parts of country New South Wales? There will be no authority to ensure that the provisions of this bill are obeyed according to the letter of the law. In 1995, the current Government was lauded as visionary and compassionate—even wise—for finally putting an end to the barbaric and destructive practice of duck shooting. I pay a tribute to this Government because in its early years it stood by its principles.

Reverend the Hon. Fred Nile: It was a deal. There was no matter of principle involved.

Ms LEE RHIANNON: I acknowledge the interesting interjection by Reverend Nile. The Government did a deal to encourage members to pass the legislation, but I point out to Reverend Nile that the Carr Government was elected on a policy of banning duck shooting and introduced legislation to implement the ban. It is reasonable for me to pay a tribute to the Government for having done so. I would have thought that Reverend Nile would join me in doing so. That legislation was introduced because thousands of people in the coldest weather, year in and year out, went to areas in southern New South Wales particularly to protest against duck shooting. It has taken years of direct action by protesters to bring that legislation into Parliament. Those people bravely paddled out in canoes to rescue injured birds. Often shooters would deliberately fire over the heads of protestors so that the pellets rained down on them. On occasion, the hunters actually fired at the protestors more directly. Of course the duck rescue teams recovered many species that were not supposed to be shot.

As I said earlier, many of the shot birds were threatened species. Perhaps all honourable members recall those fantastic protests when many of the species were lined up outside Parliament House so that honourable members could see for themselves the damage that was being done to the wildlife of this country. I suggest to honourable members that that will happen in this State again. There will be massive animal cruelty and protected species will be killed. But if we listen to members of the Labor Government, they will say, "Don't worry, we have changed the bill and everything will be okay." In 1995, duck shooting was banned but by 2002, in a lead-up to an election, Labor has decided that right-wing voters are more important than decent values. The Government is making a 180 degree policy turn, and that is a shameful, cynical betrayal. It is certainly something that will not be forgotten quickly.

The Game Council, the body that will be established by this bill to regulate game hunting in New South Wales, will surely be the most corrupt regulatory regime in this State's history. I say that quite deliberately because, of a council of 16 members, eight will be appointed by the Minister as representatives of hunting organisations, and the chair of that body must be one of those eight members.

The Hon. Ian Macdonald: No. That has been changed by the amendments.

Ms LEE RHIANNON: The Parliamentary Secretary just said that the Government's amendments will change that. I apologise to the House. I was not aware that the Parliamentary Secretary referred to that fact earlier in his speech. The only thing that has changed is that I now have a bet on it. However, hunters still have the numbers. My original statement still stands. This is a corrupt regulatory regime. So there it is, as plain as day. Hunting organisations will have an effective voting majority on the Game Council. It will be run by hunting organisations for hunters. Clearly, Mr Tingle's publication was not exaggerating. He had the inside word and he told us.

Despite the horrific impacts on animal welfare and the environment, the council will have no representatives of animal rights or environmental organisations. How extraordinary! Not even the RSPCA, a body with a minority voice, got a guernsey. Despite the Premier being a patron of the RSPCA it did not get a guernsey. Talk about a takeover! The shooting lobby certainly won out big time. The Game Council will have far-reaching powers. The Minister for Agriculture will be obliged to consult with the council on any matter involving recreational hunting. It will administer the hunting licence system, it will make recommendations to the Minister about which public lands should be made available for hunting, it will appoint its own inspectors to regulate the industry, and it will receive significant public funding.

When Opposition speakers or Mr Tingle speak later in debate they might tell us how they will justify public funding. They are always so mean when it comes to spending money on reasonable causes that will assist the majority of people in New South Wales. The Game Council is effectively the creation of a de facto department of recreational hunting, or maybe we could call it a department of recreational cruelty because that is what is being delivered to us. It is almost unbelievable that the Government is handing over such power to such a blatantly stacked regulatory body. Talk about a lack of democracy! It is breathtaking the lengths to which this Government has gone for this body. The inevitable end result will be regulatory chaos and a free-for-all.

I am happy to place on the record that the Greens have no confidence whatsoever in the ability of hunters to responsibly self-regulate. Self-regulation anywhere is a joke. But how can we rely on hunters in country areas of New South Wales to self-regulate? Will a hunter say, "I must not shoot that duck, or that species?" What a joke! The result will be breaches of the law, rampant cruelty and unsafe practices, with no effective compliance and enforcement regime whatsoever. Earlier the Parliamentary Secretary, the member Mr Macdonald, made great play of the fact that the Prevention of Cruelty to Animals Act would be a safeguard that would afford protection in this regard. That is another furphy that must be exposed. It is even more worrying that the Game Council will be able to delegate its roles and functions. It is becoming murkier and even more dangerous.

The Hon. Ian Macdonald: It has changed.

Ms LEE RHIANNON: The Parliamentary Secretary just told me that it has changed.

The Hon. Rick Colless: Why don't you read the bill before you stand up to debate it?

Ms LEE RHIANNON: I did read the legislation. I read it very thoroughly. I remind the member Mr Colless that his colleague the Deputy Leader of the Opposition said he was also catching up on amendments. We found out about some of these amendments only when the Parliamentary Secretary spoke in debate on this bill, and those amendments were not covered thoroughly. I stand by my earlier statement that the Game Council, a most undemocratic body, will deliver to the people of New South Wales a most dangerous regime. This bill will legitimise animal cruelty in a way and on a scale that has rarely occurred before. It truly makes a joke of the Prevention of Cruelty to Animals Act, which, in the context of this bill, is barely worth the paper it is written on.

Let us be quite clear about this bill. Hunters will be allowed to go out and hunt animals using just about any method at all other than poison baiting. Clubbing, stabbing, bows and arrows and shooting will all be allowed. The Prevention of Cruelty to Animals Act will continue to exist, but out in the bush who will be available to bear witness?

The Hon. Rick Colless: Talk about a load of emotional claptrap!

Ms LEE RHIANNON: It is not emotional claptrap. The member Mr Colless cannot deny the fact that, once this legislation is enacted, hunters in the country will have a free-for-all. That is a problem with a corrupt regulatory process. Compliance and enforcement are the first casualties. Currently I am the President of the Vegan Society of New South Wales. As a committed vegan the issue of animal cruelty is an important one for me. Often when I speak at events or when I attend community functions people come up to me and voice their concerns about animal welfare. It is an issue of great concern for many people. It is an issue that governments have been slow to take seriously. It is to their cost that they ignore these concerns. The issue should be integrated into government decision-making from the outset.

Whenever the Government does something it must first consider the impact that its action will have on animal welfare and animal cruelty. If that requirement had been in place, this bill would never have seen the light of day. Another highly disturbing aspect of this piece of legislation is the way in which it nurtures and fertilises the growing gun culture in Australia. The vast majority of Australians are extremely pleased that Australia does not have the rates of gun ownership or the pervasive gun culture that exists in other nations, such as the United States of America. Most Australians would go to considerable lengths to keep it that way.

This situation can be summed up simply by this statement: The more guns that there are in our community and the more those guns are allowed to circulate and to be used, the greater the likelihood of deaths from accidents, suicides, domestic homicides and massacres involving firearms. It is a simple equation. The more guns that there are in circulation, the more accidents, the more deaths and the more injuries there will be. It is a tragedy, but it is something for which this Government must take responsibility with the passing of this legislation. Hunting will mean that more guns will be in circulation. That means more injuries and more deaths.

Some members are aware that one of the jobs I did before entering Parliament was to convene the Coalition for Gun Control. As such, I participated in many debates on the topic. There is no doubt that most Australians do not want to see any extension of gun ownership or gun use. On the contrary; they want to see guns removed from the community. This bill legitimises and extends the use of guns in our forests. It fosters a culture of gun ownership and a culture of hunting with firearms. It will inevitably lead to deaths from accidental shootings in the bush—accidental self-shootings, accidental shootings of other hunters, or even conceivably of innocent bushwalkers—an issue that this Government has failed to address. However, it is a real concern.

The bill will lead to more guns being stored in homes, where they can come into play in moments of great emotion. Domestic arguments can easily and tragically escalate into something much worse. Guns in the home facilitate suicides. Tragically, many of those suicides involve young men in country areas. I put it to honourable members, in particular to Opposition members, that this bill will place young men in the country at increased risk. It will result in more guns in circulation. When people are depressed or there are other emotional difficulties, too often the gun is used with tragic results.

I have addressed only the general problems relating to this bill. There are a tremendous number of more specific problems. The Greens will be moving a considerable number of amendments in Committee. I am aware that other crossbenchers will be doing the same. Let me make it clear that the fact that we are moving amendments does not in any way mean that our opposition to the bill in its entirety is diminished. We oppose the bill in its entirety. It is not a bill that can be improved on. In an attempt to justify the bill, the Government has foreshadowed an amendment to change the name of the bill—getting in the good old excuse that the bill is about the control of feral animals.

The Greens will bring some honesty to the name of the bill; we will move an amendment to call it the Blood Sports Bill 2002. The Greens oppose every single clause of the bill in the strongest possible terms. We will move amendments in order to draw attention to many of the details it contains—details that are so damaging and dangerous to the wildlife and animals in this State—in the hope that the Government may come to its senses. We sincerely hope that it will, because it is tragic that we are debating this bill and that it is about to become legislation in this State.

Debate adjourned on motion by the Hon. Peter Primrose.

RANDWICK-BOTANY INDUSTRIAL COMPLEX RISK ASSESSMENT

Return to Order

The Clerk tabled, in accordance with the resolution of the House of Tuesday 25 June 2002, documents relating to the Randwick-Botany industrial complex received by the Clerk today from the Director-General of the Premier's Department and referred to in paragraph 1 of the resolution, together with an indexed list of documents.

M5 EAST MOTORWAY

Return to Order

The Clerk tabled, in accordance with the resolution of the House of Wednesday 26 June 2002, documents relating to the M5 East motorway received by the Clerk today from the Director-General of the Premier's Department and referred to in paragraph 1 of the resolution, together with an indexed list of documents.

Return to Order: Claim of Privilege

The Clerk tabled a return identifying documents considered privileged, which under paragraph 4 of the resolution should not be made public or tabled. In accordance with the resolution the Clerk advised that the documents were available for inspection by members of the Legislative Council only.

[The Deputy-President (The Hon. Henry Tsang) left the chair at 6.23 p.m. The House resumed at 7.30 p.m.]

GAME BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. ALAN CORBETT [7.30 p.m.]: First, I acknowledge the input of a member of my staff while I was finalising my position on this bill. She has had 25 years experience as a vet, so I have taken her opinion quite seriously, as I often do. I acknowledge also that some of the amendments the Government proposes make this very unpleasant bill somewhat better. However, there are still some very disturbing aspects

to it. The bill comes to us in the guise of providing for both effective management of native and feral animals and for good, clean Australian sport. However, the long title of the bill tells the tale. It states:

A Bill for

An Act to manage and regulate the hunting of game; to establish a Game Council; and for other purposes.

The bill has little to do with the management of feral animals. If it did, the Government would await the outcome of the General Purpose Standing Committee No. 5 hearings into feral animal control. It has nothing to do with the management of native animals; it has everything to do with hunting. As the Parliamentary Secretary said in the second reading speech:

I think it is worth while to remind ourselves about exactly what is being debated here. What we are talking about is hunting.

Hunting is a legal pastime, but it is also a blood sport. I cannot discern any element of sport in a contest between a fully armed human aiming at some animal to kill—or maim if his or her aim is not so good, as is frequently the case. It is the hunter's pleasure against the animal, who certainly will achieve no pleasure from the process and bears no weapon. These people are not hunting to provide food for the table, even if on occasions they eat some of their bag. If food for the table was the purpose, it could be achieved in this country at far less cost and effort from the local shop.

They do not hunt to control any given species. If that was the purpose they would support research into efficient control or be professional shooters employed to eradicate pests, or utilise any one of dozens of other humane methods to eradicate or control pest animals—with rapid kills or with fertility controls, et cetera. They would welcome the input of animal welfare experts on the Game Council. Such experts would provide knowledge of humane methods of controlling pest animals and whether the animal in question was indeed a pest animal in the individual circumstances. The hunters would also welcome on the Game Council lay members of the public, who could provide or represent the viewpoint of the general public on a given case to be recommended to the Minister or on any given methods to be employed in a hunt.

There is no doubt that the hunters for whom this bill is written have only one agenda: to guarantee that they will have access to public or private lands, with controls set by their own people; to retain all funds generated by the licensing system for use to promote the so-called sport of killing to the rest of the populace; and to ensure that the animals that are to be hunted are not eradicated if they are really pests, but are maintained in sufficient numbers to ensure a future supply for hunting. What is the agenda of supporters of this bill? Some believe that such laws are necessary to control feral animals or pests in the country or in our bushland. They are wrong. There are already provisions in other Acts to cover feral animal control for private landowners. They can already shoot or trap pests, ask hunters onto their land, or employ professional shooters.

Likewise, government bodies have a right to employ professional shooters or other means to eradicate pests on public lands without the implementation of this bill. This bill allows public authorities to abrogate their responsibilities in occupational safety by giving non-professionals the right to control species in a manner that should be undertaken by paid professionals. The bill allows people who kill for pleasure to be given access to publicly owned lands, preventing other more peaceful members of the community from using the land because they fear for their safety. It will be fascinating to see what happens when a member of either the general public or the animal-killing fraternity is accidentally injured or killed by a stray bullet or other weapon, or by a savage dog used in the hunting fray.

Perhaps the public authority will find that it has retained some unwanted responsibility for public safety when it is taken to court for permitting hunting by non-professionals. Perhaps the Minister will also bear this responsibility. Should it happen, we are likely to see retrospective legislation introduced. I ask the Parliamentary Secretary to outline what public safety measures will exist to prevent such an occurrence. The bill has nothing to do with bringing future Olympic sharpshooters to the fold. Many people involved in pistol and rifle sports never kill animals. They do not need to kill to demonstrate their prowess. I have no wish to prevent people enjoying such a hobby.

Likewise, where no other suitable and humane method exists for the management or necessary destruction of pest animals I do not wish to prevent professional shooters from performing their unpleasant task. As previously stated, there are already provisions for that in current Acts, although they could be tidied up and put in a better format. I cannot support any bill that encourages blood sports as a legitimate and acceptable hobby for community members. I do not criticise those who partake in such sports now; I criticise those who wish to encourage others to increase the hunting fraternity, especially with the use of public funds.

It will be a sad day for our society if, or when, this bill is passed, as I am sure it will be early or late tomorrow morning. We will be taking a backward step, returning to the times when killing for pleasure rather than necessity was considered socially acceptable. In fact, in sections of some communities such killing for pleasure was a cachet required to get into high society. The international trend has been to reduce such blood sports in consequence and standing, to see them as they are: an anachronism to a modern and peaceful society. However, we will be seen to be promoting blood sports in New South Wales.

The Minister in the other place used the South Australian example of private hunters assisting in the control of feral animals. However, he failed to point out that in that case the Royal Society for the Prevention of Cruelty to Animals [RSPCA] and animal welfare representatives were involved in both the planning of the shoot with private hunters and the supervision of that hunting. The legislation before us has no such involvement of representatives for the animals to reduce the possibility of cruelty, inhumane treatment or even a poor understanding leading to wasted efforts. However, I acknowledge that the Game Council will have a representative of the Australian veterinary organisation.

The Hon. Ian Macdonald: And the Prevention of Cruelty to Animals Act [POCTAA] as well.

The Hon. ALAN CORBETT: The POCTAA is still overlooking it, but the POCTAA also allows a degree of harm to animals.

The Hon. Duncan Gay: It does not.

The Hon. ALAN CORBETT: If the Deputy Leader of the Opposition reads the second reading speech, he will see that it clearly states that some degree of harm is permitted.

The Hon. Duncan Gay: Is that your second reading speech?

The Hon. ALAN CORBETT: No, the Minister's second reading speech. Even the use of animals for medical research, which a much greater proportion of people would support as a necessary evil when compared to hunting, requires the presence of animal welfare representatives and a layperson, that is, someone with no axe to grind in relation to the topic and representing the everyday citizen in the community, not only as members on the committees which decide whether projects go ahead but for a quorum to be constituted. Yet the hunting lobby states that to include such people would block its ability to help farmers and public authorities in controlling pests and rehabilitating the sometimes devastating effects of some animal species on certain habitats.

No-one can deny that feral animals must be controlled. However, it should be done in a humane and effective manner. And sometimes it may involve hunting of some sort. No-one can deny that sometimes other species need control as well. No doubt on occasions such humane controls have been lacking, even in national park culls, which are perfectly legal under the laws already in place. The fault is not with those laws; the fault is with the people who carried them out ineffectually or who planned or supervised the attempts. That can happen just as easily with this proposed new law. The horses shot in Guy Fawkes River National Park suffered, regardless of whatever penalties, if any, are invoked after the event. The same will apply if a hunter loses his licence after the event; it is too late.

There is much more risk in this legislation than in the current legislation, which allows for hunters to hunt on private property and for culls, et cetera, to be undertaken professionally on public land and in national parks. I hear the call for farmers to have pest control in national parks. I agree that that is necessary at times. However, the way to do it is with a balanced panel of people who understand the species involved, the topography and particulars of the land involved, the full range of methods that might be used, and how to plan an effective and strategic operation that is also humane. That does not rule out the use of hunters in some plans. Rather, it puts them into a context in which they can truly be of assistance when such a panel identifies particular cases that might benefit, just as in South Australia.

Such a panel has as its primary purpose the control or eradication of a problem in a region, not the encouragement of a so-called sport as part of the strategy. Those prerequisites are not in evidence in the makeup of the proposed Game Council as it stands. It is inherently flawed in its makeup and purpose. This bill should be blocked. However, I do not believe that will happen, due to political expediency for the major political parties. The only alternative is to amend the bill to reduce the potential for harm that it contains. I will support amendments that will improve this horrific legislation.

The Hon. JOHN TINGLE [7.44 p.m.]: Obviously I support the Game Bill. Before I get to the thrust of what I want to say, I shall comment on some of the things that have been said by previous speakers in this

debate. First, the Deputy Leader of the Opposition is absolutely right when he says that national parks should be included in this bill. National parks are a main source of the breeding of feral animals in this State. They cause enormous problems for land-holders and others, and it seems a little ridiculous to exclude them when other public lands are included. I hope that the Opposition's proposed amendment will be supported. I want to talk about the incredible contribution of the Hon. Lee Rhiannon. This is a bit like war.

The Hon. Duncan Gay: That was not the word that sprang to mind when I heard her speech.

The Hon. JOHN TINGLE: The honourable member should give me a moment. This is a bit like war: truth is the first casualty. To deal with all the emotional rubbish, half-truths, cultural bigotry and outright nonsense in the Hon. Lee Rhiannon's great long speech would be a tremendous waste of good debating time, but a couple of things need to be mentioned. She kept talking about cruelty. Her claims are absolutely and totally unsubstantiated. Nothing in this bill allows cruelty or any kind of hunting which is not allowed already. It does not make legal what is now illegal. There is nothing in this bill that allows, promotes or suggests more cruelty. It is still subject to the Prevent of Cruelty to Animals Act.

The Hon. Lee Rhiannon claimed that the whole community is opposed to this bill but she produced only 400 names. I point out that I presented a petition with 11,000 signatures against the bill introduced by the Hon. Richard Jones in 1995 to ban duck hunting. If that had no effect, I cannot see how 400 names will have any effect either. Then there are the claims of seeding feral animals and the mention of seeding foxes in Tasmania. That has never been proved. Indeed, the Australasian Wildlife Management Society confirmed that it is untrue. Seeding is not supported in this bill; nor would the shooting movement support it. However, even if those claims were true, seeding feral animals would still be better than seeding feral Greens. But to compound the nonsense and to show how little the Hon. Lee Rhiannon relates to the facts of this bill, let me quote from her media release of today. In part, she said:

The Game Bill is an international embarrassment. Britain is abolishing hound hunts at the same time as New South Wales is bringing them in, along with crossbows, clubs and other barbaric medieval hunting techniques.

I am sure it will be real news to the Government that it is introducing hound hunts, and especially fascinating news for the Minister for Police that the Greens claim that hunting with crossbows will be allowed. Crossbows have been illegal in New South Wales for many years. They are a prohibited item and even possession of one, let alone using it, is a serious offence. So much for Ms Lee Rhiannon! Let me comment quickly on something that the Hon. Alan Corbett said which was true, although he did not know it. He quoted the long title of the bill, which states:

An Act to manage and regulate the hunting of game ...

This bill is about regulating the hunting of game. There is nothing in the long title or the provisions that refer to increasing, promoting or bringing on more hunting.

The Hon. Duncan Gay: It is one of the fallacies. You do not need the bill in some regards because it is all already there. It is a bit of a con by you and the Government.

The Hon. JOHN TINGLE: Come on! This bill is not something that has just happened. It is not a knee-jerk reaction to recent events, such as the appalling massacre of brumbies in Guy Fawkes River National Park. In a way, this bill springs from my own observations over more than 50 years of the massive damage done to the natural Australian environment by introduced species of animals which have gone feral, that is, animals introduced to this country as domestic pets or game which have escaped or been released into the wild and have reverted to their primitive state. Having seen that damage, I have also noted the huge difficulty in trying to curb and control those pests in a way that does not further damage the natural environment and which does not involve unnecessary cruelty.

My first experience of this was as far back as 1949 when I was living in Deniliquin, and rabbits were totally out of control. I have seen farmers taken to court and fined massively, in those days, for failure to suppress rabbits, and seen those horny-handed people break down in tears of sheer frustration, because they knew they would never be able to control or suppress rabbits. They had used poison, gassing, ripping of burrows, ferrets, and everything else, and the rabbits just continued to increase in number. Then in 1950, myxomatosis was released—accidentally, I understand—from the CSIRO field station at Deniliquin, and the problem vanished within a few weeks.

The Hon. Duncan Gay: A few years later the calicivirus accidentally got out, too.

The Hon. JOHN TINGLE: I think that is the best way to release it. However vital it was for that action to be taken, myxomatosis was a shockingly unpleasant thing and I doubt whether, in the present climate, any government would be able to sanction its use. When I saw the first myxomatosis-affected rabbit I was deeply disturbed. Its eyes were swollen shut and oozing, its genitals enlarged many times, and it was sick and sluggish, dying slowly. I have never eaten rabbit since. But even myxomatosis was not enough to prevent large tracts of valuable grazing land becoming what are known as scalded plains. These are areas of country where rabbits, which can bite off herbage much closer to the ground than any other animal, have actually destroyed the herbage completely, leaving only a dry, dusty expanse of barren ground, such as one will find even today in many parts of western and south-western New South Wales.

Over the years I became aware of the huge spread of other feral animals and their devastating effects on native wildlife, such as small native mammals and ground-nesting birds. When some totally misguided animal liberationists campaigned against the fur trade and started throwing red paint on women wearing fur coats in 1986, people who had previously hunted foxes for their skins as a way to earn, or augment, a living, stopped doing it. Fox fur exports dropped from 400,000 to 16,000, and the feral fox problem spiralled out of control, with disastrous results for much native wildlife. In an attempt to control this upsurge, the use of the dangerous, non-discriminating poison 1080 increased by 1,000 per cent in 1987, with almost equally disastrous results for wildlife.

Are these foxes still a problem today? Are they numerous? Last month, at the instigation of the honourable member for Murrumbidgee in the other place, Adrian Piccoli, the Southern Riverina Hunting Club at Finley, in the Murray Valley, responded to requests from land-holders, who were alarmed at the inroads foxes were making into their livelihood. Mr Piccoli sponsored a fox drive, and in one night the drive killed 380 foxes—a startling figure, which should indicate just how big this problem really is. In 1977 the CSIRO magazine, *ECOS*, published the results of a survey showing that the spread of wild pigs now extended from Victoria, through a wide swathe of land in eastern Australia, right up to Cape York, and that their numbers were increasing in a geometric progression.

At that time the CSIRO estimated the numbers of pigs at many, many millions, and said they were then a greater threat to agriculture than rabbits had ever been, and that because of their prolific and rapid breeding cycle they might eventually dominate agriculture and lead to the extinction of some small native species. That was 25 years ago, and the problem has certainly become worse, not better. Also, 30 years later, the same reputable magazine, *ECOS*, is lamenting the alarming loss of small native birds from the rural landscape, due to the depredations of cats. Then, I bought a property in the Western Division, at Coolabah, between Nyngan and Bourke, and discovered for myself the havoc feral animals could wreak in wildlife and amongst domestic livestock.

When I first bought the property, which had not been worked for about nine years, the abundance of bird life was one of its major attractions. There were native birds of every size and colour in the house garden, which, having been watered and cared for over many years, had an abundance of flowers and berries that the birds fed upon. They had no fear of humans, having not encountered them for many bird generations, and I was able to approach them closely to photograph and videotape them. Then, arriving there on one occasion after an absence of a month or so, I was appalled to find virtually no birds—just bones and feathers.

After a few days I became aware that I had a new feral pest problem—a feral cat, which had virtually wiped out the bird life around the house, and which had established a nest of old sacking and newspapers under the stairs of the woolshed, about a kilometre away. It took me two years to see and kill that feral cat. When I finally surprised it and shot it, it was the size of a blue heeler sheep-dog—dappled grey and black, reverting back to the wild. The feral cat is becoming a major problem for native wildlife and agriculture. Of all the ferals, it is the most efficient and ruthless hunter—it is a good, swift tracker, and a sudden-death killer.

Then there were the wild pigs. On a property of some 38,000 acres, which, in that semi-desert country, could carry only 2,000 sheep, we estimated we had at least five times that many wild pigs. They were aggressive, cunning, voracious and omnivorous. The first time I saw a wild pig amongst a mob of lambing ewes, and saw the pig eating the newborn lamb immediately after birth, then starting in on the ewe and eating her alive, I understood that here was a strong, cunning, ferocious predator who had to be stamped out, or at least have its numbers controlled. But it was a hard battle with my lone resources. It was only when I persuaded shooting friends from Sydney to come and give me a hand, with systematic and methodical hunting over quite a period, that we saw a decline in the pig population—but they were still in vast numbers.

Other feral animals are also a problem—goats, dogs, horses, and so on—and it had become obvious to me that the usual methods we had been using to try to control them were misdirected and inadequate, and

rapidly being outnumbered in resources and quantity by the growth in the numbers of these animals. Anyone who doubts that statement has only to look at the disaster that happened when the National Parks and Wildlife Service attempted to cull those brumbies in the Guy Fawkes River National Park. No experienced hunter would even contemplate trying to cull those horses by shooting from a helicopter under those circumstances. That sort of hunting and culling has been known to work on open plains country, against buffalo and wild pigs. It could never work in mountainous country like Guy Fawkes, with narrow ravines and dense tree cover. It inevitably led to the brumbies being wounded rather than killed cleanly. The stories of pregnant mares being wounded and left to die, and of other brumbies found days later with serious wounds, should show how ill-advised this was.

If it really was necessary to cull the brumbies it would have been far better to use the helicopter to airlift a small group of, say, six skilled hunters into the area, have them camp for a week or so and track the horses, make clean kills, and avoid it becoming a bloody and detestable massacre. Might I say at this stage that this is typical of many of the official attempts to deal with pest animals, which are organised from a basis of ignorance about hunting, about the animals concerned, and from an overwhelming and misguided obsession with the idea that nothing must ever be hurt or killed. One of the great conundrums, which needs to be looked at, is the difficult position faced by primary producers whose holdings adjoin public land, such as national parks and State forests. The fact is that feral animals breed, undisturbed, in these pristine environments, and, quite apart from the devastation they visit on native species, they also come out of those refuges and attack domestic livestock and, indeed, domestic pets.

As a side issue, it is notable that the relatively small number of native animals which are effective predators are smaller than, less aggressive than and cannot compete with the larger introduced species, such as cats and pigs, and are driven towards extinction because of that. I have mentioned how misguided and specifically counter-productive many official attempts at control measures can be. In 1995, Parliament passed a bill, originally introduced by the Hon. Richard Jones, which was designed to end legitimate duck hunting in New South Wales. I respect the genuine dedication that honourable member has to protecting animals, but, as with so many measures based on emotion rather than science, and on a practical understanding of science and facts, it went wrong.

Farmers, frustrated by not being able to organise shooters to cull ducks which were making inroads into their crops, adopted other means of trying to control the duck population. I am told that one popular measure was the use of green snail pellets. These were scattered along river banks and around waterholes, and, I am told, were gobbled up enthusiastically by ducks. The poison in those pellets left the ducks to die in agony. Similarly, attempts to control foxes and some other animals with 1080 and other poisons have invariably led to many other species taking the baits, with results we can all imagine. Poisoning on a large scale will always be a dangerous hit-and-miss affair. Recently, householders on the northern edges of Sydney were warned that fox baiting was about to begin in the Ku-ring-gai National Park and that domestic pets, particularly dogs, should be kept well clear.

What we have now is a haphazard approach to control of pests and feral animals which is probably making the situation, in many cases, worse rather than better. It seems to me that this has been the situation all along, since I first became aware of those attempts to control rabbits on the wide plains of far southern New South Wales, more than 50 years ago.

So, in 1995, when I first suggested this bill to the then Minister for Environment, Pam Allen, I had a very clear perception in mind. And that was that, on the one hand, we had a problem of feral animals wreaking havoc on native wildlife and agriculture and livestock. On the other hand, we have a resource—a core of skilled and enthusiastic hunters—who could be applied to this problem, to help control it. The idea was that they would be specifically licensed, after special testing, to deal with the problem cleanly and effectively.

It was also clear that these animals were mainly breeding on public lands, including State Forests, National Parks, and Western Lease Reserves, where hunting was not generally allowed, and where, obviously, there was no control of these feral animals. This could be done much more efficiently than it had been up to date; and would be done at no cost to the government, or to the agencies charged with the management of public lands, or to private farmers, who are also faced with the huge cost of trying to control these animals. In this context, suitably licensed hunters are a positive conservation resource, able to be deployed to curb feral animals, and so give native wildlife some chance of survival.

I was pleased at the time with the enthusiastic response from the then Minister, and from the Premier, himself a recognised conservationist, who saw in this idea a practical way to protect our native wildlife. I am

also pleased that the Government saw fit to take up the idea, and eventually shape it into this bill. It has been a long time in the coming, and there has been endless negotiation, re-shaping and re-thinking. For that I must give credit to the endless hours—indeed years—of work put in, in consultation with the Government, by Mr Robert Brown, Chairman of the Federation of Hunting Clubs, New South Wales, past President of the Australian Deer Association, and committee member of the Game Management Council, Safari Club International, and many others, and to the invaluable assistance of the Executive Director of New Zealand Fish and Game, Mr Bryce Johnson. It is upon the hugely successful model of New Zealand Fish and Game that this bill is broadly based. His knowledge of the demands of ethical hunting and species control is unparalleled in my experience.

It is important to stress that are conservationists, too. In Victoria, Field and Game Australia has done pioneering work in the rehabilitation of wetlands for waterfowl, including the provision of nesting habitats and other facilities for these birds. One of the end purposes of the Game Council will be to use the fees derived from game licences for similar works in New South Wales: that is, to work to nurture and protect native wildlife, while curbing the excesses of the feral pest animals.

This bill was never seen as an open slather for anyone with a firearms licence to dash about in national parks or other public land shooting everything in sight. But I have to say that in my seven-and-some years in this House I have never seen a bill that was more misrepresented, or that had more deliberate lies told about it than this one. You have to wonder about the real motives of some of the extreme activist animal libber groups. It has been quite falsely represented that this bill will create a bloodbath, that animals will be injured and left to die, that hunters will be given free rein to do whatever they like.

Hunters have been described as "the dregs of society", just because they hunt. An interesting comment, that one. Man is a hunter and always has been. There has been the outrageous and offensive suggestion that children are used as targets by hunters in some parts of America, and that the Game Bill here will promote the same thing here. That prominent animal rights activist Dr Kathryn Schuller, in a 1998 thesis entitled "Killing for Sport", claimed, for instance:

hunters ... satisfactions are derived from killing violently, whether these are sexual or related to attaining power over another living creature, or both.

This sort of generalised nonsense, without a tittle of substantiation, is typical of the weakness of the arguments against this bill advanced by people who use a claimed concern for animals and animal welfare to take an anarchistic swipe at any kind of legislation dealing with the control of animals. These people tend to extend their dislike of firearms and hunting, in general, to the people who own firearms and go hunting. They identify these people as necessarily and automatically evil, just because they hunt. The fact that these detractors have to base their objections on fallacious arguments, which depend entirely on an emotional response, demonstrates, better than anything else could, just how lacking in substance their arguments are.

There is virtually no public support for the destructive and obstructive stance taken by the extremists in the animal liberation movement. They recently tried to organise a protest demonstration outside Parliament House, to attract public opprobrium to this bill. They sent emails and faxes to everyone they could think of, calling on them to gather and protest against the Game Bill. In the event, they managed a grand total of a massive 40 or so people, shouting through portable megaphones at a non-existent audience. And it is worth mentioning that of the 40, a significant proportion of the so-called protesters were staff members of some of the left-wing crossbenchers in this House. Those staffers are certainly entitled to protest, but without them it would have been an even bigger flop than it was.

This is a good, sensible and responsible bill that attempts to organise what is now an individual and haphazard exercise into an operation which can be an invaluable conservation resource, to protect our natural wildlife and our primary production. It will not lead to an increase in hunting, but it will ensure that the hunting going on now is utilised in the most efficient manner possible, as a conservation resource, as I just mentioned. Because it will also introduce a special game licence, and because that licence will identify its holders as people who are skilled, trained hunters, and because organised feral animal control will largely be organised through recognised hunting clubs, the efficiency and the behaviour of hunters can be guaranteed.

There are penal provisions for breaches of the law; there is provision for a code of hunting practice; there is the tool available for a hunting club to terminate the membership of a hunter who behaves irresponsibly, and that termination could lead to the loss of the shooter's licence and game licence. The protections built into this bill should really make hunting better and more reliable. It will enshrine it as a respectable, recognised and useful activity.

Detractors of the bill have claimed that it is a waste of time, because animals, such as wild pigs, have been shot for many years, and their numbers are still increasing. The point is that if we had been able to organise hunters years ago, as this bill will be able to do, the numbers of pigs and other animals would not have reached their present levels. With an organised program under the Game Council it will be a different story. And if those programs manage only to control numbers, and keep them static, that will be a vast improvement on the unorganised, uncontrolled situation we have now.

So this bill will certainly lead to the control of feral animal numbers, and give our native wildlife a breathing space. A genuine conservationist—as distinct from the sort of person who professes animal welfare or animal liberation conviction, as a camouflage for promoting a particular extreme political agenda—would support this bill wholeheartedly, as I do. When it comes to the vote on this bill, and when it comes to some of the amendments which will be proposed to it, we will see which members of this House really care about our native wildlife and the protection of our primary production from the ravages of feral animals. Controlling and reducing these pests is a battle that we have to fight, and which we must win.

The Hon. MALCOLM JONES [8.06 p.m.]: I support the Game Bill. However, I understand that the Government will move an amendment that will change the name of the bill to the Game and Feral Animal Control Bill 2002, which I support fully. This changed name is far more accurate than the Game Bill, as the primary target of the legislation is feral animals and not animals deemed as game. From my point of view, game is a misnomer and the primary benefit will be society getting serious about the control of feral animals.

Before honourable members start verballing me, I preface my comments by saying that I do not own a gun and I do not know much about guns. The crisis in feral animals is shocking. The inquiry which I referred to by General Purpose Standing Committee No. 5 is in full swing and will report in due course. However, the Game Bill is before us now and I will comment on it. The objects of the bill are, first, to provide for the effective management of feral animals. I understand the Government will move an amendment—which I have decided to support—to delete division 4, which extracts from the Game Bill protected game animals, being ducks and quail. My reason for supporting the amendment is to ensure the passage of this most worthwhile piece of legislation. Whilst I would prefer the retention of division 4, the widespread benefits of the bill are obviously worth enshrining in legislation. Secondly, the bill will promote responsible and orderly hunting of game animals on public and private land, and the hunting of pest animals on public land.

For the purposes of the bill, target animals are deer, hare, pheasant, partridge, peafowl and turkey and certain pest animals—namely, feral pigs, feral dogs, feral cats, feral goats, rabbits and foxes. By Government amendment No. 14, duck and quail, the protected "game animals", will not be subject to this bill. The bill does not include horses and camels—as predicted by journalists, who should have read the bill before writing lengthy articles about it. The features of the bill include the composition of the Game Council of New South Wales, and its provision for game hunting licences and a licensing system. It will incorporate a statutory hunting code of practice that details the standard behaviour expected of licence-holders. Despite obvious opposition from the politburo, the extreme greens, and their mates to this bill, I believe that it will generate environmental and conservation benefits for the wider community. For example, a pool of experienced private hunters will be created to assist in pest animal control and that will have the effect of assisting with the survival of other species that currently are the fare of predatory pests.

For the purposes of the Game Bill, public land will include Crown land and State forests, but does not extend to land managed by the National Parks and Wildlife Service [NPWS]. Under the Carr Government, the number of pest animals living and breeding on public land has reached unacceptable levels. This bill is long overdue. I have been an avid critic of this Government's land management practices since I entered this Parliament. The Carr Government continues to lock up land without providing sufficient resources to control feral animals and noxious weeds or to introduce effective fire hazard reduction measures. At present the NPWS manages approximately 5.5 million hectares of land, State Forests manages 1.6 million hectares, and the Department of Land and Water Conservation controls land.

I agree with the comment made by the Deputy Leader of the Opposition about national parks: I love them, but their management is the problem. Locking up land to some extent locks in feral predators—foxes, cats and wild dogs, et cetera. Native animals, especially the smaller varieties of marsupials, bandicoots and so on, have no defence against their skills. In 10 years time, species eradication in New South Wales parks will be a far more serious problem than it is now. We must preserve our native fauna by protecting them from animals they are defenceless against.

In the past the Outdoor Recreation Party has offered this Government help to implement plans for the eradication of feral animals in all national parks, in association with the National Parks and Wildlife Service, but

all to no avail. Hence I will support the Opposition's amendment to conduct a two-year trial of hunting game in three national parks under NPWS control. National parks and State forests provide a habitat for feral animals. Most importantly, feral animals do not know where the boundaries of State forests and private lands lie; they do not know when they cross from wilderness areas into national parks. Extending the hunting of pest species to national parks and using the feral animal control methods allowed by the Game Bill will benefit shooters, shooting clubs, the people of New South Wales, and our wildlife—though that will be beyond the grasp of some, whose resentment obscures commonsense.

Sadly, I must stress that the feral animal problem has reached crisis proportions. As a member of the committee inquiring into feral animals and visiting my constituents throughout New South Wales, I have seen the devastation that feral animals cause to people and property. In my office I have many letters from the public expressing their anger and frustration. As a example, I cite a letter from Mrs Ellen Green from Bemboka, who wrote to me stating:

... the social ramifications of living with wild dog predation is far reaching. People cannot live under the mental and physical stress without something giving. Amongst these communities depression and anxiety are common. Relationships break down between family members. The financial difficulties are always there, and to see your animals half eaten and mauled is very traumatic.

Our farm was put on the market 6 months ago, we cannot go on with it anymore and we are 7th generation farmers. I nearly lost my husband once and there seems no end to the wild dog problem. NPWS just do not care, we cannot even get them to discuss a feral animal boundary fence.

Other letters have the same recurring themes—psychological, physical and financial hardship. Loss of property has amounted to hundreds of thousands of dollars. I now take this opportunity to also draw the Parliament's attention to a press release circulated by the Hon. Richard Jones on 8 April 2002 headed "Game bill Counterproductive says Rural Lands Protection Boards". I will not discuss the contents of that press release; I will not bang his drum for him. However, I believe that it is highly inappropriate for a committee chairman to issue a press release about evidence given during an inquiry conducted by that committee. Lots of evidence was given and the Hon. Richard Jones's comments were extremely selective. There will be amendments to this bill. I will support those that enhance the effectiveness of the bill and I will oppose those that attempt to trivialise or ambush the bill.

I conclude by commenting on the speeches made by Ms Lee Rhiannon and the Hon. Alan Corbett, who carried on and said that this bill will extend the rights of hunters. The bill simply does not do that. It organises, it licenses, and it provides a statutory instrument of discipline which currently does not exist. Those members also went on about the use of public funds, but I point out that one of the objects of the bill is that it is to be self-funding. Their hyperbole and exaggeration without limit is absurd, and their comments merely vent their deep resentment against a perception and people they do not understand. Those comments merely emphasise their helplessness against the disdain felt by most people for the values of those honourable members. It was rather childish of Ms Lee Rhiannon to have read the names on approximately 500 postcards. What a waste of the House's time!

I point out for the information of the honourable member that during the process of declaring wilderness areas, I submitted to the Minister 18,000 letters opposing wilderness areas, but absolutely no notice was taken of them. Having said that, I commend the Game Bill to the House and I look forward to discussing the amendments in Committee.

The Hon. IAN COHEN [8.16 p.m.]: I have listened with interest to a number of speeches on this matter. As a member of the Greens and as a conservationist I oppose the Game Bill, but I am somewhat disturbed by some of the accusations that have been made in the House. I was interested to hear during the speech by the Hon. John Tingle the denial that there was any such thing as seeding of animals. That is the type of activity that hunters undertake as part of the process of maintaining a pool of hunting stock. I am concerned about that.

The Hon. Ian Macdonald: That is now an offence.

The Hon. IAN COHEN: I appreciate that, but hearing the Hon. John Tingle denying that animal seeding takes place has compelled me to strongly protest.

The Hon. John Tingle: Seeding of what?

The Hon. IAN COHEN: The seeding of animals to maintain hunting stock. I have to disagree strongly with the honourable member. The *Land* of Thursday 13 June 2002 had an article by Kim-Cherie Davidson headed "Threat on our doorstep", to which I will refer in part:

This has been the case with one four- to five-year-old boar in the Hawkesbury area which has been on the rampage for more than two years, causing thousands of dollars of damage to crops and becoming a local legend of sorts.

"People are attracted to him - some want to catch him because he has messed up a couple of hunting dogs and others are dropping sows to breed with him because of his legendary status ... "

That is stated in black and white. That is the type of thing that hunters are interested in.

The Hon. Rick Colless: Where is your proof?

The Hon. IAN COHEN: It is in the paper.

The Hon. Rick Colless: That is not proof.

The Hon. IAN COHEN: It is better than most examples. This is only one example. As I was saying:

"People are attracted to him - some want to catch him because he has messed up a couple of hunting dogs and others are dropping sows to breed with him because of his legendary status," Mr Glover said.

But his "reign" ended on Monday night when he was shot by Moss Vale RLPB ranger, Steve Parker."

The Hon. Rick Colless: Was this ranger hunting the pig? Was he hunting the pig?

The Hon. IAN COHEN: If the Hon. Rick Colless would just slow down for one moment, he might listen and understand that I am putting my reasoned position as a conservationist—believe it or not. It seems that if the Greens oppose a hunting bill, suddenly we are labelled as people who could not possibly be conservationists. The Greens and conservation seems to be a contradiction in terms because we are against what is seen to be a rather clumsy piece of legislation—though it is perhaps a great political move by the Government. I understand the Opposition's frustration because it is left with no room to move. Obviously there are unlimited fields in which the Opposition may politically hunt, but the Opposition has been done in by both the Labor Government and the Hon. John Tingle, who have taken over its political heartland. I can understand the frustration that may be emanating from members of the crossbench but, to quote the Hon. John Tingle, I think it was, the bill is written by shooters for shooters.

The Hon. John Tingle: I didn't say that.

The Hon. IAN COHEN: You did not say that? You deny that then?

The Hon. John Tingle: It was the Hon. Richard Jones.

The Hon. IAN COHEN: I will acknowledge that, but obviously a lot of politics are involved in this bill. I listen to what people say and I am concerned that accusations are made. If this bill is to really work, as stated by the proponents of the bill, I, as a member of the Greens and someone who cares deeply about the devastation that occurs in these areas, urge honourable members to consider how we go about achieving this. I concede that there is a very strong need to control feral animals. However, I believe that this bill is not the way to go about it. This bill will create far more problems than it will solve, and that is a reasonable position for a conservation person to take.

The Hon. Duncan Gay: Support our trial in national parks then.

The Hon. IAN COHEN: No, I will not support your trial in national parks because it is still unregulated and will not work. We will see a proliferation of guns and shooters. Indeed, the situation will get out of control in a sensitive environment and I strongly object to that. I believe that we must reach a reasonable balance. This bill does not achieve what it sets out to achieve, other than political advantage for the Government and some other advantages for various members of this House. I have heard the rhetoric, particularly that of the Hon. Malcolm Jones, about caring for the environment. I share those sentiments, but he has not expressed that same sentiment in speaking to a plethora of other bills that have been passed by this Parliament; not until now.

The Hon. Rick Colless: Have you ever seen a lamb that has been half eaten by a pig and left to die.

The Hon. IAN COHEN: I agree that that is a terrible tragedy, but we must look at the overall picture.

The Hon. Rick Colless: It happens regularly.

The Hon. IAN COHEN: It may happen regularly, but this bill will not solve that problem. I do not disagree that there is a problem. I am not saying that feral animals have a place in the environment. I agree there is a problem, but how do we go about solving the problem in the most constructive manner? I suggest that this is a wild-card measure and that it will get out of hand. It is a dangerous situation. The bill will exacerbate the problem of feral animals in areas beyond the bounds of designated hunting lands. These animals move into our national parks and then return from them.

I have heard considerable anecdotal evidence—although it is denied by some honourable members—that hunters encourage game stock to ensure there is plenty of sport to be had. This bill will promote ad hoc recreational hunting under the pretence that it will reduce pest numbers. Such a promotion of hunting and shooting as proposed by this bill is a regression of society's values back to ages past. It does not provide a solution to how we should deal with the feral animal problem. Shooting animals is a violent activity that should not be encouraged under the guise of pest control. Many statements have been made tonight about the rabid and extremist nature of animal liberationists. I have been to duck hunts and observed the lack of identification of species that have been shot. I have paddled out in a canoe and picked up ducks that have been maimed.

The Hon. Rick Colless: They have been removed.

The Hon. IAN COHEN: Hopefully they will be removed. I have seen animals dying in conditions of extreme cruelty.

The Hon. Rick Colless: Including lambs and ewes.

The Hon. IAN COHEN: Exactly, so we need to solve the problem.

The Hon. Ian Macdonald: Where did you see them?

The Hon. IAN COHEN: At Lake Cowal during the duck hunting season. I have seen species taken by mistake. The honourable member should listen rather than just wake up every five minutes and comment. I am trying to outline what happens during any hunting season. Other species are mistakenly shot because some hunters are irresponsible. I have seen them in the wetlands during the duck shooting season. I acknowledge that the bill does not allow duck shooting but this process actually happens.

The Hon. Duncan Gay: It is in the bill.

The Hon. IAN COHEN: I understand that an amendment will be moved to remove it. Is that correct?

The Hon. Richard Jones: Yes.

The Hon. IAN COHEN: The taking of non-target species is a common event. I woke up well before dawn, before the first light, to the cacophony of shotgun blasts across the swamp. The hunters were doing pretty well to see birds in the sky let alone the species of the birds. That is the type of activity that this bill will encourage. There are plenty of responsible hunters but there are also irresponsible hunters. The danger is that this bill will encourage hunters to be out and about without the right registration because they figure they have the go-ahead.

How did feral dogs get there in the first place? First, because of irresponsible dog ownership. Second, pig dogs used for hunting become lost and turn feral. A huge number of those pig dogs get away or become lost, cannot find their way back to their owner, and become feral. I have sympathy about the destruction of livestock but we must consider that the dogs are there in the first place because of irresponsible dog owners. In many cases hunters lose their dogs in the bush and the dogs go feral. Cross-breeding of savage hunting dogs such as rottweilers and pit bull terriers with dingoes results in feral animals. This is a recipe for disaster. The bill will exacerbate this problem.

The Hon. Rick Colless: They need to be shot.

The Hon. IAN COHEN: Perhaps so. However, they are there in the first place because of irresponsible dog ownership. Who will undertake the policing? Will it be the Game Council or policing hunters? We know all about the Dracula in the blood bank scenario. There will be no-one out in the field to control the

situation. The very nature of hunting in the bush means we will never know how many endangered species are shot in the process and what mistakes are made. If we follow the suggestion of National Party members and allow hunters into our national parks, some disaster may occur and then the House will have to debate someone being injured.

The Hon. Duncan Gay: Why don't you talk about the amendment I will actually move instead of the one you think I will move?

The Hon. IAN COHEN: I will come to that in Committee.

The Hon. Ian Macdonald: Pig dogs are not covered by the bill.

The Hon. IAN COHEN: That is a step in the right direction, but one can bet there will be pig dogs out there.

The Hon. Richard Jones: Pig dogs are covered on page 3 of the bill.

The Hon. IAN COHEN: The duck shooting provision is no longer in the bill. Duck shooting became contentious, and with good reason. We can learn certain lessons from the mistakes of the past. We are now seeing a repetition of that form of recreation in the guise of pest management, with possible future consequences being far more damaging than the consequences we have already seen. Whilst I acknowledge the removal of the duck shooting provision, will that part of the legislation be adhered to? Essentially, who will monitor the legislation? This bill risks the safe enjoyment of bushwalking and camping in New South Wales. If this bill becomes law it will quickly create a climate of fear among the thousands of people who use our beautiful natural areas every day for quiet and passive pursuits, such as bushwalking and camping. When duck shooting was legal in New South Wales, recreational shooters were supposed to kill only game species. I have already referred to that issue. I saw thousands of protected, endangered and non-game birds being shot every year. Mistakes were made.

The Hon. Rick Colless: When?

The Hon. IAN COHEN: In the last years of the duck shooting campaign.

The Hon. Richard Jones: In 1994.

The Hon. IAN COHEN: It was before 1994.

The Hon. Richard Jones: It was in 1993-94.

The Hon. Rick Colless: Get into the next century.

The Hon. IAN COHEN: The Hon. Rick Colless said that I should get into the next century. I suggest that he should do the same thing. Once a gun is put in the hands of some people there is a tendency for them to be irresponsible. I saw black swans, freckled ducks, herons, ibis, owls, hawks and magpie geese being killed during that time. This bill will undoubtedly condemn thousands of protected wildlife that are mistaken for game. I refer to an account by Manfred Zabinkas who wrote to me from Greendale in Victoria. His experience at a wildlife shelter should serve as a lesson for us all. He said:

Even though most native animals in Victoria are protected, they often become the targets of irresponsible and callous hunters. Some of the most horrific examples of cruelty relate to the treatment of Kangaroo joeys that have been removed from pouches of illegally shot mothers. Wounded animals have been roped and dragged behind cars while still alive, and live healthy animals have been offered to hunting dogs for the development of hunting excitement and blood thirst. Even Koalas have been shot while up in trees!

That gives honourable members some idea of what is occurring. Why does the Government believe that this bill is necessary?

The Hon. Duncan Gay: Point to me where in this bill it says you can do that.

The Hon. IAN COHEN: I am trying to get across the point that even though it is not provided for in the bill more people will go hunting and there will be serious repercussions. Some people will do those things.

Why does the Government believe that this bill is necessary? It is an irrefutable fact that introduced and released animals cause great damage to habitats and native species in this State. The real challenge lies with discovering and implementing the best approach. The Carr Government has failed that challenge. It has failed to promote humane and effective strategies for reducing pest animal impacts.

Opposition has come from as far away as the United States of America. A growing alliance of groups is strenuously opposed to gaming and shooting as proposed by this bill. The New South Wales Young Lawyers Animal Rights Committee strongly opposes the bill as a whole. If this bill is passed it will cost the individuals and parties that supported it many more conservation gun control votes than they will gain from a handful of blood sport enthusiasts. Other concerns in relation to this bill are reflected in a letter I received from Pam Arnold who wrote:

The proposal for the membership of the Game Council includes no animal welfare representative which is of grave concern. I believe a representative from the RSPCA, or the NSW Animal Welfare League should have a seat on the Council. This is of particular concern as the Bill doesn't make any reference to the Prevention of Cruelty to Animals Act 1979... Representation on the Game Council should also include a diverse range of community representatives, and not just those representing the interests of hunters.

I think the legislation is dishonest. It purports to be a mechanism to control feral animals or pests, but then lists a number of game animals such as the common pheasant, wild turkey.

Does the bill make any reference to introduced pests? The wild turkey is an indigenous species. Under this bill will hunters be allowed to shoot turkeys?

[Interruption]

I do not think that domestic turkeys have been released. I dispute the honourable member's suggestion that domestic turkeys in any significant numbers have been released in the wild. Is the Government able to establish that wild turkeys are a problem? Any provision in the legislation to prohibit the shooting of turkeys will not prevent hunters bagging a wild turkey while they are out in the bush.

The Hon. Rick Colless: They do not live in the same place.

The Hon. Ian Macdonald: You know where the wild turkeys are.

The Hon. IAN COHEN: They are in my backyard. The letter I received from Pam Arnold continued:

If the function of the Bill is to control "pest" or feral animals, then there is no mention of how this form of control is integrated with the current programmes in place in NSW.

I am strongly in favour of dogs and cats being controlled in bush areas. If the Government were more enthusiastic about participating in appropriate and constructive campaigns, we would achieve more positive results.

The Hon. Ian Macdonald: We are spending \$16.3 million.

The Hon. IAN COHEN: The Hon. Ian Macdonald said that the Government is spending \$16.3 million to control feral animals in national parks. I would support an even greater expenditure of money on the important control by professionals of feral animals. The bill is being sold as a way of including the community in land management. In reality, it is actually bound to conflict with current pest management programs. It hardly proposes the most humane and effective method for pest control. This bill should be deferred until the inquiry into feral animals that is being conducted by General Purpose Standing Committee No. 5 is completed.

A number of bodies have been established under the Department of Agriculture—bodies such as the New South Wales Pest Animal Council. That council has established subsidiaries such as the Vertebrate Pest Research Unit. Those bodies should not be overlooked, as has happened in this bill. Scientific expertise is vital in determining the best methods for pest management. Units that have already developed knowledge and expertise should be utilised wherever possible. Any scientific form of pest control must be rigorously tested and trialled before it is released onto the market. As a form of pest control no such precautionary measure is being taken for shooting methods as is proposed in this bill.

I inform honourable members that legitimate pest management programs are in place. Threat abatement plans are in place for four of the animals listed as pests within the bill. All those plans dismiss recreational

hunting as having any role in the management of these animals. They stress the importance of systematic and strategic approaches that would actively sabotage random hunting which would be contrary to the objective of hunters maintaining a high game population. Game hunting conflicts with co-ordinated pest management and eradication strategies conducted by trained and qualified land managers. Pest control managers will consistently be undermined as it is in the interest of hunters to ensure that pest populations remain viable so that they can continue their sport.

The Hon. Ian Macdonald: It is an offence under the Act.

The Hon. IAN COHEN: The Hon. Ian Macdonald said that it is an offence under the Act. The honourable member might like to tell honourable members how he would deal with a hunter who did not kill a particular species that he wants to reproduce. For example, a hunter might not shoot a pregnant sow because he wants it to reproduce. It would be ridiculous if we were to legislate to prevent something like that. It would be absolutely impossible for the Government to ensure that hunters in the bush abided by this legislation.

Once again the Government is placing in law that which cannot be enforced. It is the same with much of its law and order agenda. However, that does not matter so long as it looks good and reaches the target voters. That, not the control of feral species, is the main imperative for this law. Extensive evidence exists of deliberate releases of feral animals such as pigs and deer specifically for the purpose of hunting. Evidence also exists of the release of foxes into Tasmania for the purpose of hunting. In fact, such admissions were made by recreational hunters at recent meetings of the New South Wales parliamentary feral animals inquiry. Pests such as pigs have been introduced into new areas. This is supported by an article published recently in the *Land* entitled "Threats on our doorstep", from which I have quoted in part. It states:

Rangers from Moss Vale Rural Lands Protection Board (RLPB), which covers a wide sweep of the southern and western outskirts of the Sydney region, believe that pigs are being brought into the Sydney hinterland from west of the Great Dividing Range for hunting.

Moss Vale RLPB fears these mix of factors significantly raises the risk of feral pigs coming in contact with disease-contaminated food and food waste from overseas.

Feral pigs are estimated to cause \$100 million damage each year to crops, pastures, waterholes, fences and livestock, but that would be a drop in the ocean if Australia had to tackle a foot and mouth disease outbreak. Moss Vale RLPB managing ranger, Andrew Glover, said in the past six months the board has trapped and shot 50 to 60 pigs in the Sydney Basin ... he believed breeding size animals were being deliberately brought into the region from inland NSW for hunting and to train pig dogs.

The Hon. Duncan Gay: That is happening now.

The Hon. IAN COHEN: That is correct. The Deputy Leader of the Opposition claims that this bill will resolve that problem but we believe it will exacerbate it. The article continued:

Fines of up to \$22,000 for transporting live feral pigs and other fines for liberating feral pigs and possession of a live feral pig were not deterring the law breakers, he said.

The Hon. Ian Macdonald: What do you want us to do?

The Hon. IAN COHEN: I want the Government to do what is stated here. The article went on:

Trapping is the most effective method of control and is used alongside 1080 baiting and shooting.

The Government can choose from trapping, baiting and shooting to deal with this situation constructively.

The Hon. Ian Macdonald: We agree.

The Hon. IAN COHEN: I am glad that we agree on something.

The Hon. Duncan Gay: Do you have 400 names to read onto the record?

The Hon. IAN COHEN: If you insist; it is easily done. In answer to the honourable member's suggestion, I have as strong a belief in my perspective on these issues as the honourable member has in his views. I am not trifling with the House and I do not seek to waste its time. However, I think it is appropriate to put other perspectives on the record. The Government and the Opposition will have a significant win with this bill, but I would like it to be acknowledged that I am not wasting the time of the House—unless the honourable member considers anyone who does not agree with him to be wasting the time of the House.

Much concern has been expressed about the subsequent release, deliberate or otherwise, of hunting dogs into the wild. On 13 January this year the *Sun-Herald* published an article on this subject entitled "Feral killer dogs breed a giant-size fear of attack". It states:

Forest rangers have had to shoot a wild dog threatening schoolchildren as fears grow that a new breed of fearless, wolf-like "superdog" is emerging in the bush.

The vicious animals are the result of interbreeding between dingoes and wild hunting dogs such as pit bulls, mastiffs, pig dogs and rottweilers.

Fighting dogs are interbreeding with dingoes and creating a new breed that is more wolf-like than dingo-like.

They seem to have all the native cunning and guile of the dingo combined with the boldness and aggression of the fighting dogs like the pig dogs, mastiffs, alsatians and rottweilers. We are seeing dogs that are 20 to 35 kilos running loose in the bush.

Why do we not address the basic problem? What are those dogs doing there in the first place? It is irresponsible hunting dog ownership: People are taking these dogs into the bush and the animals are getting lost and going feral. We then face the problems that I have outlined. Members opposite constantly bleat about animals being mauled. I agree that that is horrible, but what are those animals doing in the bush in the first place? In great part, the process that this bill will transmit into law will encourage the hunters, who created the problem in the first place.

The Hon. Duncan Gay: The dogs were probably on a farm that you and your mates put a national park beside.

The Hon. IAN COHEN: The honourable member and his mates probably let the dogs go in the first place. Acclimatisation societies existed in the 1800s that, with Commonwealth funding, introduced foreign species specifically for the purpose of hunting. It is frightening to think that as a society we have not progressed beyond such practices. The State Government is now throwing money at an independent body, driven by hunters, that will issue licences and draw funding to perpetuate a draconian form of recreation sold as pest control.

The bill establishes the hunters council as the statutory body that will control the licensing of hunters. The composition of the hunters council is the most outrageous aspect of the bill. It is like putting Dracula in charge of the blood bank or the fox in charge of the chicken coop. It is proposed that hunters comprise a majority of the council. There will be no animal welfare or environment group representatives on the hunters council. This is a disturbing omission. Even though two members of the council will be wildlife scientists, the Greens have little confidence that the membership of the hunters council will qualify it to perform this very important function. One of the tasks of the council is:

... to fund works or activities for the conservation of game animals, particularly in relation to habitat restoration.

Any moneys raised by the council will be obtained from the issuing of hunting licences. It is ludicrous to suggest that money raised from licensing the killing of native animals can assist in conservation. The Government must explain how hunters are qualified to control this body. The council will have total control over the issuing, withholding and suspension of licences; creating its own rules in the form of the code; and appointing the game inspectors whose job it will be to enforce those rules.

The idea of the hunters council effectively giving powers to hunters who not only make and police their own rules but sit in judgment on themselves is preposterous and totally illogical. Its creation and representation is a clear conflict of interest, with no legitimate regulation. Clause 27 provides that the hunters council may refuse to grant a licence to a person who has been convicted of an animal cruelty offence. This means that the council is permitted to issue a licence to a hunter even though that hunter has been convicted of animal cruelty. Has that provision been changed? That is completely unacceptable. The bill should make it quite clear that the council must refuse a licence to any person with a record of animal cruelty. The bill also overlooks the public safety risks associated with hunting on both public and private land. Clause 9 states that the hunters council is to "have regard to public safety". This does not inspire any confidence that the hunters council will address the injuries and deaths that will occur as a result of hunting accidents. The activities of the hunters council will inevitably constitute a threat to public safety. Will it be held responsible?

The issue of firearms ownership is central to this legislation. It is believed by many, including Gun Control Australia, that this bill will result in an increase in the ownership of firearms. Gun Control Australia is especially concerned about the bill as it gives extraordinary powers to one of the most poorly behaved sections of our community: gratuitous hunters. A press release issued by John Crook, the President of Gun Control Australia Inc., reads:

Our special concern with this Bill is the extraordinary power it gives to one of the most poorly behaved segments of our community, gratuitous hunters. This bill takes away the responsibility of the Parliament for shooter misbehaviour and greatly reduces the accountability of parliamentarians to the public. As such it is a deplorably irresponsible piece of potential legislation ...

There is no honour or good public purpose in gratuitous hunting yet this Bill, with its creation of a shooter dominated Game Council, seeks to give them a degree of legitimacy that rivals the most educated and sensitive of animal welfare experts ...

The NSW gun problem is serious enough already and one wonders why more power is being placed into the hands of a segment of the community who have opposed every important gun law in Australia's history. ABS figures for 2000 showed that almost half the gun homicide in Australia occur in NSW (26 out of 57) ...

The results are that in 2000 no less than 45 Australians died in gun accidents. The Australian Institute of Criminology showed that in 1998-9 over 70 NSW people were hospitalised because of incompetent gun use.

A responsible Government or Opposition would abandon the concept of the Game Council in favour of a special standing committee of the Animal Welfare Advisory Council which might contain representatives of no more than two of the most reputable shooting organisations.

An increase in the number of people accessing firearms should be discouraged. Let us not forget the tragic event at Port Arthur. In rural areas of New South Wales firearms rate highly in suicide attempts by young men. As a side issue, it is still vital that such consequences be considered by all members of this Chamber. There is already enough violence in our society, and supporting a bill that glorifies killing and inflicting pain on creatures is irresponsible. The act of killing an animal is best left to professional, trained pest control officers. It is not a matter for society at large. Evidence exists of the psychological links between animal cruelty and violence against humans. The bill also jeopardises the psychological wellbeing of children and vulnerable persons who are exposed to violence. Given the quantity of potential rotting, disease-infected animal remains that, through hunting—

The Hon. Rick Colless: They die eventually, and they still rot and decay.

The Hon. IAN COHEN: Hunters will not remove the carcasses after shooting. If animals are shot near watercourses and so on, we will have a significant problem. The problem was referred to with the culling of brumbies in Guy Fawkes River National Park. It is a problem that needs to be addressed. What measures does the Government propose to take to ensure that humans and other native wildlife will be protected from disease? The Government has been silent with respect to animal waste. Rotting bodies attract vermin and pose a threat to water supplies in catchments where hunting is proposed. As potential breeding grounds for blowflies, rats, feral dogs and cats, and other opportunistic scavengers, I see no safety measures being proposed to protect the health and wellbeing of the State's citizens. The provisions of the bill do not guarantee that animals will be treated humanely. It does not provide an effective opportunity to monitor, regulate, or even rescue injured animals from hunting grounds. In effect, the bill endorses animal cruelty to both the native and introduced animals listed and to wildlife caught in the crossfire.

The subsequent environmental impact on public and private bushland of vehicle use, weed introduction, hunting dogs and escaped pets of hunters has not been addressed. Pollution and contamination from cigarettes, beer cans and lead shot will also contribute to environmental damage. I am told that many hunters have a store of lead shot and still use it to hunt animals. There has been no consideration of the ramifications of gun noise and lead bullets on remaining wildlife, which often suffer a slow death as a result of hunting activities. Such impacts are likely to further threaten the existence of indigenous species.

The Hon. Rick Colless: Hunters only use one shot. The lead ends up in the animal's head.

The Hon. IAN COHEN: They don't use shotguns?

The Hon. Rick Colless: Good hunters, when they are hunting animals like foxes and dogs, don't normally use shotguns; they use high-powered rifles.

The Hon. IAN COHEN: Are you guaranteeing that shotguns will not be used in any sort of hunting? Is there some sort of ban on that?

The Hon. Rick Colless: I am not saying that. I am simply saying that good hunters don't use shotguns.

The Hon. IAN COHEN: That is for certain types of hunting. With other types of hunting, they might prefer to use shotguns.

The Hon. Rick Colless: Shotguns don't have the range or the accuracy.

The Hon. IAN COHEN: I am not suggesting they do. However, there is a concern about shotguns being used to hunt smaller animals. The bill proposes great powers for the hunters council, a measure that undermines and weakens other existing legislation and established departments. It puts licensing, control, monitoring and prosecution powers into the hands of hunters. Through the bill the Rural Lands Protection Board is prevented from declaring pests certain game species without deferring to the hunters council. The bill also weakens the ability of the National Parks and Wildlife Service to control pest management. The bill imposes major new responsibilities on the National Parks and Wildlife Service to oversee some aspects of the operation of the hunters council. The service is to be responsible for setting quotas of protected game animals that may be killed or captured by hunters.

The Hon. Ian Macdonald: That is not in the bill.

The Hon. IAN COHEN: I acknowledge the interjection. The bill is largely silent on the question of the enforcement of quotas. It gives a vague enforcement role to the National Parks and Wildlife Service and the hunters council.

The Hon. Ian Macdonald: That entire section of the bill will be deleted.

The Hon. IAN COHEN: Is it already deleted, or will it be deleted in Committee? The Hon. Ian Macdonald is pre-empting the Committee stage.

The Hon. Richard Jones: It is still there at the moment.

The Hon. IAN COHEN: I acknowledge the interjection of the Hon. Richard Jones. Hopefully, the matter will be addressed during the Committee stage. However, at present the provision still stands. Amendments to be moved in Committee may resolve these issues, and the Greens will certainly support the Government on those matters. The National Parks and Wildlife Service will lose the ability to monitor and prosecute when protected fauna is harmed and game hunting licences are held. The bill undermines pest control programs. Rather than controlling and removing feral pests it will create an institution concerned with perpetuating them for hunting. As I have said, that is my major objection to the bill.

One of the most concerning aspects of the bill is that there is no independent inspection or monitoring system of hunters' activities. In fact, the bill proposes the preposterous idea that hunters can regulate their own activities under the Act. The bill gives rights without conferring responsibilities. It proposes that the hunters council will be both gamekeeper and poacher. The Greens strongly oppose the bill, which is a bargaining tool that the Carr Government is using to win shooter votes and to cut a deal with certain members of this House for political advantage. The bill is ill-founded and a step in the wrong direction. Instead of going with the established authorities, particularly the National Parks and Wildlife Service, and putting more finance and funding into the proper processes of feral animal control, the Government is going out on a populist binge for the upcoming election which could well backfire.

The Hon. RICHARD JONES [8.59 p.m.]: This is one of the most corrupt pieces of legislation I have seen in my 14½ years in Parliament. Even Ministers do not know what is in the bill and they did not vote on it. There was no consultation with Ministers; it just suddenly appeared. One Minister said to me, "I didn't even know it was happening." A number of members of the Government—including one very senior member of the Government—have said to me that they do not like it and are ashamed of it. The Government should be ashamed of this legislation. It is disgraceful; it is part of a corrupt deal. The Government has admitted that it has done a deal with the Hon. John Tingle and the Shooters Party, and it has to go through with it now because the deal has been done. There is no doubt that the Government will receive a backlash from it. The Hon. John Tingle spoke about how many people were demonstrating outside Parliament House. He has no idea how many people belong to animal groups in New South Wales. I do have an idea, and I will come to that shortly.

The Hon. Rick Colless: Why weren't they there?

The Hon. RICHARD JONES: Most of them are in full-time jobs and were not able to be there. Leading representatives of most of the animal groups were there. They took time off from their work to be there. Most groups were represented by one individual. The Humane Society, which has seven million members around the world and tens of thousands of members in New South Wales, was represented. It was not a big

demonstration; it was basically a gathering of representatives from different animal groups. All major groups in New South Wales—about 135—were represented. If every shooting group were represented by one person at a demonstration, there would only be about four people demonstrating. Alan Jones, one of the top broadcasters in the country, who works at 2GB wrote to Jeff Angel of the Total Environment Centre in the following terms:

... you are dead right!. It won't assist in feral animal control.

I think some people in this government have gone mad.

Once again, Alan Jones has it absolutely spot-on. What is the genesis of the bill? Everyone knows by now, because many of us read the web site of the Hon. John Tingle and his various letters. I have read that he has been lauded by people and has won a National Rifle Association award for being the best legislator. I read his material about Port Arthur—about how we should not rule out a conspiracy. Many shooters do not rule out a conspiracy with regard to Port Arthur, and neither does the Hon. John Tingle. As the honourable member said in his newsletter of 23 January this year:

The Game Bill is a Shooters Party idea, which I proposed to the Premier in 1995. We went quiet after Port Arthur—

I wonder why they went quiet after Port Arthur! Why did they not keep on negotiating? Were they too afraid? This bill is not about shooting humans, is it? They restarted negotiations when the whole thing died down in 1998. The hard yards were done by Robert Brown, who is a committee member of the Shooters Party. Who knows, he may be attempting to come into this Chamber next March. The Hon. John Tingle can stand first, be elected and then resign so that Robert Brown can come in. Am I right about that? We will see what happens next March. We will see whether the honourable member gets more than 1.6 per cent of the vote at this election. In his newsletter the honourable member said that the bill was the product of four years hard bargaining. We have all seen how the Hon. John Tingle has voted assiduously with the Government on all important pieces of legislation. The Opposition has noted that too. He votes with the Opposition when it is not important. When the votes are important he votes with the Government, and he receives his rewards. This bill is not the only reward, but it is one of the big ones. He wants this bill to pass before he leaves next year. Attached to the honourable member's newsletter were briefing notes, which obviously he did not write. I understand they were written by Robert Brown. They read:

There should be no doubt in any reader's mind—this Bill is pro-hunter.

Of course it is. I continue:

The Game Council will be run by **hunters** ... I repeat ... **HUNTERS**

And further:

Think about the improvement in the public's view of hunting, once ~~we~~ start to fund wildlife habitat restoration on rural landholdings.

That will not happen, will it? The notes continue:

Think about the PR for our relationships with farmers. Think about having money available to actively PROMOTE the benefits of hunting to the whole community.

Think about the opportunity to educate school children in a balanced way about what we do.

What do they do? The Hon. John Tingle says that he does not shoot animals for pleasure, but Robert Brown says that shooters shoot animals for pleasure. They enjoy killing animals. Recently I visited Armidale as a member of the parliamentary committee inquiring into feral animals. Whilst there I spoke with a respectable farmer to whom the police had said, "If you want to take your gun and shoot dogs on another property, you have to get yourself a recreational shooters licence." He said, "I don't want to be a recreational shooter, I'm a farmer." He thought it was disgraceful that the police would regard him as a recreational shooter. He did not regard recreational shooting as a very nice thing to do. Recreational shooting is a specialist sport—it is called sport but it is really hunting. Feral animals are not killed for pleasure. Almost 90 per cent of the killing of feral animals in the State is carried out because of a perceived need by farmers and others to reduce the feral animal population—whether that be foxes, dogs or other animal. Killing animals for pleasure is totally different from killing feral animals. There is a different motive for killing animals for pleasure.

I sympathise with farmers I have met, and those I have not met but from whom I have received information, who have problems with feral animals. I feel very sad for them and sorry for the animals that are

attacked by feral dogs. Very often feral dogs are not pure-bred dingoes. Some are the result of pig dogs, or farm dogs, that have got loose interbreeding with dingoes. Unlike pure-bred dogs, which breed only once a year, half-breed dogs—and sometimes they are less than that—breed twice a year. Any reasonable thinking person would sympathise with the farmers and their sheep. I support a humane method of protecting the sheep and reducing feral dog numbers.

Evidence before the parliamentary committee inquiring into feral animals shows that recreational shooting of feral dogs is the least effective way of reducing their population; it rarely works. There is a hierarchy used by the National Park and Wildlife Service, rural protection boards and others to reduce the feral animal population. Recreational shooting is at the bottom of the hierarchy. At the top of the hierarchical list is the controversial 1080 baiting. It is highly effective in killing feral animals but it may be a serious problem for a number of non-target animals, and the National Parks and Wildlife Service is looking into that at the moment. The next most effective method is aerial shooting. When I met an aerial shooter employed by the National Parks and Wildlife Service I asked him about using recreational shooters. He said that the service would not use recreational shooters because the service wants only true professionals who undertake a special training course, who use SLR firearms to kill the animals immediately. Hunting is completely different from killing feral animals. A different motive, a different technique, is used.

The committee members were told about a pig problem in the north-west. The rural land protection boards in that region were luring pigs out of the bush with non-lethal food in order for them to be destroyed in one hit—and hopefully humanely. Apparently, when a group of recreational hunters started shooting at the pigs, the pigs scattered and ran back into the bush. Evidence was given from the National Parks and Wildlife Service, State Forests and others about the introduction and reintroduction of feral animals to areas from which they have been cleaned out—mainly pigs and deer. The latest serious problem is deer. Deer are popping up everywhere. They were not there 10 years ago but they are being introduced all over the place for game shooting, for recreational shooting.

The Hon. John Jobling: The same as foxes.

The Hon. RICHARD JONES: We have not heard about foxes being introduced. The only two animals we heard that were being introduced were pigs and deer. We do not need to introduce foxes, they are everywhere. They are the number one problem, there is no question about that. We all agree the fox is the number one predator on our wildlife. The committee heard evidence that dingoes, after having been in the bush for several thousands of years, have developed a role in the ecosystem that reduces fox predation on some of our wildlife.

Honourable members may have seen a recent article about a group of people fox-hunting in South Australia. It referred to one of the group keeping a record of every fox that was shot. The person said that they stopped shooting at the end of June because in July and August the fox started breeding. They did not want to shoot pregnant females because they wanted something to shoot the next year. His remarks were contradictory. He said they had shot something like 500-odd foxes. He was proud of that. He enjoyed his shooting, but he wanted to ensure that foxes would be there the next year. This is a contradiction in the Game Bill. The Premier says that foreign animals are at the throats of our wildlife. I suppose he also meant that ducks were at the throats of our wildlife! I cannot quite work that one out. He said that we had to have the bill. Obviously, the Premier has not spent any time around General Purpose Standing Committee No. 5 or read any of the information coming to our committee. If he had, he would have realised that he was completely wrong. Recreational shooting of animals is counterproductive, mainly because hunters want animals around. It is a sport. That is why proposed section 144 (3) states:

The Minister must consult with the Game Council of New South Wales before making a pest control order declaring a game animal that is listed in section 50 (1) of the *Games Act 2002* to be a pest.

That provision has been included so that the Minister will not declare a pest control order on deer. Game hunters want deer to remain in the bush. They do not want a pest control order in the legislation because they know it will promote a concerted effort to wipe out feral deer, which are being introduced all over the place. Hunters want the deer for recreational shooting, because to them deer hunting is a great big kick. Robert Brown's briefing on the bill, which is attached to the newsletter of the Hon. John Tingle, says:

... the important thing for us, is that **the Game Bill is a State endorsement of hunting**. If any of you still have doubts, just look at the incredible, hysterical reaction of the ALs [I presume that means animal liberationists], the Humane Society International [who are not animal liberationists], the RSPCA [who are not animal liberationists], Animal Liberation [who are animal liberationists] etc. They've vowed to stop the Bill, and anything that gets these extremist bigots foaming at the mouth just *has* to be good for us.

The Premier would be a bit upset about that. I suppose Robert Brown is saying that the Premier and Kerry Chikarovski are extremist bigots foaming at the mouth because they are both patrons of the RSPCA. Honourable members will note that the RSPCA is not mentioned in the bill. The RSPCA made a very strong request to be included on the council, but we heard a story from the office of the Hon. John Tingle that he hates the RSPCA. When we tried to include the RSPCA, we heard that the Hon. John Tingle vetoed its inclusion. Last night I spoke with the Premier outside this Chamber. He thought that the RSPCA was in the bill, as he had promised. But he was not too sure. He was a bit confused about it.

Because the Hon. John Tingle wanted national parks included on the council, it would seem there has been a trade-off and the RSPCA has been taken out overnight. I can assure honourable members that the RSPCA was in the bill yesterday. The Premier seemed to think it was in the bill, but today it is not in the bill. There is no Government amendment to include the RSPCA as a member of the council. The RSPCA will have no oversight role on the council, nor will its officers be able to act as rangers. Robert Brown's briefing continues:

Public land access. Yes I know a lot of you are asking why we didn't get the Government to include National Parks?, believe me JT tried—hard!

Yes, the Hon. John Tingle tried hard to have national parks included in the bill, but the Minister for the Environment and the National Parks and Wildlife Service were horrified at the idea of hunters roaming national parks. The National Parks and Wildlife Service explained to us how useless it was to have barely qualified recreational shooters roaming national parks and shooting feral animals, and heaven knows what else. I too was at the very first protest at Lake Cowal in 1987. There were only two or three of us there. We saw the many non-target birds that were shot. Dozens and dozens of freckled ducks were shot. The freckled duck is an endangered species that looks very much like a black duck. The shooters did not have a clue what a freckled duck looked like. We pulled shot pelicans, cormorants and all sorts of species out of the water. The shooters were even shooting turtles, snakes, galahs and cockatoos. You name it, they were shooting it. And these people were said to be professional hunters!

There are 3,500 duck shooters registered by the National Parks and Wildlife Service—and these are the people that the Hon. John Tingle wanted included in the bill. Of those 3,500 only 350 come from New South Wales; the other 3,150 come from Victoria to New South Wales every year in convoy. They now come in September and October, not March—which is duck season—because duck hunting no longer exists *per se*. They come dressed in their army fatigues and camouflage clothing. They have said to me, "You don't understand, it's like Christmas for us." And it was like Christmas, but their Christmas has now become Easter because it is at another time of the year!

I wish to read onto the record some material prepared by the New South Wales Young Lawyers Animal Rights Committee, which is concerned that the bill may not provide a comprehensive approach to the environmental management of pest animals because it "pre-empts the findings of the Commonwealth inquiry into feral animals". As honourable members know, it is not a Commonwealth inquiry, it is the State's feral animal inquiry. The committee suggests that the bill should be deferred until the inquiry is completed. If it were deferred, some of the information given to the committee conducting the inquiry might be in the report. The view of the Young Lawyers Animal Rights Committee is:

The majority of methods of killing that are identified by the Bill will inflict *unnecessary pain* upon the animal. Furthermore, these methods of killing are not necessary to achieve the objects of the Bill.

With regard to the use of a bow, the committee states:

It is highly probable that an animal struck by an arrow will suffer prolonged injuries before dying. Notwithstanding the intentions and skill of a particular hunter the animal may travel for some time and distance in agony. By way of example, the Committee refers to a recent incident involving a kangaroo struck by an arrow, that avoided park rangers for five days, in Woodlands Historic Park at Greenvale, in Victoria.

The committee also referred to the use of dogs—and this is very important because Minister Amery tried to ban the use of pig dogs. I have a video in my possession that was produced by Col Alison, that famous hunter, which depicts pig dogging. It is a video by hunters for hunters, and it is R-rated because it is so violent. A number of these types of videos are available. In one segment it depicts a pig being held by the ears by pig dogs and a hunter stabbing the pig in the gut again and again. This is their pleasure. Another scene depicts a pig lurching at a hunter after being shot. The hunter shoots the pig again, and then the hunter falls over backwards. The video then shows people standing around laughing at the scene. Other videos were not given a classification because they were so vile.

The Young Lawyers Animal Rights Committee assumed that the bill contemplates that dogs may be used to hunt pest animals. There is provisions for that on page three of the bill. The committee noted that animals caught and killed by dogs tended to suffer immensely. For example, an inquiry into hunting with dogs in England found that foxes pursued by dogs are not always killed instantaneously. We know that for sure. Hunting dogs are trained to kill foxes by a single bite to the neck or shoulders; however, such a bite may merely dislocate the cervical vertebrae. In a proportion of cases, death results from massive injuries to the fox's chest and vital organs. The reason hunters want quail included in the bill is that they hunt quail with dogs. But quail hunting was banned some years ago.

The Hon. Rick Colless: They don't hunt quail with dogs.

The Hon. RICHARD JONES: Yes, they do. That is exactly what they do. In the view of the Young Lawyers Animal Rights Committee the use of animals to hunt other animals is objectionable for two further reasons: first, it is probable that dogs used for hunting may be injured during the hunting process; and, second, sanctioning the use of dogs to hunt other animals, including feral dogs, is inconsistent with the Government's objection to bloodsports such as dogfighting, as enshrined in the Prevention of Cruelty to Animals Act. Section 18 (2) (a) of the Act provides that:

A person must not cause, procure, permit, encourage or incite a fight in which one or more animals are pitted against another animal or animals, whether of the same species or not.

Pig dogging, which is not banned—although the Minister tried to ban it—is against the provisions of section 18 (2) (a) of the Prevention of Cruelty to Animals Act.. This is just another inconsistency—one of many in the bill. They talked about a game bill being introduced into the Hawaii Legislature which provided that the use of snares, poisons and unattended traps was exceptionally cruel and may trap species other than those intended to be killed. The United Kingdom banned steel-jawed traps in 1951; New South Wales banned them about three years ago. Rubber-jawed traps are used now. I advise honourable members to look at this interesting document. They will see many reasons why the Young Lawyers Animal Rights Committee is very much opposed to the legislation. I have a letter from some people at Bermagui—I will not give their names—that was sent to Bob Carr. They are very upset about the Game Bill and other developments on the South Coast. In the letter the husband and wife team said:

It has become increasingly obvious that one of your priorities is in fostering the interests of the Shooting Lobby.

When you visited the Far South Coast last year you were happy to remind us residents of how lucky we are to live here. Yes, we WERE, but our luck has changed thanks to YOU!! You are hell bent in turning our pristine environment into a polluted stinking charcoal factory which none of the residents want ... You enthusiastically promote the disastrous Game Bill while you champion giant Shooting Complexes such as the proposed development of the Far South Coast Regional Shooting Complex (FSCRSC)—

I am sure the Hon. John Tingle knows about that—

and by so doing propose to drive the residents, tourists and wildlife alike crazy by the unacceptable noise levels generated by such intolerable developments. And all this from a Premier who promised the electorate a clean and safe environment.

Your vehement and very public stance in support of the diabolical Game Bill is short sighted and dangerous. It poses real threats for public safety as well as the protection of wildlife. By way of substantiating this and at the same time totally refuting Mr John Tingle MLC's claim that animals will be cleanly killed and not left to die in agony—we have the proof that this is absolutely devoid of truth... Scores of injured wildlife come to die slowly and painfully on our property each year having been maimed by hunters shooting in State Forests. The local police have untold reports of illegal shootings and only a small number of them are actually reported as many people are frightened of the shooting fraternity in their fear of intimidation. This is not whipped up misleading emotion as Tingle would have us believe but the real live fact.

Many residents of the Far South Coast (FSC) are disgusted by the proposed development of the FSCRSC in the Eurobadella Shire. The site is right next to Mount Dromedary ...

We, along with many others, can speak openly and with firsthand knowledge of such developments as we live within 2kms of the recently approved Murray River shooting range ...

To add insult to injury your Government sponsors developments such as this by giving huge grants to the Shooting Clubs. These grants are on the constant increase while necessary Public Services are forever on the decrease.

One thing that can be said about the Hon. John Tingle is that by voting consistently with the Government he has certainly got lots of money for the shooting lobby. I guess his mob will congratulate him on that! I have a document written by Fran Kelly, the Natural Areas Campaigner for the Total Environment Centre. She has analysed the bill thoroughly. In the document she said that the bill:

... threatens and undermines existing and future pest management programs; weakens the powers of the land managers to control hunting and pests on their land; promotes animal cruelty through its endorsement of any method to kill, capture or harm certain animals for sport; limits public oversight and increases opportunities for hunting on both private and public land ...

The Bill endorses animal cruelty through its definition of hunting as using any device (animal or object) to capture, kill or harm an animal.

The Government bleats on about the RSPCA but the Prevention of Cruelty to Animals Act is not excluded from the bill. That Act still allows pig dogging, which the Minister tried to ban, and bow hunting. The bill states that one object of the Act is "to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land". It is inevitable that if we promote the recreational shooting of animals, whether they are native animals or feral animals, we are bound to get a significant increase in cruelty because these people are not highly trained professionals. Basically, they are weekenders who like having fun while killing animals. The Total Environment Centre document stated:

The Game Bill undermines and weakens other Acts—such as the Rural Lands Protection Act, the Forestry Act and the National Parks and Wildlife Act—

hopefully, we will amend the National Parks and Wildlife Act shortly—

by removing licensing, monitoring or prosecution powers from those agencies and putting them into the hands of the hunters via the Hunters' Council and its licensing system ...

The Bill is NOT about pest management—rather it would help exacerbate pest problems—through the declaration of many species as: "game" under the Act. Punters have a long history of introducing, stocking and expanding favoured "game" species such as pigs and deer to enable their sport to continue on various lands.

The Wildlife Preservation Society of Australia Incorporated was founded in 1909. Its current President of Honour is Dr Vincent Serventy and its patron is the Governor-General of the Commonwealth of Australia. It is one of the most conservative wildlife organisations in Australia. In a letter to Richard Amery the society stated:

The Wildlife Preservation Society is deeply disturbed about the Game Bill 2002. Not only will this Bill adversely impact on native fauna—

hopefully, native fauna will be removed from the bill shortly—

but it will also signal Government endorsement of the use of firearms ...

The Wildlife Preservation Society believes that it would be remiss of the Government to proceed further with legislation while there is an Inquiry in progress which is examining the same issue.

That is the inquiry being undertaken by General Purpose Standing Committee No. 5. The society expressed concern about animals to be declared as game animals. It stated:

This sends a very confusing message to the broader community. For over 90 years, the WPS has worked tirelessly to establish the care and conservation of our native wildlife species as part of Australia's heritage and culture. Reference to native wildlife as "game", and to "pests" as "game" undermine our heritage, and threaten the increasingly valuable co-operative efforts in pest management across agencies and the community.

The society is also concerned about the composition and wide-ranging functions of the Game Council. It stated:

As stated in the Bill, one of the primary objectives ... is "*to provide for the effective management of... introduced species*", yet the proposed Council, which would have wide-ranging functions, contains no representation from environmental organisations nor from experts in feral management control.

One exception may be the Rural Lands Protection Board representative. It continued:

The Game Council would also be under the control of hunting organisations...

That is obvious. As we know, this bill is not about the control of feral animals. Basically, it is about people having fun while hunting and killing wild animals. The hunters are ecstatic now. I am not sure that they are so ecstatic now that ducks will not be included in the bill, but I do not see why not because they can still kill ducks. It is only that the Game Council cannot control the licensing of duck shooting. Robert Brown said:

The Game Council will be run by **hunters** ... I repeat, **HUNTERS**—not greenies, not bureaucrats or Government departments, but hunters.

All moneys raised from hunting licences will be used **exclusively** for the **objectives** of the legislation ... these funds will not go into consolidated revenue.

Think about having money available to actively **PROMOTE** the benefits of hunting to the whole community.

I have a document from Victoria concerning ducks and duck shooting, which states:

NATURE AND EXTENT OF THE PROBLEM

... Typically, game species are common and occur in relatively large numbers, have a high replacement potential, mature quickly and can breed at an early age, have higher rates of turnover, are fast escapers and are very wary or cryptic in nature. These characteristics make game species challenging to hunt but also means that they are resilient to harvesting and able to adapt to extreme and unpredictable environmental conditions.

That is what game animals are. Under the proposed regulatory impact statement for the Victorian Wildlife (Game) Regulations 2001, animals are called game animals because they breed well, escape well, are very wary and are good for people to hunt because they tend to escape. I have heaps of information from the Hon. John Tingle. He has been very prolific in his writing.

I talked earlier about the *Hunter's Home Video* produced by Col Allison. It received an R-rating, restricted to adults 18 years and over, because of high-level violence. When I viewed the video I was obviously shocked but not that surprised. It showed that the shooting of foxes is a very pleasurable sport for the participants. Sometimes they had to shoot off up to eight shots. They are not professional shooters. They killed a number of foxes but a number got away. I would be happy to show the video to anyone who wants to see it. The foxes were in a mixture of cleared and forested country. It is claimed that these people, who would shoot off up to seven shots at the foxes, were the best hunters. On the back of the video it is claimed to be the fastest-paced fox shoot ever filmed. The shooters on the video say that the ones who got away would be for seeding. Some got away injured. Advice to people wishing to have stories published in the *Sporting Shooter* magazine states:

Try not to show too much blood on your animal—this just gives the greenies more ammunition to try and ban our sport.

So there is a bit of sensitivity amongst some of the shooters. We talked earlier about the deliberate introduction of feral pigs. An article in the *Sydney Morning Herald* of 17 May 1997 by Anthony Hoy, who is the rural editor, stated:

Car thieves, marijuana growers and illegal trappers were deliberately spreading feral pigs from mountain regions into previously pig-free forests nearer to Wagga Wagga and Albury, providing a cover for their illicit activities closer to home.

They were being opposed by an alliance of NSW police, military police, foresters and licensed hunters.

It further states:

To the consternation of the Rural Lands Protection Boards, feral pigs were now appearing where they had never been seen before...

We have seen this again and again. Earlier the Hon. Ian Cohen talked about an article that appeared in the *Land* two weeks ago in which concern was expressed about feral pigs appearing in the Sydney Basin. One of the problems with that is the possible interaction of the pigs with waste from Sydney airport. As mentioned in the article, much of the food waste from the airport is dumped, and the pigs could get foot and mouth disease from foreign food waste. That is an interesting aspect. The article says that the feral pigs in the Sydney Basin had been introduced by pig hunters, more likely the pig doggers. The Sporting Shooters Association of Australia has been not entirely thrilled with the bill. Obviously, it would support it. In a letter on the Game Bill the association stated:

The introduction of an additional licence to enable persons to control pest and/or game species, other than that protected game, on private land would serve little purpose outside of raising revenue to fund the cost of issuing licences. Any person hunting pest or game species must already possess a valid firearms licence endorsed for either recreational hunting or pest control. It is already an offence to hunt on land without the permission of the owner, whether on privately owned or public land.

I think the Sporting Shooters Association is concerned about competition from Shooters Party members of the Game Council and their fundraising efforts. Don Stewart from the Minister's office told me that the licences would raise \$2 million, which is a lot of money, for the Game Council. I do not know where he got the figure from. As I said before—and the figures are there from the National Parks and Wildlife Service—there are currently 3,500 registered duck shooters in New South Wales, of whom only 350 are actually living in this State. I heard that they were trying to increase that figure to 15,000. I suppose that would come close to the money they were wanting. At \$50 a year it would be \$750,000.

The Hon. Duncan Gay: Do you actually believe what you say?

The Hon. RICHARD JONES: I do. If you like I will drag the Minister's representative into the Chamber and he will tell you himself.

The Hon. Rick Colless: If you believe it you are completely deluded.

The Hon. RICHARD JONES: The ones who are promoting the bill are saying this. Why would they say that?

The Hon. John Jobling: What, that you are deluded?

The Hon. RICHARD JONES: No, they are saying that it will raise \$2 million and they have 15,000 duck shooters. That is what the Minister's representative told us. I asked how much would be raised and he said that they reckon they would get \$2 million. Interestingly, the Sporting Shooters Association of Australia [SSAA] says in the second part of its assessment of the Game Bill:

It is our considered opinion that the number of game licences that would be issued in NSW would go nowhere near covering the cost of administering the Game Council; the consequences being a continued financial burden on the Government or an escalation of charges imposed on licence holders.

We have not heard from any Government member or the Minister how much they are going to be giving the Game Council—how much they are going to be giving the Hon. John Tingle, essentially. Maybe he is getting the \$2 million a year from the Government. Maybe it will not be coming from licences but from the Government. According to the SSAA there will not be enough money coming in to pay for the administration of the Game Council. Maybe the Opposition should be asking questions about where the money is coming from and how much it will be. The association said:

A small group of SSAA members (approximately 600) pay an additional fee of \$50.00 in order to participate in the SSAA's "Hunting and Conservation Program" which organises hunting activities for members on private and Crown land; mostly state forests. Members of the Hunting and Conservation Program must first undergo an accreditation course and pass a competency test before they are permitted to participate in hunting activities on crown land.

The Hon. Duncan Gay: Point of order: We are having an important debate, yet a member is sitting in the Chamber with her shoes off and her feet on the back of the bench. That is not decorous, and she should know that. I request that you require the honourable member to display some degree of decorum in the Chamber.

The Hon. Jan Burnswoods: To the point of order: When members have been informed that we are likely to be here until approximately 6.00 a.m. it seems to me that certain latitude is advisable. I have also been assured by no less than the Hon. Amanda Fazio that the odour is sweet and fragrant.

The DEPUTY-PRESIDENT (The Hon. Janelle Saffin): Order! I will not rule on the point of order, but I suggest to members that when they are in the Chamber faced with a long sitting and they feel the need to put their feet up, they do so by placing their feet on the bench beside them rather than on the bench in front of them.

The Hon. RICHARD JONES: It is interesting what the Sporting Shooters Association of Australia says about this. I have heard on the grapevine, which is quite reliable, that it is concerned about competition from the Game Council because it already has this set up. I would have thought that the Opposition would know about that. In another comment on the bill the association says:

The single most important function of any Game Council must be sustainable management of game species. If this function is to be retained by the NPWS then the Game Council can be regarded as little more than a mechanism for raising revenue.

This is absolutely spot-on. Of course, money that would have been raised if native birds had stayed in the bill would have taken money away from conservation programs run by the National Parks and Wildlife Service [NPWS]. All the net money that came to the NPWS was used for conservation programs. We have no guarantee that the net \$70,000 per year which currently goes into monitoring, for example, the freckled duck and other duck species in New South Wales was going to be used. In fact, there would be no net benefit to the Game Council at all because the cost of running the licensing program by the NPWS was about \$40,000 per year anyway. That cost surely could not have been cheaper for the Game Council unless it was going to cut corners somehow. The net benefit was \$70,000, and that was used for conservation purposes. So if the Game Council had used that \$70,000 for conservation purposes it would not have had money to run the Game Council. That is one of the reasons why the NPWS was adamantly opposed to including native animals in the Game Bill—if the council was going to do the job that the NPWS was going to do there would be no net benefit to the council.

In a sense, the Game Council should not be concerned because it will not get any benefit out of it, unless it was not going to do any conservation work for the native species. It cannot have it both ways. Obviously, the Sporting Shooters Association has expressed some interesting problems with the legislation. We have had constant contact with the RSPCA, both in Canberra and locally, unlike the Government. The New South Wales RSPCA has both the Premier and the former Leader of the Opposition—and perhaps the new Leader of the Opposition—as patrons. The head office of the RSPCA in Canberra had as its patrons as at 11 June: the Hon. John Howard, Prime Minister; Mrs Janette Howard; the Hon. Kim Beazley, but I suspect that may have been changed now; and the Hon. Justice Kirby, A.C., C.M.B., Hon. D Litt, Hon. LLD. The RSPCA has been trying very hard, but unsuccessfully I understand, to get through to its New South Wales patron, who has caved into the Shooters Party or to the Hon. John Tingle. The RSPCA cannot support the bill. It asks for the definition of "hunt" to be amended. The RSPCA states:

Whilst the reference to harm had been removed, reference to method should be limited to "firearm". Use of animals, bows, other devices etc is totally unacceptable to the RSPCA and the broader community.

The RSPCA is an exceedingly conservative and respectable organisation. It is the most conservative of all the animal organisations, some of which complain that the RSPCA is not doing enough to stop animal cruelty in some areas, although it does very well in other areas. It also states:

Definition of "hunt" should be amended to become "*Hunt* an animal means to use any firearm, to kill an animal but does not include laying or using poison for that purpose." As with POCTA, hunting must be free of unnecessary pain, suffering, and distress and should also be included as part of definitional requirements.

CHANGE SECTION 40 TO INCLUDE RSPCA INSPECTORS

As I mentioned earlier, the Hon. John Tingle, who hates the RSPCA, vetoed that. I have heard several times that the Hon. John Tingle vetoed the RSPCA being included in section 40 to be inspectors under the Prevention of Cruelty to Animals Act. The RSPCA asked the Premier to do that. However, Bob Carr, patron of the RSPCA, is more interested in listening to the Hon. John Tingle and the gun lobby than he is to his own organisation, the RSPCA. Recently, when he was bailed up at a RSPCA function, it told him how appalled it was with the Game Bill. The RSPCA also states:

The membership (section 8), functions (section 9) of the Game Council and the Committee of Management of the Game Council (section 10) are of great concern. The RSPCA, if the Bill became law, wanted to see it was represented on the Game Council, but real representation, not just token, and a community representative and a representative on behalf of the Minister. Hunting reps should be reduced (NOT increased!) down to 6 and must also have on the Council a *vet from the animal welfare unit* of the Department of Agriculture.

ALSO similar representation on the Committee of Management with quorum for that listed to 5 and RSPCA rep must be present.

The Premier received calls from the RSPCA in Victoria, Canberra and local branches. However, it would appear that the Hon. John Tingle is far more important to him than the RSPCA. It is beyond my imagination how this most respectable and conservative of animal welfare organisations can be snubbed by their patron, Bob Carr. I do not see how he can remain its patron. The RSPCA and the Premier will be talking about that later. I have a list of groups throughout Australia which I shall go through briefly.

The Hon. Rick Colless: Are you going to read all that, or are you just about finished?

The Hon. RICHARD JONES: No, I am not finished—you have got to be joking! The following organisations wrote a letter in opposition to this bill: the Total Environment Centre, Gun Control Australia, the World Wide Fund for Nature—which was spoken about in derogatory terms by the Deputy Leader of the Opposition earlier—the Australian Conservation Foundation, the International Fund for Animal Welfare, which is the second largest animal welfare organisation, and has tens of thousands of members in New South Wales Human Society International, which is the world's largest welfare organisation with seven million members—the same population as New South Wales.

The Hon. Duncan Gay: Who did I speak about?

The Hon. RICHARD JONES: You said some terrible things about the World Wide Fund for Nature.

The Hon. Duncan Gay: Point of order: The honourable member is misleading the House. I have not spoken about the World Wide Fund for Nature.

The Hon. RICHARD JONES: What is the "WWW" you spoke about earlier?

The Hon. Duncan Gay: I spoke about the worldwide wankers: you and Ms Lee Rhiannon.

The Hon. RICHARD JONES: I withdraw that comment, because when the Deputy Leader of the Opposition said "WWW" I thought he was referring to the World Wide Fund for Nature.

The Hon. Duncan Gay: No, I was referring to you and Ms Lee Rhiannon.

The Hon. RICHARD JONES: We are not worldwide yet.

Reverend the Hon. Fred Nile: You should ask him to withdraw that comment.

The Hon. RICHARD JONES: I should, but I am not as thin-skinned as the Deputy Leader of the Opposition. He is obviously a delicate flower from the country and bruises very easily. Humane Society International has been active in America on the Game Bill. Humane Society International has tens of thousands of members in New South Wales and has done some very good work with the Federal Government. Other organisations include Animals Australia; the New South Wales Animal Societies Federation, to which a number of members belong; the Wilderness Society; the National Parks Association of New South Wales; the Nature Conservation Council of New South Wales, with 120 members bodies; Friends of the Earth; the Greens; the Australian Democrats; Australians for Wildlife; the Australian Wildlife Protection Council in Victoria; Animal Liberation New South Wales; the World League for Protection of Animals, which is another worldwide organisation; the Native Bird Liberation Alliance; the Australian Association for Humane Research; the Wildlife Protection Association of Australia; the Colong Foundation for Wilderness; the National Kangaroo Protection Coalition; Australians Against Commercialisation of Wildlife, another umbrella group; the Forests and Wildlife Society; the Australian Vegetarian Society; Vegetarians International Voice for Animals, which is well-known in this House; the Blue Mountains Conservation Society; the Ryde-Hunters Hill Flora and Fauna Preservation Society; and the Central West Environment Council. Those organisations put their name to the letter expressing opposition to the proposed Game (Recreational Shooters and Hunters) Bill of New South Wales. The letter stated:

We write as a growing alliance of international, national and state environment, gun control, animal welfare and community organisations that oppose the above Bill and would like to know whether you support or oppose it. We will be publicising the results (a non-answer will be taken to indicate support) so the electorate you represent is made aware of your stance.

We do not know how many letters they got in response. The letter continued:

The Bill will be returning to the Lower House on April 9, and we are keen to know your views by the end of the week.

Of course, that is now out of date. The letter continued:

The Game Bill:

- Endorses animal cruelty (to both the native and introduced animals listed, and to wildlife caught in the crossfire), by stating that any methods, instruments or animals can be used by hunters to stalk, corner, capture and kill game. There is no effective opportunity to monitor, regulate or even rescue injured animals from hunting grounds. Animal welfare has no voice on the Game Council.

Their letter contained statements that have been mentioned already in this debate, so I will not include them. The campaign for those organisations does not end tonight. The Humane Society International, which has seven million members, is run in New South Wales by Michael Kennedy. He has been working on conservation issues for some 22 years and has been very successful with the Howard Government and previous Federal governments. The society tends to work federally rather than in the individual States. Its letter stated:

There appears to have been a total lack of community consultation. Although the minister in his reading speech suggested there had been considerable consultation with interest groups, we are unaware of any conservation or animal welfare group being consulted.

Of course, they were not consulted. Even some Ministers and backbenchers were not consulted. That is why some are unhappy about this bill. One person who spoke to me today was almost in tears about it, and I will refer to that later. The letter from Humane Society International continued:

The decision not use the green paper/white paper approach to canvass public opinion prior to the bill being launched in the house has limited the amount of public input.

The letter referred to problems with the bill, which we have already discussed. That society is the world's largest humane organisation and has an income of several hundred million dollars a year. It was the International Fund for Animal Welfare that worked with the Blair Government to successfully ban fox-hunting in the United Kingdom. The International Fund for Animal Welfare is the second largest such group in the world. That fund offered a large amount of money to the Carr Government to buy habitat. They had a brief meeting with the Premier, but did not even get to the Minister. But they went away with their money and bought habitat in South Africa. That goes to show how these groups are shunned by the Government. A press release by Randy Marshall from Gun Control Australia Inc. stated:

Our experience over several decades is that shooting organisations pretend to be concerned with public safety as a diversion from their real pain which is to ensure as great an access to guns as possible. We point out that this Bill is likely to lead to an increase in the NSW gun inventory.

Other honourable members have quoted from that press release. A letter from Carole de Fraga, of Animalia, to the Premier stated:

[The bill] will sanction cruelty to and the suffering of untold numbers of animals, and strongly urge you **not to allow** such retrograde legislation.

Heaven knows what sort of response she received. She referred to the methods of hunting, and wrote:

And it is farcical to expect that a committee of oversight and administration comprising the majority of hunters and allied personnel will take seriously the likelihood of pain and suffering to the animals involved and seek to avert this in the Code of Practice, which they, apparently, are to invent.

I hope that will be cleaned up in the Committee stage. Her letter continued:

... every aspect of the Bill indicates that the possible suffering of any quarry animal involved is of no moral consequence.

Humane Society International put out another missive that stated:

Under the provisions of the Bill any of the following that are living in the wild is to be considered as a game animal: deer, hare, black duck, great teal duck, wood duck, mountain duck, California quail, brown quail, stubble quail, pheasant, partridge, peafowl, turkey.

Private properties may well end up being "stocked" with these animals to provide game "fodder", as property owners realise an economic benefit to charge shooters for using their properties. What is to stop "canned hunts" under this Bill?

The Hon. Ian Macdonald said that a clause in the bill provides that the release of animals for that purpose will be an offence with a considerable penalty. I am hoping that will also be cleaned up at the Committee stage. Humane Society International believes that the Game Bill should be withdrawn. Any legislation relating to hunting should focus on the control of hunting, protecting biodiversity and conservation values, enforcing public safety and animal welfare issues, with higher levels of accountability and transparency. The bill is aimed at promoting hunting with control and management of the activity in the hands of the hunters. There is no transparency, little accountability, and no respect or consultation with stakeholders who do not endorse hunting.

The bill will not advance conservation or public safety and could seriously limit the effectiveness of national threat abatement plans for feral animal control. The bill has received international coverage. The major American newspaper on animals is called *Animal People*. Earlier this year it had a half-page article on the Game Bill. As Ms Lee Rhiannon said earlier, this is not a local issue, it is an international issue. That article stated:

Introduced in November 2001, the Game Bill appears to be opposed by most and perhaps all humane groups in Australia, but is eagerly sought by hunters and the NSW Farmers Association.

We certainly know that that is true.

The Hon. Greg Pearce: Point of order: Madam Deputy-President, I draw to your attention that the Hon. Jan Burnswoods appears to have collapsed on the Government back bench. It may be necessary to have an attendant deal with the honourable member, but I certainly would not suggest that you call an ambulance from Ryde because the Ryde ambulance station has been closed.

The DEPUTY-PRESIDENT (The Hon. Janelle Saffin): Order! The honourable member will resume his seat. That does not need to be drawn to my attention.

The Hon. RICHARD JONES: I received a copy of an incident report of the International Hunter Education Association. It notes that each year there are about one thousand shooting accidents in the United

States of America. In my view, if this bill is passed into law in its existing form, or even in modified form, New South Wales is certain to have an increase in the number of shooting accidents that already occur in this State. The incident report gives information on vision-related accidents—which, by the way, is why shooters are not generally allowed into national parks. The report notes that vision-related accidents are caused by the following factors: the victim moved into the shooter's line of fire; the victim was covered by the shooter, who was swinging on game; the victim was out of sight of the shooter; and the victim was mistaken for game.

One problem with shooting in national parks relates to the legal problems associated with line of sight. State Forests might be well advised to bear in mind the legal problems that attend allowing hunters onto its lands. I return to the thousand people who are shot each year in the United States, mainly during the hunting season. Not all are fatal shootings, but a number are. New South Wales will no doubt will have an increase in the number of fatal and non-fatal shootings as a result of this bill, because many more non-professional and inadequately trained shooters will be allowed onto more public lands. That must inevitably lead to more shooting accidents, many of the victims being hunters themselves, but some of whom will not be gun owners or hunters. It is a tragedy that this legislation will almost certainly lead to deaths.

The National Parks Association is most concerned about the proposal of the Opposition to allow shooting in national parks. The association says that once we have shooting on all public lands, in no time the legislation will be extended to national parks. Hopefully, that will not happen. National Parks is adamant about not wanting unqualified, inadequately trained shooters in national parks. That has been heard time and again from its officers—not from the National Parks head office or from the Minister's office. National Parks officers do not want shooters to be let loose in national parks. The officers know that shooters do not reduce the number of game animals. Rather, they tend to do the exact opposite. Shooters want to maintain the presence of game animals in national parks.

State Forests has the same problem. Last year it issued about 15 licences allowing recreational shooters into State forests. If the licence number increases, we will have a significant increase in shooting incidents and injuries, as well as the accidental shooting of non-target species. Recently I spoke to a shooter's former wife. She said one day her husband came home from a shoot and said, "I got a strange cat today. It had stripes on it and a pointy nose." She said, "That was a quoll, idiot!" This was a fellow who called himself a recreational shooter, or a hunter. We saw the same scenario with duck shoots. This article appeared in another rural paper:

Authorities warned recently that feral pig population numbers could grow out of control and cause environmental disaster due to the spread of weeds and soil erosion if interference with baiting programs continued.

Hunter Rural Lands Protection Board chairman, Charles Schmierer, said recreational hunters were illegally disrupting baiting programs and using traps which let smaller pigs escape and grow into adults.

The Total Environment Centre spoke about dispersal of feral pigs across the Sydney Basin into previously pig-free areas. This matter was mentioned by the Hon. Ian Cohen. The Bureau of Resource Sciences article "Australia's Pest Animals: New Solutions to Old Problems", by Penny Olsen, said, amongst many other things:

Governments generally recognise that traditional bounty schemes are ineffective for controlling pest animals such as pigs. It is now well accepted that bounties do not work. One reason for this is that, when someone else is paying for control, there is little incentive to ensure that the money is spent wisely to achieve desired targets ...

She said also:

If there is no public benefit, there is no case for action by the government. Good management can be encouraged through appropriate incentives which benefit both the land manager and the public, and through research, education and training. If governments wish to subsidise the private good it is best done through actions that do not require ongoing funding. One way the government might assist is by providing a co-ordinator to help plan and oversee the implementation of a pest management scheme developed by local private and crown land managers, as now occurs under the National Landcare Program.

The *Sydney Morning Herald* recently published an article by Dr Kent Williams of the CSIRO Division of Wildlife and Ecology in Canberra. Dr Williams said:

Shooting rabbits is more harmful than beneficial to the cost-effective management of the rabbit problem. The experience of practitioners and the results of scientific research have shown unequivocally that rabbits are controlled best by managing the habitat, that is, by removing surface harbour for rabbits and, especially, ripping their warrens and burrows ...

Rabbits are a main component of the food of foxes. Effective management comprises three main components: (i) effective control of rabbits, (ii) good farm hygiene and proper disposal of food waste and care of companion animal food, and (iii) fox-baiting co-ordinated among neighbours so that it is extensive and repeated periodically.

While shooting may remove some foxes, surviving foxes are wary and those shot are replaced readily if the above strategy is not adopted ... Similar principles apply to managing feral pigs and feral goats.

This expert says that shooting does not work. Now I come to the coverage of birds by the bill. The National Parks and Wildlife Service game bird management program indicates how much money is raised from licensing the killing of ducks. Quail, of course, are not licensed to be killed. The National Parks and Wildlife Service document makes this statement about the revenue from killing ducks:

Financial Outcomes. The worksheet shows that the NPWS Program has obtained \$892,122 in revenue over 7 years. (ie average of \$127,446 per year, but with a range from \$140,000 to \$107,000. There are two revenue figures because the \$35 fee to hunters is split between Administration and Revenue. The Report shows that all funds for Admin have been spent. The \$138,473 balance for the Program is all associated with Research revenue... (ie satellite tracking and decoy feeding).

These are important programs. A document from the National Parks and Wildlife Service states:

The NWPS Gamebird Management Program does not operate with an estimate of the yearly duck population when we determine authorised numbers to be culled (as listed on Occupier Licences in the Riverina). There is no survey or monitoring process in place that would allow us to determine or estimate what that figure might be.

Instead, in issuing licences to landholders we use a "rule" based on advice obtained from Dr Richard Kingsford.

A well-known scientist. I continue:

That advice was that to ensure that species were not adversely impacted at a regional population level (recruitment capacity), culling in the ricegrowing areas of the Riverina should be below 100,000 for an average year. An "average year" means average water flows to irrigation farms, and average flows in rivers and wetlands.

The Hon. Ian Macdonald: It is not part of the bill.

The Hon. RICHARD JONES: It is still part of the bill.

The Hon. Ian Macdonald: Read the amendments.

The Hon. RICHARD JONES: The amendments have not been passed yet. Is the Opposition going to support the amendment to remove ducks?

The Hon. Duncan Gay: No.

The Hon. RICHARD JONES: The Opposition opposes the removal of ducks from the bill. The Hon. Ian Macdonald cannot anticipate the vote. The total number of ducks licensed to be killed every year is approximately 100,000. I point out that the bill, as it currently stands, provides that scientific determination must be made of the duck populations so that they can issue a quota. The fact is that the National Parks and Wildlife Service does not have any science on the ducks. It has no idea how many ducks there are. The Government will issue a random 100,000 licences, not knowing how many ducks there are. The National Parks and Wildlife Service is hoping that the bill will not affect the number of ducks shot. I was told that from the horse's mouth.

The Hon. Duncan Gay: Which horse?

The DEPUTY-PRESIDENT (The Hon. Janelle Saffin): Order! I remind members that it is likely to be a long night. All interjections are disorderly. The more that members interject, the longer we may be here. Members should try to remain silent.

The Hon. RICHARD JONES: As I said, the number of duck shooter licences was approximately 3,500, of which 350 or 10 per cent were for shooters in New South Wales. The duck shooting licence fee is \$35 per person. Of that amount \$15 is spent on administration and \$20 on National Parks and Wildlife Service research. The funds raised from the duck licence fees are between \$106,000 and \$110,000 and from that about \$60,000 to \$70,000 is spent on research. The National Parks and Wildlife Service tried to delegate licence issuing to gun shops in Victoria, because 90 per cent of shooters are from Victoria. But the shops kept the money and they had to be taken to court to get the money to be released. The Game Council will have an interesting time getting money from these licences. The National Parks and Wildlife Service had to go direct to the shooters every year. If it did not do so, it did not get the money for the licences. As I said, the service raised about \$110,000 per year, it cost \$30,000 to \$40,000 to administer the licences and \$60,000 to \$70,000 is spent on research.

As the National Parks and Wildlife Service pointed out to me, there would be a problem if the ducks were to stay in the bill. The service issues licences to cull seven species of duck, yet the Game Bill covers only

four species of duck. The three other species of duck for which the service issues licences are not in the Game Bill. It says that it would cause problems for the National Parks and Wildlife Service because it would have to issue extra licences for the other three species that are not in the Game Bill. I believe it pointed out these problems to the Minister and finally got ducks removed from the bill. It did not believe that the ducks would stay in the bill anyway. I suspect that the ducks were put in the bill is a decoy.

I have details about the number of various birds, such as the California quail, the brown quail, the common peafowl and other species of birds. I will not go into the detail tonight because we do not have time. Very few of the birds, other than native birds, actually live in the wild. Some species are not in the wild at all. How will shooters shoot birds that do not exist? How will they shoot California quail, pheasant, partridge, peafowl and turkey when they are not in the wild?

Reverend the Hon. Fred Nile: They do not shoot them.

The Hon. RICHARD JONES: They are in the bill. They are the only birds left in the bill. It is an enigma. There are few, if any, of these species living in the wild in New South Wales. That means that if shooters want to shoot birds—other than shooting ducks through the National Parks and Wildlife Service program—they may mistake other birds, such as the pheasant coucal, for the birds in the bill. They could make a mistake. The birds in the Game Bill resemble protected native birds. The imported pheasant is almost identical to the native pheasant coucal, commonly known as the swamp pheasant.

The DEPUTY-PRESIDENT (The Hon. Janelle Saffin): Order! The interjections are disorderly; they are bordering on being unparliamentary.

The Hon. RICHARD JONES: Partridges could be mistaken for the endangered native wonga pigeon, peafowl could be confused with the endangered native lyrebird and the imported turkey from the United States of America could be mistaken for the native brush turkey. The birds in the Game Bill, although introduced early to Australia, have not successfully survived in the wild as they are ground-nesting species and have what is known as a game scent which attracts predators such as snakes, pythons, goanna, foxes, cats and feral pigs. One of the curiosities about this bill is that birds that do not exist in the wild are included in it. However, there are birds very much like them that do live in the wild. People concerned about birds are worried that shooters in this State will shoot pheasant coucals, wonga pigeons, lyrebirds and brush turkeys because they look like the birds listed in the bill. That is a genuine concern.

The Government has not listened to that concern and has left those birds in the bill. A release from the Total Environment Centre is headed "Botched blood sport game bill proves 'birdbrains' behind it." I have previously raised in this House a serious matter which is one of the reasons a number of organisations oppose the Game Bill and the promotion of recreational shooting or the pleasure of shooting of animals as opposed to feral animal control, which is totally different. That matter is the definite link between cruelty to animals and cruelty to humans. A web site article headed "Why We Shouldn't Tolerate Animal Cruelty" contains a list of 27 serial murderers in the United States.

The Hon. Duncan Gay: Point of order: Madam Deputy-President, you have been remarkably generous in the degree of latitude you have allowed this honourable member who has wandered from the bill that is before the House. The fact that he is now referring to American examples of cruelty and mass murder is really going well beyond the realms of the bill before the House. I request you to draw the honourable member back to the leave of the bill.

The Hon. RICHARD JONES: To the point of order: Actually, the material has sad relevance because these serial killers had been cruel to animals in their youth which ties up with information to which I will refer later. It might take me much longer than I at first thought to place on the record material demonstrating the connection between cruelty to animals in the early years of these people, and how these people became hunters and ended up, in the case of 27 of them, as serial killers. There is a very clear connection between cruelty to animals and cruelty to humans, unfortunately. People such as Jeffrey Dahmer, Ted Bundy and Richard Allen Davis were all cruel to animals in their youth and unfortunately they later became serial killers.

The Hon. Ian Macdonald: To the point of order: I understand what the Hon. Richard Jones is trying to say. But if someone, when speaking to the bill, says that animal liberationists were responsible for the murder of a politician in the Netherlands in recent times, honourable members would think that that is not relevant to either a defence of, or argument against, the bill. The fact that some serial killers may have had some type of

chequered background is not relevant to the bill because, as the honourable member knows, the bill is specifically defined within the terms of the Prevention of Cruelty to Animals Act [POCTA]. I suggest that the honourable member should be brought back to the bill instead of canvassing tenuous issues about serial killings in the United States.

The Hon. RICHARD JONES: Further to the point of order: I felt this might strike a chord with the Government because Government members realise that they are on very dangerous ground when promoting killing for pleasure. I realise that what I am saying might strike a chord with them because it is a very uncomfortable topic to discuss. Perhaps I should now move on from this rather uncomfortable subject because there is extensive evidence about cruelty to animals and how people become retarded and repeat their cruelty later in life. Perhaps I should move on to other information because it seems that the subject is too heavy for this Chamber tonight.

The DEPUTY-PRESIDENT (The Hon. Janelle Saffin): Order! Irrespective of the weight of the subject, members have been given a degree of latitude when contributing to debate on the bill. The title of the bill—the Game Bill—is not fully instructive. However, the member has indicated that he will move on to another topic. I suggest he do so and confine his remarks to the subject matter of the bill.

The Hon. RICHARD JONES: That might be a good idea, but I indicate to honourable members who may be interested in the information I have that I will make it available later on. This is a serious matter and, regrettably, it is a very real matter. It is unfortunate, but the connection to which I have referred is exactly what this bill is about. An organisation I founded many years ago in Australia, the Fund for Animals, regularly distributes fact sheets. "Hunting Fact Sheet #1" states:

Scientists, biologists, veterinarians, and people who have lived with dogs, cats or other animals know that mammals and birds suffer fear and pain. All of our animal cruelty laws are based on this premise, as are all of the things we teach our children about kindness to animals. The ability of animals to suffer and feel pain is an accepted fact.

The fact sheet goes on to state:

There is nothing fair about a case in which the hunter uses a powerful weapon from ambush and the victim has no defence except luck. Furthermore, despite the sport hunting community's repeated rhetoric of "hunting ethics," they have refused to end repugnant practices that go above and beyond the cruelty inherent in all sport hunting. There is clearly no "fair chase" in many of the activities sanctioned and defended by the hunting community ...

Another interesting article, "The Principles of Psychology", was written by William James. It refers to the blood lust of hunters. The article states:

The hunting instinct has an equally remote origin in the evolution of the race. The hunting and the fighting instinct combine in many manifestations. They both support the emotion of anger; they combine in the fascination which stories of atrocity have for most minds; and the utterly blind excitement of giving the rein to our fury when our blood is up (an excitement whose intensity is greater than that of any other human passions save one) ...

He goes on to state:

... just because human bloodthirstiness is such a primitive part of us that it is so hard to eradicate, especially where a fight or a hunt is promised as part of the fun.

In the *Journal of Mental Science*, which was first published in 1896, the first mention of mania sanguinis, the connection between blood lust and hunting, is made. An article, "The Psychology of Abuse", published by the Physicians Committee for Responsible Medicine, states:

There is substantial scientific literature linking aggressiveness towards animals and aggressiveness toward people. When psychologists interview violent criminals, for example, they often find the history of cruelty to animals. In particular a triad of childhood symptoms—cruelty to animals, fire-setting, and bed-wetting—is predictive of aggressiveness in adulthood.

The article goes on to state:

We tend to defend that to which we are accustomed. Rationalization thus allows us to find reasons to explain our actions... and hunters do so by calling themselves "conservationists."

The article also states:

Human males are preoccupied with displays of strength that indicate their genetic suitability. Hence the mark of the successful fishermen or hunter is not a full stomach, but a huge stuffed fish or a mounted rack of antlers. Domination plays a key role in hunting.

In "The Killing Fields", Gareth Patterson states:

For me and many of the people who contact me to offer their support, killing innocent animals for self-gratification is no different from killing innocent people for self-gratification. By extension, then, trophy hunting—the repeated killing of wild animals—should surely be viewed as serial killing. And in the same moral light humanity's thinking is, I feel, beginning to approach such a level of morality.

Except, I add, in New South Wales. The article refers to Robert Hansen, an Alaskan big-game enthusiast who used to hunt naked prostitutes through the snow as though they were wild animals and then he shot them dead. He used to take home trophies of their jewellery and put them next to his elk antlers and bearskins in his den. The article shows that there is a very small step between cruelty to animals and cruelty to human beings. Sadly, a friend of mine was hunted to death.

The Hon. Duncan Gay: Under which clause of this bill could that happen?

The Hon. RICHARD JONES: He was a hunter, and this bill is about hunting. The person who killed him, who was also a hunter, is now in gaol. There is also a connection between hunting and domestic violence. An article by Frank Hoffman, "Shooting Ourselves in the Foot: The Sanitizing of Violence in Our Society", states:

Hunting, in my opinion, is a sanitized and socially acceptable way of expressing one's inner violent nature. It's an outlet, but it only reinforces such inner violence; it does nothing to arrest or eliminate it. Hunters make all kinds of excuses about why they hunt, such as, "I enjoy the outdoors", or "I hunt for food". Neither of these excuses really have any merit. We can all enjoy the outdoors without resorting to killing; and we can buy more food for the dollar in our markets than is spent on the so-called sport of hunting

We, as a society, and particularly our religious communities, need to address hunting as being a violent activity that is counter to the peace of God. We need to show the connection between all "acceptable" and "unacceptable" violent activities and domestic violence ...

The very expression "avid hunter" means that Weber loved to kill. He apparently sought killing as an acceptable way of expressing himself. He apparently could not differentiate between a "sport" in the woods and fields, and acting out such aggression in the domestic arena.

Hoffman also states:

The Biblical command, "Thou shalt not kill [murder]" is usually seen only as referring to such acts as the killing of this woman, and it is seldom associated with the "sport" of hunting. However, to take pleasure in the death of another being is MURDER even if that being is a non-human.

Some weeks ago Associate Professor Eleonora Gullone, PhD., MAPS, of the Department of Psychology from Monash University wrote to me in the following terms:

In recent years it is becoming increasingly accepted that the main mistreatment of animals can be an indicator of many other forms of the family violence and ongoing abuse and neglect, including domestic violence and child abuse. In the United States and Canada, and to a lesser extent the United Kingdom, domestic violence professionals, child welfare agencies, law enforcement agencies, and animal welfare organizations have come to regard cruelty to animals as a serious *human* problem closely linked to domestic violence, child abuse, and other violent crimes. Recent studies have suggested that more than one half of all abused women have companion animals. The research conducted to date has also revealed that many of these companion animals are abused by the perpetrators. This is usually a tool used by them as a means of hurting and/or controlling the women or their children. The research has also shown that concerns for the safety of their companion animals keep many women from leaving or staying separated from their abusers.

I have more information on the link between animal cruelty, unfortunately, and cruelty to humans, which I shall not put on the record now. I shall quote from an interesting article from the *Humane Religion* magazine entitled "Jews, Christians, and Hunting", which stated:

When it comes to the matter of hunting, there is a wide divergence between Jewish and Christian tradition ...

The traditional Jewish abhorrence of hunting begins with commentaries on the man called Nimrod.

Honourable members may be aware that a number of hunters call themselves Nimrods. I continue:

He is the first man the bible describes as a Hunter. The Rabbis castigated him for this activity, and linked it to the general degeneracy of his character. The Jerusalem Targum says Nimrod "was mighty in hunting and sin before God." The Syriac calls him "a warlike giant" and the Targum of Jonathan ben Uzziel says: "From the foundation of the world know it was ever found like Nimrod; powerful in hunting and in rebellion against the Lord." Along with hunting, Nimrod's "rebellions against the Lord" included his founding of the city of Babel, in which the infamous tower was built. The men believed they had become so

technologically proficient that they could construct a building that would "reach unto heaven." The egotism and arrogance of that undertaking mirrors the arrogance that you need men to kill God's creatures as a diversion or as a demonstration of their prowess.

But it is not only the hunter-as-sportsman who is the target of rabbinic contempt. Commentators who castigated Nimrod have little use for that as the biblical Hunter, Esau, who ate the animals that he killed.

This is for Reverend the Hon. Fred Nile. I continue:

Esau, like Nimrod, is considered a contemptible character. The Encyclopaedia Judaica reports that "The two famous hunters in the Bible, Nimrod and Esau, were regarded in a derogatory light, as rebels against God and the very antithesis of the spirit of Judaism." The Encyclopaedia also reports that "the rabbinical attitude towards hunting is entirely negative. Harsh things are said about those who hunt even for a living."

"Esau was a Hunter because he was a scene; and in the Holy Scriptures we do not find a single holy man being a Hunter." (From the *Corpus Juris Canonici*. Rome)

... "a person who indulges in this sport is unworthy of the name of Jew."

Ted Nugent, the world's most outspoken hunter, said:

I contribute to the dead of winter and the moans of silence, blood trails are music to my ears. I'm a gut-pile addict. The pig didn't know I was there. It's my kick. I love shafting animals.

Honourable members may have never heard of him but the shooters have because he is famous.

The Hon. Ian Macdonald: There are nutters in every group.

The Hon. RICHARD JONES: Unfortunately, there is a dominance here. He also said:

Hunters hunt for the thrill of the kill. They receive a heroin-like rush to the senses. Hunting is blood lust and dominance. Hunting is hatred and violence. Hunting is murder. And it's obscene.

Many in our society feel exactly the same way about hunting. I shall quote from an article by a woman who went hunting and said:

Though far from a reliable shot, I have blown a handful of God's creatures into the great beyond—the largest being a wild hog I took down with a .44 Magnum carbine. I have, in a rash of adrenaline and blood lust, blasted a nondescript, but shockingly fast-moving, tweety bird out of the air by mistake. My fellow hunters and I never located the unlucky creature's remains, but everyone agreed that it was a fantastic shot. In short, I may not live to hunt, but I understand the appeal.

In the United States of America the National Rifle Association [NRA] is staging a large campaign. A recent poll shows that even in America 54 per cent of Americans oppose the hunting of animals for sport. The NRA is concerned that people are now not taking up the sport, yet Australia is taking the reverse approach to the rest of the world, which is quite extraordinary. Many feel that killing animals for pleasure, symbolic sustenance, male bonding and tradition is simply inappropriate and that there are better sources of exercise—nature appreciation, food, and family values—than sport hunting. The trend has moved in the opposite direction. The NRA is seeking to promote hunting to children because it is worried about losing its supporters. It is spending a lot of money promoting hunting to children.

I said earlier that the Game Council would promote hunting to children, which will lead to violence. It is ridiculous to promote killing of animals to children and to suggest that it is acceptable. It is beyond my imagination that honourable members can believe that. One person quit hunting and gave reasons for doing so. He said:

I hunted for 30 years. For various reasons, mostly because my father did, and my grandfather did. Yes, we ate what we killed, but I never felt I was hunting TO eat, after all, I had food whether I killed anything or not.

I never felt I was hunting for "wildlife management". I never picked up my rifle and said "Well, I am off to do my duty for wildlife management by killing an animal".

I never did hunt for "trophies". Whatever one describes that as.

I didn't even consider my "milennias old roots", though I occasionally did use one of my grandfather's rifles, now 100 years old.

I guess I hunted just because I did. At first, killing was thrilling, then anti-climactic, then distasteful. Then you begin to wonder why you are doing it ...

I guess I just started to understand that the animal I was looking at through a scope was not just a target, but a living thing. A thing that suffered when shot, a thing that I had no right to kill, though I had the privilege to do so, by virtue of paying another

person a fee for a license. Think about that. The animal is minding his own business when you go into a store, pay a fee and walk out with a license to kill the animal, what a deal.

In five years, I discovered I could love the outdoors, and its experiences, which I still dearly enjoy, without killing.

I met one or two other reformed hunters who now feel pretty disgusted by their actions all those years ago. Perhaps this would be a good time to end this part of my discourse. I have more information on this aspect that I will not put on the record now, but I will do so shortly before I leave Parliament in a few months time.

I wish to refer to another article entitled "Killing for Sport: A critical analysis of recreational hunting in Australia", a PhD thesis by Cathy Shriller, Graduate School of the Environment, Macquarie University. This is recommended reading. Hunters are afraid of this article because they tried to suppress it. Indeed, they demonstrated against the author. I would like to put this thesis on the record but time does not permit. The author analyses the elements of why sport shooting is so vile and gives numerous quotes from various shooters. It is no wonder hunters are afraid. Her analysis showed that teenagers or young people between the ages of 19 and 25 years do most hunting. They never grow up and continue shooting in their adult lives. Even when they become adults they continue to kill animals for pleasure, so in a sense they are still teenagers.

I have met people who are addicted to all sorts of things. One of those things is killing for pleasure. I believe that people who enjoy killing animals for pleasure need treatment. They need psychological guidance and counselling. That would be the best thing for them. Killing animals for pleasure is different from killing animals because they are suffering or because one actually wants to eat them or do some feral animal control. This bill is not about feral animal control; it never was. It is to do with a small group of people in our society, led by the Hon. John Tingle. The honourable member told me that he does not shoot ducks but that he has shot feral pigs. He claims that he has not shot animals for pleasure but he is promoting a bill that essentially is about people in our society killing animals for pleasure—an extraordinarily retrograde step.

Honourable members might like to read the thesis to which I referred earlier. It contains material and research from all over the world. It contains an analysis of why people go shooting and the pleasure, the thrill and the blood lust that they get out of it. If honourable members read this thesis they would realise that we are passing extraordinarily retrograde legislation. As I said earlier, this bill has nothing to do with feral animal control. If it were about feral animal control it would receive the support of most members on the crossbenches, provided that any control was carried out humanely. It is not. This legislation is only about killing animals for pleasure. This Government is supporting the killing of animals for pleasure—in this day and age a dangerous path to go down for any government. That approach is contrary to the approach of governments in other countries.

The Hon. Dr PETER WONG [10.40 p.m.]: I wish to make a brief contribution to the debate on the Game Bill. The Government said that the Game Bill will enable hunters to assist the community by allowing them to hunt selected pest animals on some public lands in New South Wales. According to the Government, those pest animals are damaging vegetation and other wildlife. The Government has gone to great lengths to emphasise that this bill does not give private hunters unrestricted access to all animals on all lands in New South Wales. The Game Bill does not give private hunters access to national parks and other land reserved for similar conservation purposes. To ensure the proper supervision of this hunting activity the bill will establish a Game Council. Many honourable members have already referred to the concerns that they have about the inadequacy and composition of the Game Council.

I accept many of the arguments that have been put forward by the Government. I have a great respect for farmers in this country who are suffering much anguish because dangerous feral animals are injuring and killing their livestock. The Hon. Richard Jones referred earlier to the fact that many other effective and humane methods can be used to control feral animals. We are living in the twenty-first century. We cannot support the hurting and killing of life for the pleasure of man. We are concerned about the possibility of cruelty to animals. That potential will always exist, as hunters cannot be monitored 100 per cent of the time. I therefore cannot support the bill, which will legitimise the taking of life for fun.

The Hon. RICK COLLESS [10.43 p.m.]: I speak in support of the Game Bill, but I wish to place on the record some of the concerns of the Coalition. While members of the Coalition do not oppose this bill—a matter that was outlined earlier by the Deputy Leader of the Opposition in his contribution to debate—we plan to move some amendments to improve its operation. The concerns of the National Party relate principally to the duplication of licences proposed by the bill. The concerns also relate to the lack of power of the Game Council, and the effect of the Game Bill on the Rural Lands Protection Act. That Act requires private land-holders to control feral pigs, rabbits and wild dogs, and under the New South Wales Firearms Act, the exclusion of national park estate land from the definition of public land.

The Coalition fully supports the objectives of this bill. The first object of the bill is to provide effective management of introduced species of game animals. It is estimated that between 1982 and 1985 about 15,500 sheep were killed each year by wild dogs. Fleming and Korn carried out that research in 1989. Over the years those numbers have been steadily increasing. The second object of the bill is to promote responsible and orderly hunting of those game animals on public and private land and of pest animals on public land. The operative words are "responsible and orderly hunting", thus addressing the ill-founded concerns that the bill promotes blood sport hunting and does not allow for animal welfare provisions, as we heard from the Hon. Richard Jones for the last two hours or so.

The Prevention of Cruelty to Animals Act and the Firearms Act 1986 will still apply. That will ensure that people are appropriately licensed. Clause 6 of the bill provides that nothing in the proposed Act affects the operation of the firearms and weapons prohibition legislation or the prevention of cruelty to animals legislation. Under the current law, pest animals such as pigs, goats, rabbits and so on, can be shot on private land, provided the shooter holds a firearms licence, without the need for approval from any other authority.

The current law prevents quail and other species listed in the bill from being shot. The bill does not provide for the killing of kangaroos without permission and without a quota. Most firearms users are responsible people. I include my National Party colleagues and myself in that category. Many of us own farms and we do not want our reputations tarnished by irresponsible or so-called weekend shooters who lack any form of responsibility or commonsense. The State's firearms users are an untapped resource for feral animal control, coming at no cost to the taxpayer as they are self-equipped and resourced.

The Hon. Duncan Gay: It is a win-win situation.

The Hon. RICK COLLESS: It is a win-win situation, as was pointed out by my colleague. I acknowledge that hunting is not regarded as a popular pastime. Many urban city dwellers do not understand the impact of feral animals on domestic livestock and our native fauna, and they oppose this bill. I will respond now to some of the issues that environmentalists in this House have raised. Some of the questions that have been asked include, "Where did these feral dogs come from?" It does not matter where the feral dogs came from. They are a problem. They are in the parks and in the forested areas. We cannot go back. They are there and they must be controlled.

The Hon. Richard Jones referred earlier to hunters spraying bullets and buckshot everywhere throughout the landscape. That is just irresponsible and emotive garbage! The people I know who are keen hunters are expert shots. They do not need red dots; they use high-powered .243 or .223 rifles or something of that nature with properly calibrated scopes and they take only head shots. If they cannot take a head shot they do not take a shot at all. They very rarely miss and the animal does not suffer. Death in that situation is instantaneous, unlike the victims of many of these feral animals, which inflict a slow and painful death on our domestic livestock.

How many members of this House have ever seen a lambing ewe half eaten by a feral pig? I have. It is not a pretty sight when a farmer finds that ewe some three or four days after having been attacked by the pig, and the ewe is still alive. It is a gruesome and awful sight, which has a huge impact on the person who finds the animal. Who has ever seen a sheep lying in a paddock with its kidneys torn out by a feral dog? The sheep has probably been in that paddock for two or three days. Environmentalists will talk about cruelty to animals. What could be more cruel than an animal with its kidneys torn out by a feral dog, lying half alive for two or three days before the farmer finally finds it and puts the poor thing out of its misery?

Who has ever seen a newborn calf flogged to death as a pack of dogs grab its tail and swing it round and round until it dies? I have seen that. That is the sort of impact that these feral animals are having on our domestic livestock. The Hon. Richard Jones also listed conservation organisations that oppose hunting, but he did not mention the Sierra Club. It was founded in 1892 and its address is San Francisco, California. I have a thank-you note from the club to hunters and fishermen, which states:

Hunters and Fishermen Keep America Beautiful

At the Sierra Club, we want to say thank you for all you do to protect America's woods, streams and wetlands.

Through licence fees and taxes on guns and ammunition, America's hunters and fishermen contribute \$700 million each year toward preservation of wildlife habitat.

We know because we work with sportsmen's groups on many such efforts. And because more than one-fifth of our own members are hunters and fishermen too.

Together, we can continue to conserve and replenish fish and wildlife for future generations to enjoy. So please write or call with your comments and suggestions.

We have a lot in common.

The Hon. Richard Jones did not read out that letter. Many responsible and skilled sporting shooters who live and work in urban areas travel regularly to rural areas to participate responsibly in their favourite sport and pastime.

The Hon. Duncan Gay: As long as they're not on my property illegally.

The Hon. RICK COLLESS: Absolutely. We are talking about responsible hunters who do the right thing. Responsible hunters, firearms owners and farmers do not want irresponsible people using firearms. I cannot stress that point too strongly. There is no doubt that feral animal control is one of the biggest issues facing Australia today and, contrary to popular belief, it involves not only country people but metropolitan Australia. The *Daily Telegraph* of 6 May 2002 carried a report by Mark Scala which states:

Barwan Staggs, who owns two mixed farming properties, one opposite the Yalcogrin State Forest and another near the Warrumbungle National Park, said as many as 100 lambs were taken by feral animals each year.

Over the last five years fox populations have exploded and shooting is the only way you can be selective.

It will affect metropolitan Australia if there is an outbreak of foot-and-mouth disease. It would involve those living in the cities and would devastate our livestock industries. It would place tremendous pressure on our food and fibre supplies in urban areas. Major cities such as Sydney, Wollongong and Newcastle would be particularly severely affected. Supplies of beef, lamb, pork, milk, cheese, wool and leather would be threatened as mass destruction of domestic livestock commenced in an attempt to control this devastating disease.

The Hon. Duncan Gay: In eight hours of debate you are the first person to mention this.

The Hon. RICK COLLESS: You would think someone would have mentioned it. I am sure honourable members recall the devastating images of mass destruction and the cremation of thousands of livestock during the recent outbreak of foot-and-mouth disease in Great Britain and other parts of the world. Such an outbreak in New South Wales would have a boomerang effect throughout the country. It has been said that the feral pig population in Australia could quickly spread a disease such as foot-and-mouth disease. Pigs are most active vectors of foot-and-mouth disease. We must come to grips with this problem because if foot-and-mouth disease is introduced it will be spread throughout the country by feral pigs. An article that appeared in the *Northern Daily Leader* on 14 May states:

At its annual general meeting in Adelaide last week the Australian Veterinary Association agreed to take a leading role in promoting a national program to control and ultimately eradicate feral pigs.

Outgoing AVA president Robert Baker said a single case of exotic disease in just one feral pig could halt Australia's \$7 billion export industries and take a decade to eliminate.

Dr Baker said the rapid spread of foot-and-mouth disease in the UK last year was a frightening example of how rapidly disease could spread from herd to herd.

"The ability of feral pigs in Australia to travel with impunity from farm to farm means there are 23 million time bombs wandering around the Australian countryside ... No feral livestock pool in the world presents such a threat to its domestic livestock and yet programs to control feral pigs have been largely regional and uncoordinated.

Not only pigs but other feral animals such as deer are known transmitters of this disease to other species. Other diseases that affect humans and are spread by feral animals include tuberculosis, brucellosis, malignant catarrhal fever and Lyme disease. There is also a problem with diseases such as lyssavirus, morbillivirus and paramyxovirus, which are all transmittable to humans and found in feral animal populations.

As the Leader of the National Party in another place said in his speech during the second reading debate, feral animal control on public land—particularly in national parks—is one of the most pressing problems facing rural and regional New South Wales. Landowners whose land adjoins national parks are suffering the most. Wild dogs are attacking and killing countless sheep and livestock, causing uncontrolled economic loss. I refer honourable members to a letter that I received from Winston Phillips, senior ranger with the Cooma Rural Lands Protection Board, in which he outlines some of the problems associated with feral animals that live on public land and impact on the wealth-creating prime producers of this State. He writes:

Stock losses for 2001 were about 950 sheep killed.

Reported sheep killed so far for 2002 have been about 80.

These figures are for March, so probably double that number have been killed by now. I continue:

Max and Sylvia Golby of "Glen Lea" Ingebyra, via Jindabyne have reported 57 killed and 30 bitten out of 500 sheep.

They are only able to use a small part of their property due to ongoing predation. Other neighbours and nearby landholders have sold or moved sheep to avoid predation.

Another good example is the Snowy Plain area which is between and West of Lakes Eucumbene and Jindabyne. Very few sheep have been put in this area during the Summer/Autumn due to predation last year. When vulnerable land is not stocked, or sheep are shepherded as the Golby's are having to do, this can cause a reduction in actual numbers of sheep killed.

Max and Sylvia Golby have a property at Ingebyra adjoining the Kosciuszko National Park and they have been required to shepherd their sheep on a daily basis for many months in order to reduce the number of feral dog attacks on their flock. Honourable members can only imagine the impact that this requirement is having on their daily routines. They must get up early every morning, let their sheep out of the yards, tend them during the day and then yard them again before dark. They find it difficult even to get into town to do their daily shopping and normal business. What has this done to their quality of life? The emotional impact of finding sheep mauled by feral dogs but still alive is an experience that only those who have experienced it can ever understand.

More and more people are using national parks for family outings and picnics and it is only a matter of time before a serious dog attack is made on a child. That happened recently in a well-documented case on Fraser Island. The general public and many honourable members must be educated about the damage that is caused by the large numbers of feral cats, dogs, foxes and rabbits on our farms. Rabbits also impact on the environment and are a major pest responsible for destroying native vegetation and causing severe soil erosion. It is estimated that rabbits cost farmers more than \$600 million per annum. The National Parks and Wildlife Service has not come to grips with the issue of animal management. The service acquires large tracts of land, in many cases where domestic agricultural animals were grazed for many years. Those animals are then removed from the land and any animals remaining in the new park area—native and domestic—are basically left to their own devices.

The fact that these remaining animals are not managed means that they quickly end up out of balance in an ecological sense. It is not a natural ecosystem in national parks; it has been altered by the impact of European settlement. Non-native predatory animals—wild dogs, cats, foxes, rabbits and birds—have been introduced, impacting on bilbies, potaroos, possums, kangaroos and quolls. A national park can become a dangerous place for native animals because they are eaten by these introduced species. The traditional method of controlling these pest animals is to reduce the numbers. Rabbits were out of control in many parts of New South Wales in the first part of the twentieth century.

Massive land and vegetation degradation occurred during this time, and the removal of available feed resources led to massive suffering for domestic livestock and native fauna. Rabbits had to be controlled; they had to be slaughtered to reduce their numbers. Many were trapped, shot and poisoned by an army of rabbiters, in a quest to bring their numbers under control. Many rabbit skins were converted into Akubra hats, and rabbit carcasses fed many a hungry wanderer and worker during the Depression years. Foxes and wild dogs have had a similar impact on native flora and fauna, as well as violently mauling and killing many domestic livestock. I wonder what solutions the environmentalists in this House can offer to control these animals. I did not hear one solution from them tonight. I wonder what some of our ancestors who went through the rabbit plague, who were sent broke on their land by millions of rabbits, would think about how we can control these animals without killing them. They would be turning in their graves. In a letter to Minister Debus, animal liberationist Jo Bell rightly noted:

As you would know, under the current National Parks and Wildlife Service Act, only a lethal solution is offered to farmers and other occupiers who wish to remove native or non-native fauna from their land. In the case of non-native (or feral) fauna, they are obliged by law to kill the animals.

Jo Bell went on to talk about alternative methods of animal control, including electric fencing. It is true that electric fencing can control dogs, if the wires are close enough and carry enough current. Electric fencing with seven hot wires will control feral goat movement, but the bottom wire has to be close to the ground to prevent the goats going under the fence. The same principle applies to dogs.

One major problem with fencing of this type is that echidnas move under the bottom wire and are paralysed by the electric shock, eventually leading to their death. It is a slow and very painful death and is

emotionally disturbing for the person who discovers the dead animal, as I have done on a number of occasions. Ms Bell raised fertility control as a method of stabilising animal populations. The farmers of this State have been using fertility control on their domestic farm animals since the day domestic livestock were first introduced. The preferred method of fertility control is the castration of young males. I have read a report in which some environmentalists promote the castration of kangaroo bucks and wild dogs. All livestock managers are experienced and competent castrators, but I have yet to meet a stockman who has been able to catch and castrate a wild dog or kangaroo, let alone do it without causing the animal a great deal of distress.

This proposal was also raised by an animal liberationist at a wild dog meeting a few years ago. The animal libber said, "The only way to control dog numbers is to castrate the males," to which an ancient stockman in the back row of the hall replied, "Lady, these dogs are eating our sheep, not fornicating them!" It was expressed in the vernacular form, much to the dismay of the animal libber and the enjoyment of the assembled crowd. Perhaps the Greens believe that these animals should be chased away from our farms. Where are they going to chase them to? Are they going to chase them away on to the neighbour's farm?

Reverend the Hon. Fred Nile: The national parks.

The Hon. RICK COLLESS: Or, as Reverend the Hon. Fred Nile said, are they going to chase them away to the national parks? Are they going to chase them away without injuring or killing any of the fauna? Even if we could chase them away they would continue to breed and increase in number until we approached a situation similar to the rabbit plagues earlier this century. Imagine trying to tell a farmer in the Depression years to chase the rabbits away when there were millions of rabbits on his farm, millions on his neighbour's property, and millions on his neighbour's property. The only way to reduce the numbers of animals that are out of balance is to remove them from the ecosystem—permanently.

According to the State of the Environment Council, since European settlement of Australia 20 species of mammal have become extinct. For the 10 species for which we have some knowledge of the cause, feral foxes are implicated in the extinction of eight of them. Predation by foxes is listed as a key threatening process to endangered species under the Threatened Species Conservation Act 1995, along with feral cats. This Government has allowed pest animal numbers living and breeding on public land to reach unacceptable levels, and this has resulted in significant environmental and economic damage throughout rural New South Wales. Whilst the Coalition acknowledges that the bill is a step in the right direction, the decision of the Government not to include national parks estate land in the scope of the bill will limit its effectiveness; indeed, it is puzzling in its intent. I can only assume that the Government has bowed to pressure from green interest groups.

The Coalition intends to move an amendment to address this issue, asking for a two-year trial for the hunting of game in three national parks under the supervision of the National Parks and Wildlife Service. The Coalition proposes that the trial will be supervised and evaluated by the National Parks and Wildlife Service and, if successful, more national parks will be included in the definition of "public land". The National-Liberal Coalition acknowledges that the bill contains one important additional measure. It gives firearms owners and hunters a vehicle to put their respective cases to government, which is something they have not had until now. Councils will be able to make recommendations to the Government, which they have not been able to do in the past. The bill proposes to create a Game Council of 16 members to exercise functions relating to its objects.

The Game Council will be responsible for administering the game licensing system, which comprises a general game hunting licence and a restricted game hunting licence. I understand that the Government will move an amendment to remove the provision relating to an occupiers game hunting licence. It is obvious that the bill does not add anything in a practical sense to what is already allowed under the current law. It simply adds an additional layer of bureaucracy and the duplication of licences while incurring an extra expense for hunters. I also raise the question as to the stance of the proposed Act in relation to the Western Lands Act and Regulation 1997 with respect to investing the management of the land in the Western Division in the Western Lands Commissioner and making provision for western lands leases. The Act contains clauses relating to the destruction of rabbits and other vermin. Schedule A (b) of the Act requires:

... lessees to take, within a specified time, such steps and measures to destroy rabbits, dogs and other vermin as the Commissioner shall from time to time direct, and to keep the lease free of vermin during the currency of the lease to the satisfaction of the Commissioner.

The bill allows land-holders to hunt pests on their own land without a game licence. However, hunters will be required to apply for a general game hunting licence before they can hunt game animals on private land which they do not own. It is outrageous to expect hunters who have gone through the process of becoming licensed firearms owners to apply and pay for another licence to hunt, on private land, game that is not protected game when they have the permission of the land-holder.

As the Leader of the National Party in another place stated in his speech on the second reading of the bill, the Government is asking hunters to abide by a code of practice that they have not seen or know nothing about. That concerns us. I also emphasise the call from the Leader of the National Party for the Minister to give an unconditional guarantee that he will ensure that regulations exempt land-holders from the need to hold a game hunting licence when taking part in joint pest control programs. The Minister is also called on by the Coalition to explain why a person assisting another person hunting pest animals in accordance with the duty imposed on the person under the Rural Lands Protection Act or the Wild Dog Destruction Act is not exempt from the requirement to possess that game hunting licence.

I have highlighted the Coalition's concerns with the bill, which we will attempt to resolve through some amendments. I call on those honourable members who oppose the bill to consider the damage being done in rural Australia, both to domestic animals and pastures in our wealth-creating agricultural environment, and to the native plants and animals that are being constantly attacked by these feral species that are out of ecological balance in our magnificent natural environment. There is a need for effective management of native and introduced species of game animals and a need to promote responsible and orderly hunting of those game animals on public and private land and pest animals on public land. I look forward to debating this bill further in Committee.

Reverend the Hon. FRED NILE [11.11 p.m.]: The Christian Democratic Party supports the Game Bill, which will be more accurately described as the Game and Feral Animal Control Bill when the Government makes the amendment. When that amendment is moved, we will support it. This bill is the result of two years planning and an extensive public consultation process. The bill was first introduced at the end of last year and allowed to sit while the public consultation process took place. The Hon. Richard Jones was critical of some personalities in the Bible that he felt were treated in a negative way. I do not think he was correct in his exposition but I note that according to 1 Samuel 17 David hunted lions and bears. He was someone the Bible described as being very close to the heart of God, and became King David, as we know.

The Hon. Dr Arthur Chesterfield-Evans: There was nothing wrong with hunting Goliath.

Reverend the Hon. FRED NILE: Then, of course, he hunted Goliath. His explanation when he was told he could not kill Goliath was, "I have already knocked over the lions and the bears; he is nothing." He was only a young fellow. The principal features of the bill refer to game animals, native and introduced species—namely, deer, duck, quail, pheasant, partridge, peafowl and turkey—and certain pest animals, namely, pigs, dogs other than dingos, cats, goats, rabbits, hares and foxes living in the wild. The bill will constitute a separate statutory authority, to be called the Game Council of New South Wales, to represent licensed game hunters, to administer the game hunting licensing system and to exercise other functions relating to the objects of the bill.

The Game Council is to comprise wildlife management scientists and persons nominated by hunting organisations, rural lands protection boards, Landcare organisations, the New South Wales Aboriginal Land Council and the Ministers administering the Forestry Act and the Crown Lands Act. There has been some criticism of the Game Council, but I believe the same principle applied when we debated shooters licences. People who are intimately involved in the activity are far more strict in implementing the regulations than those from outside. They do not want rambos, they do not want bad publicity, and they are strict in deciding who can get a licence and in action taken against those who abuse the licences. I am prepared to support that provision and observe its operation. I believe that there will be no criticism of the Game Council as it carries out its responsibility.

The bill provides for different classes of game hunting licences. The general game hunting licence authorises the hunting of game animals on private land. A game hunting licence will not be required for the purpose of hunting certain pest animals on private land, or for hunting on a person's own land and in other specified circumstances. The restricted game hunting licence authorises the holder of the licence to hunt game animals on public or private land. Hunting will not be authorised on national park estate land and will be authorised only in State forests, vacant Crown land and other public land if the Minister responsible for the land has declared the land to be available for hunting. Members of the National Party have made a strong and valid point that some consideration should be given to the fact that feral animals may be in the national park estate or may move into that area to escape being eradicated. So there is a need for flexibility—if not now, certainly in the future.

An occupiers game hunting licence authorises the holder of the licence to hunt, or permit holders of other game hunting licences to hunt, protected game animals on private land owned or occupied by the holder of

the licence. Annual quotas for the hunting of protected game animals will be set by the Director-General of National Parks and Wildlife and, in accordance with current requirements, will not be set to enable hunting for sporting or recreational purposes. The bill makes provision for the appointment of inspectors by the Game Council and for relevant entry, inspection and other powers for the enforcement of the proposed Act. It could be argued that the bill contains a lot of regulation that one would expect the Greens and the Australian Democrats to support, but they seem to have missed the point of the legislation and are doing themselves an injustice by their vocal opposition.

The objects of this bill are to provide for the effective management of native and introduced species of game animals, and to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land. Primarily the bill addresses the composition, activities and limited powers of the new statutory body, the Game Council. The bill consolidates some of the hunter permit systems currently issued by State Government agencies to provide recreational hunters with access to game and pest animals on public and private lands. As has been said before, a hunters permit system has been operating, and this bill formalises and regulates that activity. It is an improvement.

The Game Council will be responsible for managing the objectives and principal features of the bill. The purpose of the Game Council is to represent licensed game hunters, to administer the game hunting licensing system and to exercise other functions relating to the objects of the bill. To this end it is reasonable that the representation of the Game Council is made up of a large number of organisations representing hunters. The council is specifically established to represent licensed game hunters. To that effect the bill sets up an entire regime for proper licensing of hunters. If some green representatives were on that council, obviously they would run a campaign of obstruction to prevent the council from working. Its representatives need to be people who genuinely support the objectives of the legislation and the purposes of the Game Council to make it work. If the council was made up of some people who were sympathetic to the objects and others who were set to obstruct, it would not work. People could then say that in the long run the Game Council failed, although it may have been sabotaged and not allowed to function.

The three types of licence are: a general game hunting licence which authorises the hunting of game animals on private land, a restricted game hunting licence to hunt game animals on public and private land, and an occupiers game hunting licence that authorises the holder of the licence to hunt protected game animals on private land owned or occupied by the holder. One question that has been raised with me is whether that owner could have one or two friends, or even a family member, covered by that game hunting licence. I gather that is not possible under the literal wording of the legislation. Rod Drew, chief executive officer of Field and Game Australia, which represents 13,000 members, has advised me:

Hunters play an important role in conservation by undertaking pest animal eradication programs at no cost to Government or landowners. Field and Game Australia also undertakes habitat restoration works on wetlands for the benefit of all wetland dependent species. The Game Bill is a positive new direction in game management for Australia.

The establishment of the Game Council will allow hunters to participate in the process of pest management. Pests are a major cause of loss to our agricultural industries. The bill is specific about which animals are considered pests. It does not grant people open slather to hunt down and kill any animal. On 5 May Chantal Rumble wrote in the *Australian*:

The Game Bill will give recreational shooters unprecedented statutory power and the leading role in pest and feral animal control, and it is expected to set a nationwide precedent.

The idea is to channel recreational hunters into the battle against feral animals such as deer, ducks, quail, pigs, cats, ducks and foxes, and to promote responsible and orderly hunting.

I have received a number of letters from people concerned that the bill will allow hunters to hunt down the family dog. But as honourable members know, nothing could be further from the truth, even though some speakers made wild allegations. The key is found in the principal features of the bill. Pest animals are those considered to be "living in the wild". The Victorian Department of Natural Resources and Environment said in its regulatory impact statement 2001:

Typically, game species are common and occur in relatively large numbers, have a high replacement potential, mature quickly and can breed at an early age, have high rates of turnover, are fast escapers and are very wary or cryptic in nature. These characteristics make game species challenging to hunt but also means that they are resilient to harvesting and able to adapt to extreme and unpredictable environmental conditions.

The sustainable use of wildlife populations is consistent with contemporary conservation management principles that are practised all around the world and sanctioned by international conservation treaties and conventions. Recreational game hunting is a form of sustainable use that, as the cultural tradition, has persisted for many centuries.

Currently, hunting is a permitted activity in New South Wales under the Prevention of Cruelty to Animals Act 1979. As well, the Act bans certain hunting methods such as steel-jawed traps, trap shooting with live animals, and game parks. The Game Bill works in alignment with the Prevention of Cruelty to Animals Act and does not remove these bans. The Game Bill does not amend that Act. That point seems to have totally escaped the Greens, the Hon. Richard Jones and others who were attacking the bill and using extremely incorrect examples to discredit it. The bill does not seek to legalise any forms of hunting that are currently illegal.

In fact, clause 6 of the bill explicitly states that nothing in the bill exempts people from their responsibilities under the Prevention of Cruelty to Animals Act 1979. Some animal rights groups and others in the House tonight have stated that the bill will give "a green light to recreational hunters" to go out and injure, maim or kill cats, dogs, deer, pigs, foxes, goats or other feral animals. That has been implied in debate in this House and it has also been reported in the media. I recognise that some in the community still are not pleased with the legislation. Yet, following the tabling of the bill late last year, a public consultation process took place.

After consultation the Government made several important changes to the bill to take into account the concerns of individuals and organisations like the New South Wales Farmers Association, the State Council of Rural Lands Protection Boards, the Pest Animals Council, the Humane Society, the Cat Protection Society, the RSPCA, the Faculty of Veterinary Science at University of Sydney, the New South Wales Animal Welfare Advisory Committee and even the radical left-wing green lobby organisation the Total Environment Centre. This shows just how open the Minister has been in putting forward good legislation to deal with the problem of pest animals that cause significant damage to our agricultural industry. Dr David Carter grew up in Monaro, and his family own a grazing property there. He wrote to me:

I believe this Bill provides a modern, commonsense framework for managing what is often a difficult public policy issue. Clearly, the Bill has been very carefully crafted to achieve a balance between the interests of hunters, the sound management of gaming populations, the control of pest species and the concerns and wishes of rural people. The proposed make-up of the council appears to be a wise balance of groups and agency representatives that can be expected to work constructively together. Certainly, it would be unworkable if anti-hunting groups had a place at the table.

Dr Carter emphasises the point I made earlier: if you want the council to work you have to have people who are committed to the objectives of the legislation and not people who are there to sabotage it. Imagine what would happen if Ms Lee Rhiannon or the Hon. Richard Jones were on the hunting council. The legislation will involve private hunters in feral animal control, native animal protection and species recovery programs. It will establish a statutory funding code of practice linked to a revocable hunting licence.

Public safety is improved by an emphasis on responsible hunter behaviour through the hunter code of practice. The bill will yield environmental, conservation and other benefits for the wider community. It will create a link to a register of experienced, licensed hunters for use in case of an exotic disease emergency or to reduce the risk of transmission of diseases such as foot-and-mouth disease. These hunters can assist in threatened species recovery programs as is being demonstrated in South Australia's Operation Bounceback.

Other speakers have pointed out the bad management of the National Parks and Wildlife Service in using shooters in helicopters to try to eliminate the brumbies. They chose the wrong people. This legislation should prevent that from happening again. The service should approach the council for a recommendation as to who could assist them in pest control within the national parks. Pest control comes under the service. Even though it is not part of the legislation it occurs. The National Parks and Wildlife Service would be wise to work in co-operation with the objectives of the legislation, the Game Council and its members for everyone concerned. Pest control is not new to Australia. South Australia's Operation Bounceback is operating in the Northern Flinders Ranges. The program integrates pest control strategies as a core activity.

Bounceback targets foxes, feral goats, rabbits and feral cats. The project has developed strong partnerships with the Hunting and Conservation Branch of the Sporting Shooters Association of Australia, the Northern Flinders Soil Conservation Board, and district land-holders. Tasmania uses property-based game management planning and, according to *Game Tracks*, the publication of the Tasmanian Game Management Unit, the Government recognises the major role that hunting plays in the management of the number of species of wildlife.

It is quite clear that all the States are moving in the same direction. Contrary to what the critics have said, New South Wales will be left out on a limb and in a state of confusion with no ordered way of dealing with the problem. New South Wales should take the lead. On 16 April Dr Graham Hall, the Senior Game Management Services Officer at the Tasmanian Department of Primary Industries, Water and Environment, wrote:

One of our main activities is to facilitate property-based Game Management Plans as partnerships between land owners and hunters. The plans are property-specific documents which outline how the game, and other wildlife on the property, will be managed. The success of this program is reflected in there now being 1.1 million hectares of private and public land in Tasmania managed this way. There are over 300 properties covered by the plans.

The other States are moving in the same direction, but perhaps not in the same ordered way as New South Wales under this legislation. Mike Archer, Director of the Australian Museum and Professor of Biological, Environmental and Earth Sciences at the University of New South Wales, says:

I add my vote of support for the Game Bill 2002 with its amendment. It is a very significant step in the right direction and a positive mechanism for bringing all of the committee's appropriate strength to focus on the problems of controlling feral pests that are severely damaging Australia's fragile environment.

No-one would suggest that a person such as a professor of biological, environmental and earth sciences from the University of New South Wales is some sort of a Rambo or someone who shoots on sight. He is a conservative environmental scientist who is giving his support for the Game Bill. The Victorian Hunting Guide states:

Pest animals can have a significant impact on native flora and fauna and compete with stock or damaged crops. Hunters can help to reduce the harmful effects of pest animals upon the environment by contributing to integrated pest animal management.

The Game Bill will also ensure that controlled and safe hunting methods are followed in New South Wales. It will establish a licensing and oversight regime through the Game Council that will benefit the general community through the maintenance of conservation, game resources, and their habitats. For these reasons the Christian Democratic Party supports the bill.

The Hon. DAVID OLDFIELD [11.30 p.m.]: I feel it is fair to say that Australians have a culturally entrenched right to hunt—indeed, hunting is an Australian tradition. I am not speaking simply of Aboriginal Australians who for thousands of years hunted every conceivable living creature on the continent; rather, on this occasion I mean the cultural rights that have existed since European occupation began civilising this land mass we call home. Many still hunt in a fashion where they productively use what it is that they harvest, that is, the eating of the animal's flesh and the use of its skin. A good deal of hunting is undertaken because of the necessity to cull different species. Others consider their hunting to be purely a recreational pursuit. Even hunting purely for the purpose of recreation cannot be denied its clear and specific cultural and traditional history stretching back, across the world, for thousands of years. I will be supporting the Game Bill in the hope that it results in positive outcomes for hunters.

I acknowledge the need to be wary of some aspects of the bill. In particular, it should be realised that the bill makes no positive difference to where people can hunt and what they can hunt; hence the bill does not, on the surface, deliver anything new to hunters other than a set of rules, an overseeing body and a license fee. In that sense I am concerned because this legislation forces licensing for hunting activities that currently do not suffer from any impediments that may be considered to be introduced by such licensing. Of note is the fact that under this legislation the hunting of non-native, non-protected deer on private land will require a licence. For example, this will mean that if people wish to hunt deer on any of their friends' properties, under this legislation they will need to have a game licence. I am yet to be convinced that this is a positive step as in reality I see this as an erosion of rights. I can understand the desire for such licensing on public property, but I do not agree with the intrusion of the Game Council onto private land. I will attempt to address this problem with an amendment.

It should be noted that this legislation has been touted as falling in line with other States, particularly Victoria. However, that is not the case. There is no game council in Victoria. Game licences are issued by the Department of Natural Resources and Environment, and most of the animals defined in this legislation as game are able to be hunted on both public and private land, without a licence. In South Australia the hunting and conservation branch of the Sporting Shooters Association of Australia [SSAA], at the behest of National Parks and Wildlife, undertakes a considerable amount of hunting of what this bill calls game, on public land, without the need of a game council.

Another aspect of the bill which I find typical but incredibly disappointing is that people of Aboriginal ancestry are exempt from requiring a game licence. This is especially ridiculous when one considers that the game we are referring to are not native and therefore not culturally linked to what might have otherwise been seen as inherent practices. Further to that, not only is it nonsense to associate longstanding Aboriginal hunting with rabbits, foxes, goats and other introduced species but it is equally ridiculous to then try to logically sustain such hunting undertaken with modern advantages that were non-existent in traditional Aboriginal society.

The use of four-wheel drive vehicles and telescopic-sighted rifles is a quantum leap from running with a nulla nulla. In accordance with One Nation policy, everyone should be treated equally. If New South Wales

hunters are to be subjected to game licensing, no hunter should be exempt on the basis of race. With regard to the make-up of the Game Council, I urge the Minister to include, in company with other legitimate hunting organisations, members of the New South Wales branch of the Sporting Shooters Association of Australia. Whilst not detracting from the other fine bodies that support and represent New South Wales shooters, it should not be lost on the Government that the SSAA is the largest representative shooters organisation in this country; hence it is deserving of a level of inclusion on the Game Council that reflects its size and contribution to shooting, in this case hunting.

Recently this group, which represents more shooters than perhaps every other organisation combined, was denied a voice, despite being the largest representative body for shooters in this State and in this country. The New South Wales branch has in excess of 36,000 members. I am buoyed by the knowledge that Minister Amery appreciates the SSAA and was good enough recently to meet with its New South Wales branch representatives. Certainly, I am also grateful to the Minister for taking the time to make me aware of his experience of the SSAA, his knowledge of the work the organisation does, and his understanding of the organisation's size and representative nature. The introduction of this bill has been anxiously awaited by hunters across the State. Some have considered the introduction of this bill to be the answer to many concerns, while for others the bill has raised concerns.

In giving this bill my strong support, I hope it will play a positive role in developing greater access and ability for hunters to pursue their chosen recreation. Shooters, be they competitors, hunters, collectors or members of the firearms industry, are consistently under threat from the Greens, the Australian Democrats, and those of a similar ilk who occupy places in the National Party, the Liberal Party and the Labor Party. It is incumbent on those of us in the Parliament who are shooters and who have a full understanding of the issues to be positioned to rebut continually the nonsense and irrational assaults on our chosen pastime.

Equally, it is an absolute necessity that all shooters, regardless of their individual interests or disciplines, see one another as allies in the fight against those who, given a chance, will confiscate every type of firearm. I will continue to work with those willing to fight for shooters' rights, as indeed I will encourage the development, growth and, hence, security of shooting as a sport and pastime. I urge honourable members to support the Game Bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.36 p.m.]: I move:

That the question be amended by omitting the words "now read a second time" and inserting instead:

"referred to General Purpose Standing Committee No. 5 for inquiry and report.

(2) That the Committee report by 1 September 2002".

I must confess that I despair of this Government. I am not sure whether it is terminally naive or terminally cynical. Is this simply a deal between the Hon. John Tingle and Mr Carr for the votes of those who want to shoot, basically to outflank the right-wing elements of One Nation and the National Party? Or is it simply a naive agreement to the deal that some people want to shoot, there is a feral animal problem, and somehow, simplistically, the two can be put together, which was the proposition outlined in the Hon. John Tingle's speech?

I am concerned that this deal will not solve the problem of feral animals. Worse than that, the Game Council will create a database of gun users that will strengthen the gun lobby and basically lead to a gun culture, as there is in America, with the consequence that more people in Australia will be shot either deliberately or accidentally, and probably both. The strength of the gun culture in America is frightening, and the number of people shot in America is frightening. I was impressed by the figures produced by the Hon. Ian Cohen on this subject in his contribution to this debate.

I have no doubt that the control of feral animals is a problem, and I do not pretend to be an expert in this area. It is important to ecosystems and to farming to control feral animals. However, that does not mean that this bill is the answer. The simplistic rhetoric of members opposite is that people want to shoot and there are feral animals, and the problem will be fixed. I believe that this Game Bill is nothing more than a wolf in sheep's clothing. It is a sop to the gun lobby for the next election, dressed in the cloak of ridding the land of feral pests. This bill has more to do with politics than science.

If the Government were serious about solving the problems of feral animals it would give the money to the National Parks and Wildlife Service, which would engage shooters to target specific areas and species for control or better eradication. They would of course look at the best way of controlling feral animals and then, on a proper scientific basis, work out where the place of shooting fits amongst the other control strategies. It is not in the best interests of the hunters to eradicate: then there would be nothing to shoot.

The Game Council is being set up as a statutory body, which means it will become entrenched and very hard to get rid of. The best way to do this would be to wait until the release of the final report of the General Purpose Standing Committee No. 5 inquiry into feral animals. I am always amazed why the Government rams legislation through at absurd hours—the bill was not even on the notice paper—due to some deal. The committee is just about to release that report. What a poor commitment to excellence in legislation this Government has when it ignores its committees, does not even allow reasonable time for people to make decisions, and just rams bills through in this fashion.

There are no ecological requirements in this bill. There is no provision for baseline information on native species of game animals. It is totally unscientific legislation. Proper legislation needs to be evidence based. We need to discuss legislation. It should not be rammed through with a pile of rhetoric late at night. Other animals such as pig dogs will be used to bring down feral pigs. Sports such as foxhunting perhaps will be seen to be okay, although there are efforts to abolish it in Britain.

The bill ignores ethical issues and input from the community, and it ignores scientific advice on how to manage feral animals. I do not know how to manage feral animals, although I think simply giving control of the issue to people whose principal interest is in shooting rather than in managing feral animals as an object in itself is quite the wrong way to go about it. I suggest that if the Minister wants to deal with feral animals he should establish a group that is expert in feral animals rather than a group that is just expert in enjoying shooting.

The Hon. Duncan Gay: Where do you get an expert in feral animals from? Come on, where you get one?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You put together teams to—

The Hon. Duncan Gay: Do you set up a graduate degree course in feral animals?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You find an expert in feral animals. I do not think it would be extremely difficult to find such a person.

The Hon. Duncan Gay: Where?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Universities would be a good place to start looking. Such people are not feral; they could be tracked down. It is remarkable what you can do. My colleague the former Australian Democrat member, the Hon. Elisabeth Kirkby—a farmer with rabbits, foxes and land to manage—notes that the Game Council does not have an odd number of members and suggests there should be more people representing Landcare. The South Australian equivalent council has two representatives from the RSPCA, and it is unfortunate that this board is stacked with hunters. This is a bill with hunters, for hunters. The Hon. Richard Jones quoted the comments of Robert Brown, the Chairman of the Federation of Hunting Clubs. This is quite a salient piece:

There should be no doubt in any reader's mind—**this bill is pro hunter.**

The Game Council will be run by **hunters** ... I repeat ... **HUNTERS**—not greenies, not bureaucrats or government departments but hunters.

The Hon. David Oldfield: We have heard all this.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are going to hear it again:

ALL monies raised from hunting licences will be used **exclusively** for the **objects** of the legislation, ie., these funds will not go into consolidated revenue.

Think about having money available to actually promote the benefits of hunting to the whole community.

Think about the opportunities to educate school children in a balanced way about what we do.

Think about the opening up of more and more public land for responsible hunting.

Think about this ... NSW (along with New Zealand) will be the only two jurisdictions (that I know of), where hunters will be represented by (and control) *their own statutory authority*. What this Bill says is that the NSW Government supports hunters and hunting—in probably the most upfront way possible.

And now to ducks and quail. This Bill lists these animals as "protected gamebirds".

The Hon. Ian Macdonald: Not any more.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It did. It has been superseded. Mr Brown continued:

Instead of the NPWS administering duck and quail licences, it will be the Game Council will take over this role.

and this is where the Game Bill is a winner. It finally sets in stone the State's recognition of hunting as a thing of importance—in fact, important enough to legislate. Anyway, the important point for us, is that **the Game Bill is a State endorsement of hunting**. If any of you still have any doubts, just look at the incredible hysterical reaction of ALs—the Humane Society International, the RSPCA, Animal Liberation etc. They've vowed to stop the Bill, and anything that gets these extremist bigots foaming at the mouth, just *has* to be good for us.

Public land access. Yes I know, a lot of you are asking why we didn't get the Government to include National Parks?, believe me, JT tried—hard!

I dare say that is John Tingle. I continue:

Upon reflection however, I think it is in **our** interests to "trial" hunter access on public estates that are less populous (ie. *less* civilians wandering around) than National Parks.

SFNSW have about 2 million hectares + under their management, and this should offer sufficient opportunities for hunters.

The hunters think it is fantastic: the Government is doing everything they want. It is legitimising hunting. And this is the Government that says, "We are not pro-gun, oh gosh no. No, we are very responsible. We are doing what the public want. We are courageous." Courageous? Nonsense! It is basically just capitulating to a lobby.

The Hon. Rick Colless: That is what you do not understand. You do not accept that you can have responsible hunting.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I think that killing animals should be done when necessary, not as a pleasure. That is my stand as a human being. The licence duration will be 12 months or as specified by regulation. The question is: Can that be made as long as possible? I would like the Government to say what length of licence it intends to specify in the regulation. Will it be possible to have a licence for a lifetime? Will it be reviewed after five years? There are lots of things to go wrong.

I am concerned about the management of the database. The police will be called on to police the licensed shooters, but they are stretched enough in country areas. This is another burden on them. They will also have a conflict, because they are not in control of the Game Council acting as inspectors under the Act. The Government has said that the bill provides more control over shooters than exists now because the bill requires shooters to get a licence to hunt on public land, Crown land and in State forests. However, the down side is that there will be a register and I believe that database will strengthen the political power of the gun lobby, with the adverse effects on society that that has brought in the United States.

In the second reading debate in the other place the Leader of the National Party, Mr Souris, cited the Sporting Shooters Association of Australia, the SSAA, complaint that it was not consulted. Perhaps this is true. Perhaps it was deliberate by the Government because the SSAA may want even more than is offered in the bill. Perhaps it is happy with the present ad hoc arrangements. In a letter dated 27 June 2002 to the Minister for Agriculture the New South Wales Farmers Association expressed a number of concerns. These related particularly to the inclusion of goats as a pest animal, the limitations licensing would have on farmers with respect to their involvement in co-ordinated control programs, and the proposed definition of "public land". The association does not seek statutory representation on the Game Council. The letter stated:

However, as farmers directly manage a large proportion of land in NSW, and open their properties to hunters, we seek that in developing a code of practice for hunters the Game Council must consult with our association.

The association represents approximately 150 goat producers, a large proportion of whom harvest bush goats in the rangeland areas of NSW. The export goat meat industry is worth \$34.5 million to the Australian economy with a large proportion of stock sourced from the harvesting of bush goats.

In New South Wales the bush goat meat market is rapidly expanding, particularly, in the Western Division. The association is disappointed that the interests of such an innovative and expanding industry have been misrepresented in your presentation of this bill to Parliament. The Government has gone some way to addressing the concerns of New South Wales farmers in the latest draft of this bill. Animal Liberation has submitted that it is strongly opposed to the Game Bill, and gives its reasons:

We strongly disagree with your assessment that this legislation will ensure "orderly hunting" or "humane hunting".

The Game Bill is solely aimed at encouraging the killing of animals with little consideration or regard to animal welfare.

In addition to our objections to this legislation on animal welfare grounds we take this opportunity on behalf of our members and supporters to put on record our belief that the Carr Government has failed to properly consider the social side effects of this legislation.

Under the provisions of the Game Bill, a statutory body would be established, elevating hunting in the eyes of the general public to a more acceptable level.

One has only to look through the available hunting magazines to see that hunting has socially worrying side effects, for example, young children being exposed to cruelty against other living beings and to gun usage. The fact that the Game Bill was not subject to such a process causes us to doubt the Carr Government's commitment to animal welfare and makes it appear that the Government is pandering to a minority, notwithstanding that the broad community finds hunting activities offensive. The approach taken by the Government has had limited public input. The majority of the public is opposed to the hunting of animals. During the review of the legislation banning an open season on ducks, undertaken during 2000, the scientific panel reviewing the legislation received 3,295 pieces of correspondence opposed to the reintroduction of an open season on duck, compared with 227 calling for an open season to be declared. Furthermore, the same review found that the number of licensed hunters had declined over time.

The Game Bill pre-empts the findings of a current parliamentary inquiry into feral animals and the resolution of court action taken by the RSPCA over a bungled animal management program on wild horses in Guy Fawkes River National Park near Coffs Harbour in 2000. Both are fundamental to the issue targeted by the Game Bill and it would appear prudent to await the finalisation of these matters before any legislation is proceeded with. This bill is trying to offer a quick-fix solution. It will succeed only in providing entertainment for people who enjoy shooting at live targets, while causing untold animal suffering. It is not an effective or efficient means to address problem animal populations.

I could say a lot more about aspects of the bill but, in view of the lateness of the hour, I will shorten my speech. It bothers me that I have to do that because of what amounts to government bullying. The bill dictates that seven of the 14 members of the Game Council must be nominees of hunting organisations, and the chairperson must be one of those nominees and he or she has a deliberative vote and, if an equity of votes, then a second casting vote. This ensures that game associations have the ultimate say in matters put to the Game Council. Certainly, animal welfare groups believe that it is totally unacceptable to allow hunting organisations to manage a process which will cause greater suffering to a large number of animals. Indeed, they do not have the expertise to evaluate shooting as opposed to other controlled methods for animals and the ecosystem upon which they have a huge influence.

The bill indicates that the Game Council is to issue a code of practice and "may make it a condition of licence". Codes of practice are notoriously ineffective. There is no mention in either the Minister's press release or his statement to Parliament on how the Game Council would enforce "humane, orderly hunting". Past experience in duck hunting shows that codes of practice are hard to police, given the number of shooters and the large areas in which they can disperse. In 1993, on the opening weekend of the Victoria duck season, there was a large contingent of police officers present, yet 582 protected birds were shot and only nine such offences were detected across the State for the entire season.

Further, the Game Council says that the council, which is to be dominated by hunters, is empowered to engage agents to enforce the bill. This means that hunters are, in effect, policing themselves, and that is unacceptable to animal welfare groups. The definition of "hunt" is "to use any firearm, bow, animal or other hunting device to capture, kill or harm the animals, but does not include laying or using poison for that purpose". Presumably wire snares or other devices could be used to entrap wild animals. Dogs can be used legally against other animals. Notwithstanding the fact that blood sports are illegal in New South Wales, the use of animals to hunt other animals has a number of risks. The dogs themselves may be injured, as is almost inevitable in a fight with a wild pig, and any of the animals pursued by dogs will be mauled before a hunter could catch up and perhaps kill the animal. There is also the risk that dogs could be lost and fail to return to the hunter. Then the dogs used in that activity could actually contribute to the problem they are supposed to combat as lost dogs join wild dogs and then breed with them.

The fact that this legislation encourages the killing of animals with no mention of animal welfare or the Prevention of Cruelty to Animals Act is incompatible with the Carr Government's proclaimed stance on cruelty

to animals. In the aftermath of the Luke Park court case, Minister Amery told Parliament that the community expected tough penalties for animal cruelty offences and proposed legislation to enable magistrates to ban a person convicted of animal cruelty from ever owning or being responsible for an animal again. Now the Government is proposing legislation which allows the killing of animals for sports which is totally inconsistent with that stance. The Game Bill makes a mockery of the Prevention of Cruelty to Animals Act. In a ministerial press release issued on 27 November it was claimed the Game Council would "promote the responsible and orderly hunting of pest and game animals". Experience has proved that is impossible to guarantee as there are inevitably innocent victims of hunting, such as non-targeted species.

Any type of hunting poses a risk to native animals, as was continuously demonstrated when recreational duck hunting was permitted, and innocent victims included black swans, freckled ducks, whistling ducks, grebes, cootes, herons, pelicans, ibis, owls, hawks, galahs and magpies. The use of hunting as a management tool is not effective and can hinder agreed plans to abate any threat which introduced wild animals may pose. Indeed, hunting offers only a short-term solution which can lead to long-term problems. Most of the species targeted by the Game Bill have been able to survive in the wild because they found a niche in the original habitat that had been changed by human activity. There has been little knowledge or any attempt to educate about the role wild animals have played in today's society. For example, rabbits make up 70 to 90 per cent of the diet of wild foxes and cats. Instead, these animals are often scapegoated as a cause of environmental problems which are, fundamentally the result of human activity. Hunting them down does not address the underlying fact that this measure really caters to the wishes of a minority who want to shoot. Those are the conclusions of animal welfare groups. The Senate Rural and Regional Affairs Transport Committee inquiry into the Commercial Utilisation of Australian Native Wildlife said:

Hunting is a major recreational pastime in some western countries and big game hunting has become a lucrative business in some first and third world countries providing financial returns to governments, landowners and local people. There are a number of different types of recreational hunting in Australia (game birds; kangaroos, feral animals, game ranch hunting and safari hunting).

Hunting has considerable potential to assist with conservation objectives particularly for areas of land which are perceived to have little other economic value (such as swamps and wetlands). It also has the potential to contribute wealth, through big game hunting activities, to local communities which may have little other opportunity to derive income from their land and wildlife. Despite these benefits, hunting is rarely promoted as a conservation tool, especially by government. This is primarily due to the intense lobbying carried out by non-government organisations opposed to hunting for ethical reasons.

The Democrats' position is that as General Purpose Standing Committee No. 5 is currently inquiring into feral animals, we believe that that committee should report before the bill is passed, and the expected reporting date would be mid-July. The Democrats are very concerned about the composition of the board. If the main object is to control animals, people with expertise in that area, rather than people who enjoy shooting for its own sake, should dominate that board. If the problem is the control of feral animals there should be an interagency body composed of local government, State Forests, the National Parks and Wildlife Service, rural lands protection boards, animal welfare groups and professional shooters.

The Democrats are not sure that creating a statutory body composed of shooters is a good public policy objective. A large number of environmental groups are opposed to the bill. The Total Environment Centre said that pest control is merely an excuse for the Game Bill, and that it is just a furphy. I do not have as long a list of organisations that object to the bill as has the Hon. Lee Rhiannon, but I will name some. They are the Total Environment Centre, Greenpeace, the RSPCA, Gun Control Australia, the World Wide Fund for Nature, the Australian Conservation Foundation, the International Fund for Animal Welfare, the Humane Society International and Animals Australia.

Other organisations are the New South Wales Animal Societies Federation, the Wilderness Society, the National Parks Association of New South Wales, the Nature Conservation Council of New South Wales, Friends of the Earth, Australians for Wildlife, the Australian Wildlife Protection Council, Animal Liberation New South Wales, the World League for Protection of Animals, the Native Bird Liberation Alliance, the Australia Association for Humane Research, the Wildlife Protection Association of Australia, the Colong Foundation for Wilderness, the National Kangaroo Protection Coalition, Australians Against Commercialisation of Wildlife, the Forest and Wildlife Society, the Australian Vegetarian Society, Vegetarians International Voice for Animals, the World Association for Voice of Animals, the Blue Mountains Conservation Society, the Ryde-Hunters Hill Flora and Fauna Preservation Society, and the Central West Environment Council.

Quite a lot of people oppose this bill. Another important aspect is that animal research has ethics committees and controls. In an area in which people are willing to concede that there is a necessity for animals to be killed, as part of the process of experimentation to do better drugs and treatment to humans, animal ethics

committee have to include representatives of animal welfare organisations. It is ironic that the representation of animal welfare groups on bodies involved in medical experimentation with animals are far more stringent than they are in this bill, which allows animals to be killed simply for sport.

That is an indictment of the bill and of the Government's commitment to animal welfare. Being a moderate person, I have some minimalist amendments to the bill that basically change the composition of the Game Council to a stronger representation of animal welfare organisations. Basically if, as the Hon. John Tingle said, the object of the bill is to help control feral animals, none of my amendments will undermine that objective. However if the bill allows for gratuitous shooting, clearly that is not the same objective and the changes that I am suggesting are towards the aim of putting reality to the claim that feral animals should be controlled.

My amendments are, I believe, moderate and deal with inspections and so on in order to get back to what has been said to be the key objectives of the bill. However, as I said, I believe that the agenda has been hijacked by those who simply want a shoot. I have 51 amendments that I will move in Committee which, hopefully, will be accepted. The amendments bring a more realistic approach to the use of firearms in the overall methods of controlling the feral animal populations for the good of the native populations.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.08 a.m.], in reply: I thank honourable members for their contributions to the debate. My reply will not be lengthy as many issues that have been addressed are also the subject of amendments—and there are approximately 200 to be dealt with tonight—that are more appropriately dealt with in Committee. However, I will comment on some of the matters raised. First, the Deputy Leader of the Opposition reminded the House that Minister Amery has given an undertaking that a regulation exempting land-holders, when undertaking this control on neighbouring properties, from the need to hold a game hunting licence.

I advise that the Government will make that regulation as soon as possible after the passage of this bill. The Deputy Leader of the Opposition also asked why the person assisting another person in controlling declared pest animals on private land is not exempt from the need to hold a game hunting licence. I am advised that such people are exempt when this hunting is taking place on private land. The only possible exceptions under the current bill are in relation to deer, but deer are not a declared pest animal and so fall outside the general scope of his concerns. The Coalition is also rightly concerned to ensure that Western Land leases are treated in the same way as private land for the purposes of the bill. As Western Lands leases are exclusive occupation leases they are excluded from the definition of public land, which is:

any land (other than State forest) that is occupied under any lease or other arrangement for private purposes that confers a right to exclusive possession of the land,

However, as the Minister for Agriculture has written to the Minister responsible for Crown lands seeking support for a specific exemption, the Government will not oppose an amendment to that effect. In relation to the requirement that hunters must have the written permission of land-holders, the Government has also been advised by farming groups that those measures are unnecessarily restrictive and are not supported by many private land-holders. Such a requirement would impose a requirement on a deer hunter on private land, for example, which would not apply to a person hunting pest animals, for example rabbits or pigs, on the same land, as the bill does not apply to that latter group of persons. As such this requirement would create a law which applies differently to two persons undertaking essentially the same activity. In effect it would discriminate against the person hunting game animals. The Government does not support that approach and does not support that amendment.

Many points were made on this bill during the debate, but much of what was said was inappropriate as it related to provisions that will be deleted by Government amendments. Some honourable members who were more alert deliberately avoided reference to those redundant provisions. I thank those honourable members for their co-operation. Some honourable members, as usual, made speeches marked by massive hyperbole. The emphases they placed on the bill demonstrated they were from another planet. The entirety of the Hon. Lee Rhiannon's contribution was misplaced and misleading, and had nothing to do with the essence of the bill.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 5

Mr Cohen
 Ms Rhiannon
 Dr Wong
Tellers,
 Dr Chesterfield-Evans
 Mr R. S. L. Jones

Noes, 28

Ms Burnswoods	Mr Gay	Mr Ryan
Mr Colless	Mr Harwin	Ms Saffin
Mr Costa	Mr Hatzistergos	Mr Samios
Mr Della Bosca	Mr M. I. Jones	Mr Tingle
Mr Dyer	Mr Kelly	Mr Tsang
Mr Egan	Mr Lynn	Mr West
Ms Fazio	Mr Macdonald	
Mrs Forsythe	Reverend Nile	<i>Tellers,</i>
Mr Gallacher	Mr Oldfield	Mr Jobling
Miss Gardiner	Mr Pearce	Mr Primrose

Question resolved in the negative.

Amendment negatived.

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

The House divided.

Ayes, 28

Ms Burnswoods	Mr Gay	Mr Ryan
Mr Colless	Mr Harwin	Ms Saffin
Mr Costa	Mr Hatzistergos	Mr Samios
Mr Della Bosca	Mr M. I. Jones	Mr Tingle
Mr Dyer	Mr Kelly	Mr Tsang
Mr Egan	Mr Lynn	Mr West
Ms Fazio	Mr Macdonald	
Mrs Forsythe	Reverend Nile	<i>Tellers,</i>
Mr Gallacher	Mr Oldfield	Mr Jobling
Miss Gardiner	Mr Pearce	Mr Primrose

Noes, 5

Dr Chesterfield-Evans
 Mr R. S. L. Jones
 Ms Rhiannon
Tellers,
 Mr Cohen
 Dr Wong

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Instruction to the Committee of the Whole House

Motion by the Hon. Richard Jones negatived:

That standing orders be suspended to allow the moving of a motion forthwith for an instruction to the Committee of the Whole that it has the power to consider an amendment for the appointment of an advisory committee.

In Committee

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.23 a.m.]: I move Government amendment No. 1:

No. 1 Page 2, clause 1, line 4. Omit "*Game Act 2002*". Insert instead "*Game and Feral Animal Control Act 2002*".

This amendment will provide that the bill more accurately reflects the Government's intention, that is, that the bill is a control mechanism for feral animals on public or private land.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.24 a.m.]: As I said in my second reading speech, the Opposition supports this sensible amendment.

Ms LEE RHIANNON [12.24 a.m.]: The Greens oppose this amendment. If it is passed, we will move an amendment to it. The name of a bill should clearly reflect the intent of the proposed legislation in objective terms. That is not the case here. The Greens are very much committed to feral animal control. This bill, if enacted, will result in an increase in feral animals because hunters need game and, too often, their game is feral animals. They will increase the numbers. This is an act of deception and the Greens oppose the amendment.

The CHAIRMAN: Order! Ms Lee Rhiannon said that if this Government amendment is passed she intends to move an amendment to it. I indicate to her that an amendment cannot be made to an amendment after it has passed.

Ms LEE RHIANNON: I will move my amendment.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [12.25 a.m.]: This bill should be called the Hunters Bill, because its principal object is to help hunters. A title of the bill should be descriptive of its objective. This is the camel that the bill represents. The Australian Democrats oppose the amendment.

Reverend the Hon. FRED NILE [12.26 a.m.]: The Christian Democratic Party supports Government amendment No. 1. As we stated in the second reading debate, the name "*Game and Feral Animal Control Act 2002*" helps to clarify the objectives of the bill.

Ms LEE RHIANNON [12.26 a.m.]: I move Greens amendment:

No. 1 In Government Amendment No.1 omit "*Game and Feral Animal Control Act 2002*" and insert instead the words "*Blood Sports Act 2002*".

We are dealing with the name of the bill. Government amendment No 1 seeks to change the name of the bill to "*Game and Feral Animals Control Act 2002*". That is clearly deceptive. The name of a bill should be in objective terms. To use the term "feral animal control" in the name of the bill is not true to the intent of the proposed legislation, which, when enacted, will give support to hunting across New South Wales. It will not result in the control of feral animals, it will result in directly the opposite. Many speakers have referred to this problem in their second reading speeches. The Greens amendment proposes that "*Blood Sports Act 2002*" be inserted as the name because it clearly identifies the intent of the bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.28 a.m.]: The member used the word "objective". It is probably the worst word to use to describe the intent of her amendment. It is not objective, not one iota. This member, who wants to be taken seriously, has moved the most confrontational, stupid amendment I have seen in a long time, with the exception of the amendment that the Hon. Dr Arthur Chesterfield-Evans will be moving later this evening. The Opposition opposes the amendment.

The Hon. Jennifer Gardiner: Bloody-minded!

The Hon. DUNCAN GAY: Exactly. As my learned colleague said, it is bloody-minded.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.30 a.m.]: The Government sees no merit in the amendment moved by the Hon. Lee Rhiannon and agrees with the Deputy Leader of the Opposition on this issue.

Greens amendment negatived.

Government amendment agreed to.**Clause 1 as amended agreed to.****Clause 2 agreed to.**

Ms LEE RHIANNON [12.31 a.m.]: I move Greens amendment No. 1:

No. 1 Page 2, clause 3, lines 10 and 11. Omit all words on those lines. Insert instead:

- (a) to provide for the effective management of game animals, and

The hunting of protected game animals exposes many native animal species to being hunted. Although acceptance of this amendment means that the approval of the Director-General of National Parks and Wildlife is required, the director-general could be placed under tremendous political pressure by the Government to sign off on hunting various species. Furthermore the Greens have little faith in the clearly biased Game Council to regulate and police such hunting appropriately. Accordingly, the Greens are seeking to delete all references to occupiers licences and protective game species.

I mention that clause 22 of the bill stipulates that "a protected game animal is a game animal that is protected fauna within the meaning of the National Parks and Wildlife Act 1974." The operation of the provision effectively exposes native fauna to recreational hunting. More generally the Greens oppose the inclusion of protected game animals in the bill as that facilitates later amendment of the legislation to include other species of native animals. When one species of native fauna is exposed to hunting, it becomes so much easier to include other species because the argument can be advanced that a precedent has been set.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.31 a.m.]: The Government does not support the amendment.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.31 a.m.]: The Opposition opposes the amendment.

Amendment negatived.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.34 a.m.]: I move Government Amendment No. 2:

No. 2 Page 2, clause 3, line 10. Omit "native and".

This is the first of the Government's amendments. As I indicated in my second reading speech, the amendment deletes references to ducks and quails from the bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.35 a.m.]: I seek clarification. If the Government removes "native and" from the clause, will that have any effect on the status of culling kangaroos, which would normally be outside the ambit of this bill?

The Hon. Richard Jones: They are not in this bill.

The Hon. DUNCAN GAY: I understand that kangaroos are not in this bill, but I just want clarification that it would not have any effect.

The Hon. Richard Jones: How can it possibly have any effect?

The Hon. DUNCAN GAY: Keep your hair on.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.35 a.m.]: In answer to the query of the Deputy Leader of the Opposition, I can say that kangaroos are not a part of this bill. They are administered by the National Parks and Wildlife Service.

The Hon. Richard Jones: It was an idiotic question.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.36 a.m.]: No, it was not. Mr Chairman, "Hairy" over there suggests that it was a silly question. I point out that after the National Parks and

Wildlife Service determines a quota, the culling of kangaroos is carried out by hunters. I want to be absolutely certain that changes to this bill do not accidentally affect that. I am quite satisfied with the answer I received. I did not need gratuitous advice from the Hon. Richard Jones.

The Hon. RICHARD JONES [12.36 a.m.]: The Deputy Leader of the Opposition is a buffoon to think that kangaroos, wombats, galahs, cockatoos or any other creature is mentioned in the bill. If he had read the bill and understood it, he would not ask such stupid questions.

Amendment agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [12.37 a.m.]: I move Australian Democrats amendment No. 1:

No. 1 Page 2, clause 3, lines 12-14. Omit all words on those lines. Insert instead:

- (b) to ensure that any hunting of those game animals on public and private land is responsible and orderly.

This amendment merely changes the wording of the second paragraph of the objects of the bill to ensure that any hunting of game animals on public and private land is responsible and orderly. In other words, the amendment basically changes the emphasis of the object. At the moment the object states:

The objects of this bill are ...

- (b) to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land.

The difference between the wording that exists and the wording suggested in the amendment is that the object of the bill is not to promote hunting but, rather, to make sure that if hunting occurs, it is responsible hunting. The Democrats do not believe that hunting should be promoted for its own sake. If hunting is needed to control feral animals, it should be responsibly done. As I foreshadowed in the speech I made at the second reading stage, this amendment is fairly minimalist.

The Hon. Malcolm Jones: That is because you are so moderate.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I thank the honourable member. He is quite correct. The object is not to promote hunting, but if there is hunting, it has to be done responsibly. If there is a place for hunting in the control of feral animals, the amendment will not prevent that. It merely states that the hunting should be done responsibly. The object of the bill is not to promote hunting per se. I commend the amendment to the Committee. I am sure that it will be widely accepted.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.29 a.m.]: I hate to disappoint the Hon. Dr Arthur Chesterfield-Evans but, at the very least, I take exception to the word "orderly". One wonders what he means by "orderly". Do hunters have to march in a line, or do they have to wear a uniform? I suspect the word has been deliberately included to make the bill so wide as to stop hunters in almost any circumstances.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.30 a.m.]: The Government does not support the amendment, which seeks to amend the objectives of the bill in a way that imposes impossible requirements on the Game Council. The Game Council cannot be asked to ensure that all hunters are responsible any more than the Roads and Traffic Authority, for example, can be asked to guarantee that all drivers drive safely. It can be expected and, therefore, asked to promote responsible hunting.

Amendment negatived.

The Hon. IAN COHEN [12.41 a.m.]: I move Greens amendment No. 3:

No. 3 Page 2, clause 3. Insert at the end of line 14:

, and

- (c) to ensure that community standards in relation to animal welfare and environmental protection are not compromised by the hunting of game animals.

The Greens are concerned that the objects, as they currently stand, ignore the damaging aspects of recreational hunting. Consequently, Greens amendment No. 3 seeks to insert a new object, which would be to ensure that

community standards in relation to animal welfare and environmental protection are not compromised by the hunting of game animals. This important amendment goes some way towards giving balance to the bill. At present the bill is all about hunting and hunters. Animal welfare and environmental protection are not acknowledged. By putting these twin concerns in the objects, the tenor and outlook of the Game Council could be subtly altered. It is a reasonable amendment, and who could disagree with maintaining community standards with animal welfare and environmental protection. Therefore, the Government should accept this amendment. It would improve the bill and provide considerable balance. I commend Greens amendments No. 3 to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.42 a.m.]: The Government does not support the amendment. The issues are already covered in the Prevention of Cruelty to Animals Act and are also in the code of practice.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.42 a.m.]: The Opposition also does not support the amendment—but for different reasons. My understanding is that the amendment is similar to Greens amendment No. 2 as circulated, which, because of an earlier amendment, could not be moved. I understand that the Greens wanted to move away from a Game Council because it is confrontational. But an advisory committee is really not appropriate, given the proposed functions of the body. It would be silly to omit the reference to "Game Council" on lines 24 and 25 without putting something in its place.

Amendment negatived.

Clause 3 as amended agreed to.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.44 a.m.]: I move Government amendment No. 3:

No. 3 Page 2, clause 4, lines 26-28. Omit all words on those lines. Insert instead:

game hunting licence means a licence granted under Part 3 and in force (being a general game hunting licence or a restricted game hunting licence).

This amendment relates to the removal of "occupier's licence" from the bill. It occurs as a result of the removal of ducks from the bill. The Government has removed ducks and other protected fauna from the bill.

The Hon. Duncan Gay: No, you haven't.

The Hon. IAN MACDONALD: Yes, we have.

The Hon. Duncan Gay: Not yet.

The Hon. IAN MACDONALD: We will.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.45 a.m.]: The Opposition agrees with the amendment but not for the reason given by the Parliamentary Secretary. He gave some convoluted reason that it was because ducks were removed from the bill. Ducks have not been removed from the bill; they are still in the bill. Interestingly, the amendment will remove a clause of the bill that the Opposition indicated in the other place it wanted removed. However, the Minister in the other place threatened to pull the bill if the Coalition amended the licensing system in the way indicated. Surprise! Surprise! Once again the Government has changed its mind. Given that this was thought of first by the Coalition, we will not vote against it.

The Hon. Jennifer Gardiner: It is another Opposition policy taken up by the Government.

The Hon. DUNCAN GAY: Exactly, another Opposition policy adopted by the Government.

Amendment agreed to.

Ms LEE RHIANNON [12.46 a.m.]: I move Greens amendment No. 5:

No. 5 Page 3, clause 4, line 3. Omit ", bow, animal".

Greens amendment No. 5 is similar to Greens amendment No. 20, which we will move later in Committee. It has the effect of restricting the lawful means of hunting to hunting with a firearm. Other means, such as with bows and arrows, clubs, knives and pig dogs, would effectively be prohibited. If we pass this amendment, we can clean up the legislation. Hunting with such implements inflicts considerable cruelty on animals that are hunted; they suffer greatly. The Greens believe it is very important to restrict hunting to only hunting with a firearm.

The Greens certainly acknowledge that hunting with firearms in itself is problematic. We do not support recreational hunting by any method. However, this is a genuine attempt to improve the bill a little by reducing the extent of animal cruelty that will be inflicted. It is generally agreed that as a means of hunting, firearms do offer the best option for reducing to a minimum the pain and suffering of the hunted animal. Many members on all sides have expressed their concern about and given examples of animal cruelty. Therefore, all honourable members should be able to see their way clear to supporting this important amendment. I commend Greens amendment No. 5 to the Committee.

The Hon. RICHARD JONES [12.50 a.m.]: I support this important amendment moved by the Greens. Four years ago the Minister said that pig dogging was extremely cruel and he tried to ban it. Honourable members can see from videos that I have upstairs that those who have actually done it know full well how cruel it is. I referred to pig dogging earlier in my speech on the second reading of the bill. The Hon. Rick Colless spoke earlier of the genuine risk of foot-and-mouth disease. That risk has been enhanced and exacerbated because pigs are being introduced into the Sydney Basin and in many areas throughout the State for pig dogging. If pig dogging were not allowed there would be no incentive—

The Hon. Duncan Gay: They are not being introduced. They have been introduced.

The Hon. RICHARD JONES: They are being introduced. General Purpose Standing Committee No. 5 heard evidence—and the Hon. Rick Colless is a member of that committee—that pigs are being introduced, for example, in the Newrybar Swamp. If they are introduced at that rate in the Sydney Basin they might come into contact with food at Sydney airport. The honourable member might have read a recent article in the *Land* which referred to the fact that food waste deposited in the Sydney Basin could well lead to the most ghastly foot-and-mouth epidemic, which would cost this country billions of dollars, without taking into account the number of animals that would have to be killed. The Minister should be banning pig dogging altogether. That would eliminate the need or the incentive to introduce feral pigs all over the State.

I am sure that all honourable members saw the picture of a kangaroo which bounced around for about 10 days with an arrow through it. The incident was front-page news in several newspapers, including the *Herald Sun* in Melbourne. There was a huge outcry about an arrow that went through a kangaroo. The kangaroo was eventually caught, the arrow was taken out and the kangaroo was released in good health, which was a miracle. If bow hunting was allowed on public lands throughout New South Wales that incident would be repeated. For the past 10 years I have observed hunters who do not seem to care what they are shooting or killing. They killed almost every feathered creature when duck hunting was permitted. Arrows will not just be going into deers; they will also be going into other animals. A friend of mine was murdered by an arrow shot by a hunter in a public park. It would be a good idea to get rid of both bows and arrows, and dogs.

The Hon. Dr PETER WONG [12.52 a.m.]: I support the Greens amendment. If Government and Opposition members do not support this amendment they will be sending the wrong message to the public.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.53 a.m.]: The Government does not support the Greens amendment, which relates to both bows and animals. This is not the appropriate place in which to engage in these types of changes. The Weapons Prohibitions Act deals with bows. Animal usage is regulated under the Prevention of Cruelty to Animals Act and other appropriate legislation.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.53 a.m.]: If this amendment is passed will that rule out the trapping and poisoning that is carried out by the National Parks and Wildlife Service? That is my concern. I share some of the concerns expressed by the Hon. Richard Jones about pig dogging. Frankly, it is an appalling practice. The banning of pig dogging will not get rid of feral pigs from national parks in and around the Sydney metropolitan area and its immediate surrounds. Large numbers of pigs are already in those areas. We must have available to us the greatest armoury to enable us to eradicate feral animals in that area. However, some of the provisions in this legislation might restrict our ability to eradicate those feral animals. The Hon. Richard Jones is the chairman of General Purpose Standing Committee No. 5,

which is inquiring into feral animals. I am sure that he would be aware, as a result of evidence that has been given to that committee, that the dogs, pigs, et cetera are sly and cunning. Those who are responsible for eradicating them need every assistance that they can possibly be given.

The Hon. RICHARD JONES [12.54 a.m.]: I agree with the Deputy Leader of the Opposition on that matter. But the point is that this is already happening. We have seen reports in the *Land* and in other rural newspapers. We have received reports from rural lands protection boards, State Forests and the National Parks and Wildlife Service that the number of pigs is not reducing. Pigs are actually spreading into areas where they have been totally cleaned out.

The Hon. DUNCAN GAY: They had already spread there.

The Hon. RICHARD JONES: They are spreading into areas that have been cleaned out. Pigs are being put back into those areas. Every week pigs are being put back into the Newrybar Swamp. People come down from Queensland and they hunt those pigs with their dogs. People who live in that area complain all the time about that practice, but there is very little that they can do about it. If we remove the incentive to hunt with pig dogs and we stick strictly to a humane culling program, these pigs will not be reintroduced once they have been removed. That is a logical conclusion.

Amendment negated.

The Hon. IAN MACDONALD (Parliamentary Secretary) [12.55 a.m.]: I move Government amendment No. 4:

No. 4 Page 3, clause 4, line 31. Omit all words on that line.

This amendment anticipates the deletion of the words "ducks" and "quail" from the bill. The amendment has been moved in anticipation of changes that are to be made to the bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.56 a.m.]: Mr Chairman, I seek clarification. The Opposition has an amendment to clause 4. Which amendment was received first?

The CHAIRMAN: It is a Government bill, so I am advised that the Government has carriage of it. The Government's amendments will be considered first.

Amendment agreed to.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [12.57 a.m.]: Has Opposition amendment No. 1 been ruled out? The Committee dealt with line 31, protected game animals, which takes us to page 15 and to the definition of "protected game animals". Opposition amendment No. 1 would include a common usage term before the scientific term. Mr Chairman, I will be guided by your ruling on this, but I do not believe that the carriage of the Government's amendment has ruled out the Opposition's amendment. I would be more than happy to rely on the Chairman's ruling.

The CHAIRMAN: Opposition amendment No. 1 cannot be moved, but amendment No. 2 can be moved. Amendment No. 1 cannot be moved because all the words on line 31 have been omitted by the Committee's acceptance of Government amendment No. 4. Therefore, that line no longer exists and no amendment in relation to it can be moved.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [1.01 a.m.], by leave: I move National Party amendments Nos 2 and 14, in globo:

No. 2 Page 4, clause 4, line 13. Insert "except as provided by section 22," before "any national park estate land".

No. 14 Page 15. Insert after line 20:

22 Trial declarations affecting national parks

- (1) The regulations are to prescribe 3 national parks as land for which the responsible Minister may make a declaration in accordance with this Division.
- (2) Land the subject of a declaration is taken to be public land while the declaration is in force.

- (3) A declaration made under this section is to have effect for a maximum period of 2 years as a trial of the effects of hunting in the national park.
- (4) The trial is to be overseen by the Director-General of National Parks and Wildlife.

These are probably two of the most important amendments that will be moved to this bill. Amendment No. 2 relates to amendment No. 14 and clarifies the inclusion of certain parts of national parks in the definition of "public land". Parts of the national park estate excluded from the definition of "public land" are specified in amendment No. 14, which sets out the conditions and areas to be used in a trial of hunting in national parks. During the second reading debate a small number of honourable members expressed much opposition to our foreshadowed amendment involving the conduct of a trial in our national parks. Most of that opposition came from those who had not read the amendments outlining our proposal. If they were to do that now, they would see that amendment No. 14 is quite definite. It says:

The regulations are to prescribe 3 national parks as land for which the responsible Minister—
that is, the Minister for the Environment—
may make a declaration in accordance with this Division.

We have not said where the trial should occur; we have left that for the Minister to decide. Land that is the subject of a declaration is taken to be public land while that declaration is in force. A declaration under this Act will have effect for a maximum period of two years as a trial of the effects of hunting in the national park. That trial will be overseen by the Director-General of National Parks and Wildlife. We believe these are commonsense amendments relating to a trial of hunting in national parks. As I said in my speech during the second reading debate, we are seeking a two-year trial that would allow the hunting of game in three national parks, yet to be determined. Those parks would be determined by the Minister and set out by regulation. The Director-General of National Parks and Wildlife would supervise the trial.

This amendment does not seek to open every national park to every person with access to firearms. It does not seek to allow a free-for-all in every national park across the State. It seeks to establish a trial—I emphasise that word—of controlled shooting to cull feral animals. Everyone accepts that one of the greatest problems in the national park estate at present is the lack of resources and ability to control the feral animals that not only range within national parks but breed in the parks and spread into surrounding areas. This makes national parks bad neighbours. It is not as though visitors to national parks would be at risk from shooters ranging everywhere. The trial would be controlled by the Director-General of National Parks and Wildlife. If he were to bring in a carefully chosen team of hunters to cull feral animals in a particular area, an automatic trial prerequisite would be to remove tourists for the duration of the trial. Perhaps the trial will not work. I believe it will, but many do not. We will not know until we try it.

The Hon. Richard Jones: What are the criteria?

The Hon. DUNCAN GAY: That is for the Director-General of National Parks and Wildlife to decide. I am not specifying that criteria. I am being pretty trusting and saying to the Minister and the director-general, "Put a trial together, establish your criteria, supervise it and see if it works. If you believe it is not working, stop it." It is not set in concrete. Those opposite have called National Party member rednecks and said that we are trying to allow shooting throughout every national park in the State. The reality is that we are making a sensible suggestion that may work. If the trial does not work, we will find out pretty quickly. It is the "suck it and see" approach.

This trial will be conducted in a controlled environment, with the Director-General of National Parks and Wildlife in charge. We are trying to promote responsible animal control at a low cost. We have an existing resource. I am not a hunter—I do not know what people see in hunting. However, there are those who hunt, and who do it efficiently and properly. We ask that this trial be conducted—no more, no less. It is up to members opposite to decide whether they will take this suggestion seriously or spew out their usual rhetoric and have a go at me. They are at liberty to choose. I have moved these amendments in a responsible manner on behalf of the Opposition, and I think our proposal is pretty sensible.

The Hon. DAVID OLDFIELD [1.08 a.m.]: These are particularly worthy amendments that offer hunters an opportunity to extend their activities in the spirit of understanding that hunters are responsible people. These amendments give hunters an opportunity to prove their level of responsibility while engaging in their pastime.

The Hon. IAN COHEN [1.08 a.m.]: I appreciate the sensible comments of the Deputy Leader of the Opposition in moving these amendments. However, I believe this bill gives the hunting fraternity significant access to many lands, which obviously I oppose as a Green. Although the Deputy Leader of the Opposition might not agree, there are considerable feral animal regimes within the purview of the National Parks and Wildlife Service. It is agreed that these regimes should be increased, but the Greens believe any culling to be done in national parks should be performed by professionals under the auspices of the National Parks and Wildlife Service. The same argument applies to national parks, although I agree with the Deputy Leader of the Opposition that we should not be inflammatory. However, the Greens believe that there needs to be a level of professionalism with regard to the trial. It also sends a message that hunting may be allowed in national parks.

I acknowledge that the Deputy Leader of the Opposition says it does not apply to all national parks, but it will have an impact on people using national parks. Conversely, some people might see it as an open invitation to engage in shooting in national parks. In the past there have been many examples of how such a measure is perceived by the general public. I believe, and I am sure the Greens would agree, that it sends a dangerous message, in that it impacts upon the nature of national parks. It would degrade their importance in the eyes of the community, and create unnecessary danger and fear of danger. Amendment No. 14 also takes away from the multipronged approach of the National Parks and Wildlife Service in baiting, trapping and, in some cases, shooting. I therefore believe the amendment should not be supported.

The Hon. RICHARD JONES [1.11 a.m.]: Evidence given before General Purpose Standing Committee No. 5 during the feral animal inquiry clearly indicated that the National Parks and Wildlife Service does not want to have recreational shooters in national parks; indeed, the service has made that point time and again. The service spends more money per hectare than any other body to reduce the numbers of feral animals; indeed, it spends much more than the Department of Land and Water Conservation and State Forests, which are also doing their best. The National Parks and Wildlife Service has highly professional, trained shooters. It has its own training programs, as the Hon. Rick Colless knows because he was with the committee in Armidale. Certain rifles and bullets are used during those programs, and the officers make sure that when they do aerial shooting the animals are killed cleanly and humanely. Aerial shooting is the preferred method, because it is a far better way of culling the animals, as the officers explained to the committee in great depth.

Any member who attended those committee hearings would be aware of that. The Hon. Malcolm Jones would also have heard that information. The service engages in aerial baiting or mound baiting, trapping and aerial shooting. In fact, the service does a lot of aerial shooting. The officers use SLRs and they are extremely proficient shooters. They use certain bullets which they are provided by the State. Recently they ran out of the bullets; due to the September 11 disaster the State was not able to provide any. It would be the last resort to have recreational shooters in national parks. The National Parks and Wildlife Service knows, as we all know, that recreational shooters are not about feral animal control; they are about maintaining their sport. If national parks were opened for recreational shooting, we would risk the introduction of more deer and pigs into national parks. Those animals are already being introduced all over the place as it is, without adding them to national parks. If people do not go into national parks for recreational shooting, there will be no incentive for them to introduce deer and pigs.

The Hon. JOHN TINGLE [1.13 a.m.]: As I foreshadowed in my contribution to the second reading debate, I believe this is a very sensible amendment because it closes the gap in the defence line against feral animals. National parks are probably the State's main breeding ground for feral animals. I believe that it is not possible to control those animals in national parks with properly trained shooters. There is a great deal of misunderstanding about the proposal to use recreational shooters in national parks. In negotiations with the Government on this issue it was never suggested that if hunting in national parks were allowed everyone who had a firearms licence and/or a game licence would go into national parks and shoot whatever they wanted to shoot. That was never the proposal.

The proposal was that the National Parks and Wildlife Service would seek to contract hunting clubs to send in specially qualified shooters, with proper hunting skills, a game licence and the appropriate qualifications, and they would be contracted by the service for that particular national park for a specific period to deal with specific feral animals in that park. It was never open slather. We saw it as a valuable control measure. It would be done totally under the supervision of the National Parks and Wildlife Service, at its request, with the service setting the quotas, and the time and place for it to be done. With regard to the suggestion that the best way to control feral animals is aerial shooting, all I can say is that one of the great characteristics of people who are anti-guns is that they know nothing whatsoever about shooting. Shooting from the air is the least accurate method—

The Hon. Duncan Gay: What about from helicopters?

The Hon. JOHN TINGLE: Helicopters vibrate; they move up and down. That is why, when National Parks and Wildlife Service officers shoot from a helicopter they use a semiautomatic gun. They cannot ensure a clean, one-shot kill. They have to spray bullets all over the place to try to get some sort of a hit on the animal they are targeting. Aerial shooting is the worst possible way to go hunting; it is the most inhumane and ineffective way—

The Hon. Richard Jones: That's not hunting.

The Hon. JOHN TINGLE: Or culling—whatever you want to call it. It is the worst way to do it. It simply ensures what happened in the Guy Fawkes River National Park where the animals were left wounded but not dead. I am shocked that a member of this Parliament who supports animal welfare would advocate such a method of hunting, culling, shooting from a distance—or whatever one wants to call it—with absolutely no guarantee of any kind of accuracy.

The Hon. RICHARD JONES [1.15 a.m.]: I am not advocating aerial shooting; I am simply saying that that is what the National Parks and Wildlife Service does and that is what the service advocates.

The Hon. Rick Colless: They use firearms.

The Hon. RICHARD JONES: Yes, they use semiautomatics. The officers have said many times that they cannot shoot on the ground. It just so happens that many of our national parks have a lot of trees, and it is very difficult to shoot amongst the trees because there is no line of sight. The Hon. John Tingle should be aware of that. Sometimes the only way to get rid of these animals in national parks is by following them in helicopters; it is impossible to follow them on the ground. National parks are supposed to be reserves for our native species. People would simply be able to go into national parks and shoot whatever they like, rather than having culling programs organised by the National Parks and Wildlife Service. Our native species will get shot as well, because that happens all the time.

The Hon. MALCOLM JONES [1.16 a.m.]: First, I ask the Hon. Richard Jones to read the amendment. The honourable member said that the National Parks and Wildlife Service does not want to do this and does not want to do that. But the service is not compelled to do anything. The amendment put forward by the Deputy Leader of the Opposition says, "The responsible Minister may make a declaration"—not that he is compelled to make a declaration. So if the service does not want to do it, it does not have to. Throughout the evening the Hon. Richard Jones continually referred to evidence given before the feral animal inquiry. He made sweeping generalisations, in absolute terms, which I do not agree with.

I ask for confirmation from the Hon. Rick Colless, who is also a member of General Purpose Standing Committee No. 5, as to his thoughts about the claims of the Hon. Richard Jones. Yes, some people came along to the committee and made a point, but others came along and contradicted that point. That is the nature of an inquiry. There has been no universal attitude towards this. With regard to aerial culling, we are talking about a whole range of feral animals. The adoption of aerial culling for brumbies was one issue. But I would challenge anyone to shoot a fox from an aircraft. These absolute statements that the Hon. Richard Jones has come out with, continually and constantly, are simply erroneous, inaccurate, mischievous and misleading.

The Hon. DAVID OLDFIELD [1.18 a.m.]: With regard to the comments of the Hon. Richard Jones and the Hon. Ian Cohen, I remind the House that the National Parks and Wildlife Service works very closely, in South Australia for example, with the Sporting Shooters Association, which has been called upon by the service to be involved in shooting in national parks. The people who are asked to do that shooting are recreational shooters of great expertise. The Hon. Richard Jones' suggestion that this is not appropriate and that the National Parks and Wildlife Service does not want to be involved is entirely wrong. As to the honourable member's understanding of shooting from helicopters, I suggest to him that if helicopters were so effective in shooting at ground targets the Americans may have had a better chance of winning the Vietnam War.

The Hon. RICK COLLESS [1.19 a.m.]: This is not so much an issue about hunting per se. It is an issue about feral animal control in national parks, something that has been acknowledged as being sadly lacking. It has been recognised by the inquiry that there are feral animal problems within our national park system, and that those problems need to be addressed. The overwhelming evidence that has been given to the committee—and the Hon. Richard Jones must agree with this—is that we need to have a co-ordinated approach, looking at

all the tools in the kitbag, if we are to successfully control feral animals in national parks. This amendment will increase the flexibility; it will increase the number of tools in the kitbag. It is an important addition to the concept of feral animal control in national parks.

Let me provide a scenario in relation to feral dogs. Feral dogs, as the inquiry heard and as I know from personal experience, are mobile animals. They can move 20, 30, 40 or 50 kilometres per day. That is their feeding range. An expert trapper or an expert dog hunter may spend three or four days, perhaps a couple of weeks, just understanding where a dog is moving—where it is coming from and going to—where it is feeding and where its lair is. He will pursue that animal relentlessly until he catches it by trapping it, shooting it or laying a bait for it.

The Hon. Richard Jones: He is a professional.

The Hon. RICK COLLESS: He is a professional. It is important to remember that if that person ascertains that the dog is living in the park and he needs to go into the park to catch it, he should be able to do so. This amendment will assist him to do that. It will provide flexibility in overall feral animal control.

The Hon. Duncan Gay: Only if National Parks agree.

The Hon. RICK COLLESS: Only if National Parks agree, that is absolutely right.

The Hon. CHARLIE LYNN [1.22 a.m.]: I did not intend to speak to this amendment. However, I have listened to the contributions, and this is a sensible, commonsense amendment. Members who are arguing against the amendment have not done anything for their own credibility. In previous debates in this place, on drug issues and so forth, we have said that we need to send a message. When we say that, we are ridiculed by members of the crossbench for wanting to send out a message. However, when we touch this sensitive issue of national parks, what is directed back at us? Send a message!

The Hon. Richard Jones mentioned shooting from helicopters. This is why I wanted to make a contribution to the debate, because I have shot a SLR from a helicopter many times in training. It is incredibly difficult to shoot from a helicopter. Perhaps I was just a bad shot but it is not a stable platform: helicopters move fast and are expensive to operate. When I left the army 16 years ago it cost about \$800 an hour to operate an Iroquois helicopter. I do not know what it costs now but I imagine it is a lot more. It is an inaccurate, inhumane way of culling. The argument of the Hon. Rick Colless is that if it is to be done it should be done by professional people who know what they are doing so they do it right. The Hon. Richard Jones is not giving his argument any credibility at all by arguing for efficient and economic culling from a helicopter. It just will not work. I support the amendment moved by the Deputy Leader of the Opposition. The members arguing against the amendment are shooting themselves in the foot.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [1.24 a.m.]: Perhaps I should say something about some of the things the Hon. Richard Jones said. He said that National Parks spends more money than State Forests. It is interesting to note that State Forests allows the hunting of their animals. Perhaps that has something to do with why National Parks has to spend more money, because State Forests allows something to happen. The honourable member also indicated that if National Parks were doing it, it would have specialised people with certain rifles, certain ammunition and certain rules. I do not have a problem with that. I am saying that National Parks should put the trial together.

I expect that if it put the trial together it would be selective about the people who went into national parks. It would be selective of the weapons used, and the ammunition. The honourable member said that National Parks would pay shooters. The difference is that it is getting professional people that it does not have to pay. It is getting a bigger bang for its buck. Like the Hon. Charlie Lynn, I have shot from an Iroquois with a SLR and with an M60. It is not easy at all. As with the Hon. Charlie Lynn, it was in training. We were shooting at nothing in particular and we did not get within a bull's roar of hitting the things we were aiming at.

The Hon. Richard Jones: You are not a professional.

The Hon. DUNCAN GAY: I was a professional at the time. I was a master marksman. The honourable member mentioned what occurred in the Guy Fawkes River National Park. They were trying to shoot horses. We are talking about the feral animal threat to the native species within the parks and the domestic animals outside—the fox, the cat and the dog. They are much smaller animals than horses. I am not pretending that

shooting is the only way to eradicate these animals. We need a large bag of different ways to do it. I have heard evidence that pursuing a dog is difficult. Professional shooters have to work out the routes of the dog and wait in ambush. That is something they have to do. That is not outside what I am suggesting should be done here. It is a professional way of doing it, allowing them to put together something that they believe has a chance to work.

I am trusting the National Parks and Wildlife Service to put this together properly, and I believe it will. There is a chance that it could deliberately set it up to fail. I am prepared to take that chance. I believe it would put things together professionally, save the native animals within the national parks and save the domestic animals outside. It is sensible. Is the Hon. Ian Macdonald against it just because he wants to be against something? Is he going to open his mind? He is always challenging me to open my mind and think outside the square. I am challenging him to do the same.

The Hon. IAN MACDONALD (Parliamentary Secretary) [1.28 a.m.]: The Government believes that pest control management in national parks is best controlled under the National Parks and Wildlife Act and by the Minister for the Environment. These amendments are designed to allow the national park estate to be included within the provisions of the bill, albeit as a trial in three national parks under the supervision of the National Parks and Wildlife Service. Lands are declared as national parks for specific reasons associated with environmental or other values. The National Parks and Wildlife Service has the responsibility of managing these areas, which are often fragile. The Opposition will be aware that hunting has not been a routine management practice in national parks in New South Wales, unlike State forests, which are addressed in this bill. The Government believes that this should remain the case. It does not support these amendments.

The Hon. RICHARD JONES [1.29 a.m.]: I wonder whether the Deputy Leader of the Opposition has spoken to National Parks and Wildlife Service officers. I have on numerous occasions. Every time I have spoken to them they have said that they do not want recreational shooters in national parks; they want professional shooters. But they have told us that it is the least effective means of reducing feral animal populations, not the most effective. It is the lowest part of the hierarchy. The most effective path for them is baiting—aerial baiting, about which they are concerned, or mound baiting and trapping. Obviously, they cannot aerial shoot foxes and cats, but they aerial shoot pigs and larger animals. I accept and understand that. But they want only professionals and these people are true professionals. Every single night, night in and night out, they shoot 50 or 60 small targets in the head. The people the Deputy Leader of the Opposition is talking about are recreational amateurs, not full-time professionals. They want professional people, and they can employ them whenever they want.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [1.30 a.m.]: I will not burden the Committee any further after this contribution. It is interesting that the Hon. Richard Jones stated that kangaroo shooters are truly professional shooters who take clean shots in the head every time. That is not what he tells the British press when he goes over there and tries to destroy our kangaroo industry. I also have spoken to National Parks officers. As a rule, at the top end they are not in favour of it but certain officers to whom I have spoken believe it is a good idea that would be worthwhile trialling. I am not asking for it to be used *carte blanche*, but as a trial. The Opposition will divide the Committee on these amendments. We will vote against the Labor Party and Country Labor on these amendments.

The Hon. DAVID OLDFIELD [1.33 a.m.]: I am concerned that the Hon. Richard Jones is conveying the position that anyone who is not a professional shooter cannot hit the broad side of a barn. It would seem that the Hon. Richard Jones is of the impression that we are talking about cowboys who get out on the road at night and shoot street signs. These are not the sorts of people who are regarded, certainly by us, as recreational shooters.

The Hon. Richard Jones: Who are "us"?

The Hon. DAVID OLDFIELD: People who support recreational shooters.

The Hon. Richard Jones: Who are "us"?

The Hon. DAVID OLDFIELD: I suggest it is the members of the shooting fraternity sitting over here: the Opposition, the Hon. Malcolm Jones, the Hon. John Tingle and Reverend the Hon. Fred Nile. That would constitute "us" in this case, if the honourable member would like to know who "us" are. I put it to the honourable member that these people are not professional in the sense that they are paid for a living to go out full-time shooting or trapping animals. However, they are people of considerable expertise. In some cases they are world and national champion competition shooters who are fully capable of putting any number of rounds

into small areas at great distance. They are at least as competent as marksmen as the people the honourable member is putting at the highest point by calling them professional. Many recreational shooters are as competent, if not considerably more competent, as marksmen and markswomen as many of the people whom he falsely claims have some great elevated position by virtue of the fact that they do it for a living.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 14

Mr Colless	Mr M. I. Jones	Mr Samios
Mrs Forsythe	Mr Lynn	Mr Tingle
Miss Gardiner	Reverend Nile	<i>Tellers,</i>
Mr Gay	Mr Oldfield	Mr Jobling
Mr Harwin	Mr Pearce	Mr Ryan

Noes, 18

Dr Burgmann	Mr Egan	Mr West
Ms Burnswoods	Mr Hatzistergos	Dr Wong
Dr Chesterfield-Evans	Mr R. S. L. Jones	
Mr Cohen	Mr Macdonald	
Mr Costa	Ms Rhiannon	<i>Tellers,</i>
Mr Della Bosca	Ms Saffin	Ms Fazio
Mr Dyer	Mr Tsang	Mr Primrose

Pairs

Mr Gallacher	Mr Obeid
Dr Pezzutti	Ms Tebbutt

Question resolved in the negative.

Amendments negatived.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [1.41 a.m.]: I move National Party amendment No 3:

No. 3 Page 4, clause 4. Insert after line 13:

- (f) any land leased under the *Western Lands Act 1901*, or

In the absence of any explanation from the Minister for Agriculture either in his second reading speech or since, this amendment is designed to deliver certainty to holders of leases under the Western Lands Act. Many of those leaseholders are concerned that their property rights may be overridden by this legislation. This amendment will provide leaseholders with a degree of protection from open season hunting on their land.

The Hon. IAN MACDONALD (Parliamentary Secretary) [1.42 a.m.]: The Government does not support this amendment, which seeks to ensure that western lands leases are treated in the same way as private land for the purposes of the bill. As western lands leases are exclusive occupational leases, they are excluded from the definition of "public lands" on page 4 of the bill, which states:

- (d) any land (other than State forest) that is occupied under any lease or other arrangement for private purposes that confers a right to exclusive possession of the land.

The Minister for Agriculture has written to the Minister responsible for Crown lands seeking his support for such an exemption. Consequently, the Government does not support the amendment.

The Hon. Rick Colless: Was it given?

The Hon. IAN MACDONALD: It will be given. I have already said that it will be.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [1.43 a.m.]: Why does the Government not support the amendment? Is it simply because it is a National Party amendment? It appears that the Minister for Agriculture has written to the Minister responsible for Crown lands seeking to do exactly the same as our amendment would do. I am willing not to proceed with the amendment if I get a good understanding from the Government that it is along the lines of what we have said all along. If the Government is simply being bloody-minded, it should support the amendment. The Government needs to give a better reason for opposing the amendment.

The Hon. IAN MACDONALD (Parliamentary Secretary) [1.43 a.m.]: I will clarify the position. The original sheet in front of me stated that I was not to support this amendment. However, the Government does not oppose the amendment in reality.

Amendment agreed to.

Clause 4 as amended agreed to.

The CHAIRMAN: Order! I propose to allow Greens amendments Nos 7 and 8, the Hon. Richard Jones's amendment No. 4, Government amendments Nos 5 to 7 and National Party amendments Nos 6 to 9 to be moved in globo by the various members. I will then put the questions seriatim.

The Hon. IAN COHEN [1.49 a.m.]: I move Greens amendment No. 7:

No. 7 Page 4, clause 5, lines 18-32. Omit all words on those lines. Insert instead:

- (1) For the purposes of this Act, a *game animal* is a deer (Family cervidae) that is living in the wild.

Greens amendment No. 7 deletes from clause 5 all the species of waterfowl listed. When the Carr Government banned duck shooting in 1995 it was one of its greatest achievements. It was a victory won on the back of many years of dedicated campaigning. It was a victory for commonsense as against brutality and senseless destruction. Without this amendment this bill will effectively reintroduce duck shooting. This is something that the Greens are adamantly opposed to.

Duck shooting inevitably leads to protected species being shot, as hunters are often unable or unwilling to distinguish between species. It leads to pollution of our inland waterways from all the shot that falls into the water. Without the amendment the bill will set New South Wales back seven years. It will lead to renewed protest and conflict in our inland lakes. The other Greens and I would be keen to be involved in those protests. It is not just histrionics to talk of inappropriate animals being shot and reckless behaviour. I have seen it. I challenge any member of the Chamber to say that the duck shooting season did not lead to senseless destruction of inappropriate species. I will not move circulated amendment No. 8.

The Hon. RICHARD JONES [1.55 a.m.]: I move my amendment No. 4:

No. 4 Pages 4 and 5, clause 5, line 19 on page 4 to line 15 on page 5. Omit all words on those lines. Insert instead:

- (1) For the purposes of this Act, a *game animal* means a deer (Family cervidae) that is living in the wild.
- (2) Any of the following is also a *game animal* for the purposes of this Act, but only if the animal is an animal living in the wild that is surviving independently of human assistance and is causing economic or environmental damage:
 - (a) pig,
 - (b) goat,
 - (c) rabbit,
 - (d) hare,
 - (e) fox.

This amendment also relates to amendments Nos 36, 37, 39, 47, 48, 58 to 62 and 152. The amendments would remove all birds from the list of game animals found under section 5 (1) and cats and dogs from section 5 (2). The Government has amendments to remove the reference to native animals from the objects of the bill, so there

is no need for me to do this, although I did originally have amendments drafted to do this. The Government will also amend the bill to remove native birds from clause 5 (1). While this is a step in the right direction, it is clear that more needs to be done. The birds considered to be game animals and listed under clause 5 (1) are: black duck, grey teal duck, wood duck, mountain duck, California quail, brown quail, stubble quail, pheasant, partridge, peafowl and turkey.

The Government is removing all ducks and the brown and stubble quail. Therefore the California quail, pheasant, partridge, peafowl and turkey remain. The problem is that there are few known introduced or pest species of quail, pheasant, partridge, peafowl or turkey living in the wild in New South Wales and native species of birds will certainly be mistaken for target species. For example, the imported pheasant is almost identical to the native pheasant coucal commonly known as the swamp pheasant. Also, partridge can be mistaken for the endangered native wonga pigeon. The fowl can be confused with the endangered native lyrebird, and the imported turkey from the United States of America can certainly be mistaken for the native brush turkey.

There can be no doubt that if the non-native birds are not removed from the list of game animals, native birds will be mistakenly shot, or non-native birds will be released for the purposes of hunting, or both. My amendments remove the provisions that the animals, which are protected fauna under the National Parks and Wildlife Act, will be classified as game animals under the bill. It is imperative for the survival of these and other native species that what is considered a protected game animal under the bill will also keep its status as protected fauna under the National Parks and Wildlife Act. The removal of cats and dogs from the list of game animals in clause 5 (2) ensures no contradiction with the Companion Animals Act. That Act treats all cats and dogs equally, with a requirement for seized animals to be taken to a council pound to enable identification checks, a holding period and humane euthanasia.

The Hon. IAN MACDONALD (Parliamentary Secretary) [1.57 a.m.], by leave: I move Government amendments Nos 5, 6 and 7 in globo:

- No. 5 Page 4, clause 5, lines 22-25. Omit all words on those lines.
- No. 6 Page 4, clause 5, lines 27 and 28. Omit all words on those lines.
- No. 7 Page 5, clause 5, line 15. Insert ", or that is protected fauna within the meaning of the *National Parks and Wildlife Act 1974*" after "*Threatened Species Conservation Act 1995*".

Government amendment No. 5 relates to the removal of the black duck, the grey teal duck, the wood duck and the mountain duck. Government amendment No. 6 removes the brown quail and the stubble quail. The first two amendments are quite clear-cut; they relate to the removal of native ducks from the bill. Government amendment No. 7 simply clarifies further that a game animal cannot be protected fauna under the National Parks and Wildlife Act as well as a threatened species.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [1.59 a.m.], by leave: I move my amendments Nos 6, 7 and 9 in globo:

- No. 6 Page 4, clause 5, line 30. Omit all words on that line.
- No. 7 Page 4, clause 5. Insert after line 32:
 - (m) any other animal declared to be a game animal by a regulation made on the advice of the Game Council.
- No. 9 Page 5, clause 5. Insert after line 12:
 - (3) For the purposes of this Act, a ***protected game animal*** is any of the following that is living in the wild:
 - (a) black duck (*Anas superciliosa*),
 - (b) grey teal duck (*Anas gracilis*),
 - (c) wood duck (*Chenonetta jubata*),
 - (d) mountain duck (*Tadorna tadornoides*),
 - (e) brown quail (*Synoicus australis*, *coturnix ypsilophora*),
 - (f) stubble quail (*Coturnix pectoralis*),
 - (g) partridge (*Alectors alectoris chukar*).

The amendments are similar to the Government's amendments referring to the definition of game animals. They remove the broad definitions contained in section 22 of the bill. With amendment No. 9 I aim to replace those definitions with a specific set of seven bird species that are classified as protected game animals for the purposes of this legislation. Amendment No. 9 contains a specific list of birds classified as protected game animals, and further clarifies the definitions contained in the original bill. As the bill was originally drafted it was difficult to determine which animals are protected game animals, as opposed to ordinary game animals. These amendments are not designed to alter the actual class of game animal that each animal falls into, but are designed to make it easy for a layman reading the bill to know which animal he or she is able to hunt without getting a quota allocation.

It would defeat the purpose of the definition of "protected game animal" if hunters were unsure which animals fell into the protected category, and therefore hunted some of the animals specifically designed to be protected. Having said that, we are trying to improve the bill with our amendments by using the common names, to make it easier for hunters to classify them. If the Government opposes Opposition amendment No. 9 just to remove the reference to ducks, we will have to withdraw it and oppose the Government in what it proposes to remove. I am interested in what the Government will do because if it breaches its original bill to fulfil some obligation to the Hon. Richard Jones made in a previous deal, not this deal—

The Hon. Richard Jones: It wasn't a deal, by the way.

The Hon. DUNCAN GAY: The Hon. Richard Jones says it was not a deal. The Hon. John Tingle says that he has not made a deal but the Hon. Richard Jones says he has. Maybe there are two deals.

The Hon. Richard Jones: We have been told he has.

The Hon. DUNCAN GAY: I am relying on the word of the Hon. Richard Jones. There may or may not be a deal. If the Government—with the Country Labor Parliamentary Secretary at the table—is going against the rice farmers in the south of the State, some of whom are in the electorates of Murrumbidgee and Murray-Darling, be it on their head. They are removing a clarification that the Opposition wants included in the bill to make it safer; they are breaching the word they gave when this bill was introduced; and they are certainly breaching the speech of the Minister in the other place.

The Hon. JOHN TINGLE [2.04 a.m.]: I want to make the observation that whether ducks are included in the Game Bill or not makes no difference whatever to the ducks: they will still be hunted, except they will be hunted under the National Parks and Wildlife Act and not under the Game Bill. It will make no difference to the way those ducks are hunted.

The Hon. RICHARD JONES [2.04 a.m.]: I also want to make an observation. If the ducks were to be included in the Game Bill and the Game Council were to issue licences, the licences would not be issued just for causing problems, as they are now under the National Parks and Wildlife Act for the rice farmers; they would be issued all over the State on private land. So there would be a significant increase in the number of ducks if they were left in the bill. It would put the freckled duck in danger, because they were shot in large numbers when there was an open season. Effectively, if they are left in this bill it would be open season, whereas under the National Parks and Wildlife Act there are very strict controls about where they can and cannot be killed, or culled as they prefer to call it, and it is basically in the rice growing areas.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [2.05 a.m.]: I move National Party amendment No. 8:

No. 8 Page 5, clause 5. Insert after line 9:

- (h) an animal declared by a pest control order made under the *Rural Lands Protection Act 1998* to be a pest that is also declared to be a game animal by a regulation made on the advice of the Game Council.

This amendment broadens the definition of a game animal. Under this amendment an animal declared to be a pest under the Rural Lands Protection Act and also declared to be a game animal by a regulation made on the advice of the Game Council will be considered for the purpose of the Act to be a game animal. This small amendment is very important to the rural lands protection boards. They requested this amendment in the bill to clarify their position.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.06 a.m.]: I will deal with each of the amendments that have been moved by honourable members. Amendment No. 7 moved by the Hon. Ian Cohen

seeks to reduce the number of species of introduced animals that are covered by the legislation. In particular, this amendment would remove pheasant, California quail, partridge, pea fowl and turkey from the legislation. Removing those species would detract from the objectives of the bill. Although those species are not considered to fall within the category of pest animals they have been introduced into this country and do not belong alongside our native fauna. They cause damage to flora and compete with native fauna.

Amendment No. 4 moved by the Hon. Richard Jones seeks to reduce the number of non-indigenous animals that will apply to this legislation. The Hon. Richard Jones does not want the legislation to apply to wild dogs and feral cats. The damage that is caused to our native fauna by the feral cat is well documented. Feral dogs, consisting of domestic animals that have gone wild, predate on our native fauna and domestic stock. Families of dingoes situated within national parks will not be affected by this legislation. It is important that feral dogs be controlled, and hunters can play an important role in that task.

In respect of the pest species that the Hon. Richard Jones leaves in this bill, he seeks to restrict the ability of hunters to control them by limiting them to those animals that are "surviving independently of human assistance" and are "causing economic or environmental damage". These qualifications are impractical. Any feral animal living in the wild needs to be eradicated without the hunter having to first make a judgment as to whether it is living independently of human assistance, or whether it is presently causing economic or environmental damage. That is a sort of impact statement on the run. As a consequence this amendment is not supported.

Amendment No. 6 moved by the Deputy Leader of the Opposition seeks to remove partridges from the list of game animals. The partridge is an introduced species and its exclusion would be counterproductive, given that the bill aims to assist in the control of introduced or pest animals. Amendment No. 7 is not supported. The National Party seeks to allow the list of game animals to be broadened by regulation and for any future species gazetted as pest animals under the Rural Lands Protection Act 1998 to be declared a game animal if such a regulation is made.

The Government believes that any declaration of additional game animals is a matter for consideration and full scrutiny of the Parliament prior to the addition of an animal to the list. This level of scrutiny is not available through the processes used to make a regulation, and consequently this amendment is not supported. In amendment No. 8 moved by the Deputy Leader of the Opposition, the National Party seeks to allow the list of game animals to be broadened, again by regulation, and for any future species gazetted as pest animals under the Rural Lands Protection Act 1998 to be declared to be a game animal if such a regulation is made.

The Hon. Duncan Gay: It is what the RLPBs have asked for.

The Hon. IAN MACDONALD: That is not our position. The Government believes that any declaration should be a matter for Parliament. Amendment No. 9 seeks to alter the way that some native species are described under this bill. However, the Government is already amending the bill to exclude all native species, so the amendment is, in our view, redundant and will not be supported.

Greens amendment No. 7 negatived.

The Hon. Richard Jones amendment No. 4 negatived.

Question—That Government amendment No. 5 be agreed to—put.

The Committee divided.

Ayes, 19

Dr Burgmann	Mr Egan	Mr Tsang
Ms Burnswoods	Mr Hatzistergos	Mr West
Dr Chesterfield-Evans	Mr R. S. L. Jones	Dr Wong
Mr Cohen	Mr Macdonald	
Mr Costa	Ms Rhiannon	<i>Tellers,</i>
Mr Della Bosca	Ms Saffin	Ms Fazio
Mr Dyer	Mr Tingle	Mr Primrose

Noes, 13

Mr Colless	Mr M. I. Jones	Mr Samios
Mrs Forsythe	Mr Lynn	
Miss Gardiner	Reverend Nile	<i>Tellers,</i>
Mr Gay	Mr Oldfield	Mr Jobling
Mr Harwin	Mr Pearce	Mr Ryan

Pairs

Mr Obeid	Mr Gallacher
Ms Tebbutt	Dr Pezzutti

Question resolved in the affirmative.

Government amendment No. 5 agreed to.

Government amendment No. 6 agreed to.

National Party amendments Nos 6 and 7 negatived.

Question—That National Party amendment No. 8 be agreed to—put.

The Committee divided.

Ayes, 12

Mr Colless	Mr Lynn	
Mrs Forsythe	Reverend Nile	
Miss Gardiner	Mr Oldfield	<i>Tellers,</i>
Mr Gay	Mr Pearce	Mr Jobling
Mr Harwin	Mr Samios	Mr Ryan

Noes, 20

Dr Burgmann	Mr Egan	Mr Tingle
Ms Burnswoods	Mr Hatzistergos	Mr Tsang
Dr Chesterfield-Evans	Mr M. I. Jones	Mr West
Mr Cohen	Mr R. S. L. Jones	Dr Wong
Mr Costa	Mr Macdonald	<i>Tellers,</i>
Mr Della Bosca	Ms Rhiannon	Ms Fazio
Mr Dyer	Ms Saffin	Mr Primrose

Pairs

Mr Gallacher	Mr Obeid
Dr Pezzutti	Ms Tebbutt

Question resolved in the negative.

National Party amendment No. 8 negatived.

National Party amendment No. 9 negatived.

Government amendment No. 7 agreed to.

Clause 5 as amended agreed to.

The Hon. RICHARD JONES [2.24 a.m.]: I move my amendment No. 5:

No. 5 Page 5, clause 6. Insert at the end of line 20:

, or

(c) the *Companion Animals Act 1998*.

This amendment ensures that nothing in the Act affects the operation of the Companion Animals Act 1998. This is extremely important. It ensures that stray pets will not be killed by hunters, and that animals at large shall be seized, identified and held and, if appropriate, killed humanely.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [2.25 a.m.]: The Opposition opposes the amendment because it links, as one of the certifying bills, probably the worst bit of legislation in this State. The contribution of the Hon. Richard Jones was part of the cause of that, but the inherent instability of the basis of the bill presented to the Parliament is the reason it is such an appalling bill. Rather than make additions to the bill, frankly the bill should be withdrawn or rejected at the earliest opportunity.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.26 a.m.]: The Government does not support the amendment. It is not required; it seeks to make the Game Bill subordinate to the Companion Animals Act 1988. This reference is not necessary because nothing in the bill seeks to override the Companion Animals Act.

Amendment negatived.

Clause 6 agreed to.

Clause 7 agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.26 a.m.]: I move Australian Democrats amendment No. 2:

No. 2 Page 6, clause 8, lines 15-31. Omit all words on those lines. Insert instead:

(2) The members of the Game Council are to be as follows:

(a) **Hunters**

3 persons appointed on the nomination of hunting organisations prescribed by the regulations for the purposes of this paragraph.

(b) **Departmental and Ministerial representatives**

4 Departmental and Ministerial representatives, consisting of:

- (i) a person appointed on the nomination of the Managing Director of State Forests, and
- (ii) a person appointed on the nomination of the Director-General of the Department of Land and Water Conservation, and
- (iii) a person appointed on the nomination of the Director-General of National Parks and Wildlife, and
- (iv) a person appointed to represent the Minister.

(c) **Aboriginal, environmental and rural representatives**

4 aboriginal, environmental and rural representatives, consisting of:

- (i) a person appointed on the nomination of the New South Wales Aboriginal Land Council, and
- (ii) a person appointed on the nomination of the Nature Conservation Council of New South Wales, and
- (iii) a person appointed on the nomination of Landcare organisations prescribed by the regulations for the purpose of this paragraph, and
- (iv) a person appointed on the nomination of the State Council of the Rural Lands Protection Boards.

(d) **Animal welfare representatives**

2 Animal welfare representatives, consisting of:

- (i) a person appointed on the nomination of either the Animal Welfare League or the Royal Society for the Prevention of Cruelty to Animals, New South Wales, and
- (ii) a person appointed on the nomination of Animals Australia.

- (e) **Wildlife scientist**
a person who is a wildlife management scientist.
- (f) **Veterinarian**
a person who has expertise in veterinary science.
- (g) **Lay person**
a person who has never been involved in hunting or a hunting organisation.

This amendment has to do with the membership and procedures of the Game Council. It is important that there be a change in the composition of Game Council members to include an animal welfare representative and lay person, making it similar to the composition of committees found in the Animal Research Act, and to include categories similar to those in the Australian Code of Practice for the care and use of animals for scientific purposes, as have been drafted by the National Health and Medical Research Council. These are both New South Wales and national examples of the use of animals in controversial circumstances, that is to say, for experimentation.

That legislation and those national guidelines insist upon animal welfare representatives—the exact number depending upon the total number of members within any individual committee—and on a lay member to represent the general community attitudes and interest. The legislation and the national guidelines also insist that there is no quorum unless the representatives from those two categories are present, regardless of who else is or is not present. In the proposed bill, clearly the applicability should be changed from researchers to hunters, but the objective is to have a representative view of the community, with expressions of viewpoint from the gamut that have strong interests.

To give more detail on a strong comparison, the National Health and Medical Research Council guidelines—which are compulsory for animal research in New South Wales—have categories for membership of animal ethics committees as follows. An Animal Experiments Ethics Committee must have a membership which will allow it to fulfil its terms of reference. It must comprise at least four persons, including a separate person appointed to each of the following categories: category A, a person with qualifications in veterinary science, preferably with experience relevant to the activities of the institution, or a person with qualifications and experience to provide comparable expertise; category B, a person with substantial recent experience in animal experimentation; category C, a person with a demonstrable commitment to, and established experience in, furthering the welfare of animals, who is not employed by or otherwise associated with the institution, and who is not involved in the care and use of animals for scientific purposes—the person should, where possible, be selected on the basis of membership of an animal welfare organisation—and category D, an independent person who does not currently conduct, and has not previously conducted, experiments using animals and who is preferably not an employee of the institution.

The Game Council should have similar types of categories as the relevant purpose changes. Numbers need rebalancing so that hunters do not have the majority when the casting vote is included, although hunters may be a sizeable proportion of the council. Many other interest groups deserve to share the majority, but they will be unlikely to have a united front on all issues. This amendment puts forward a balanced committee. The committee membership, as provided in this amendment, would be: three hunters; four departmental and ministerial representatives, comprising one from State Forests, one appointed by the Director-General of the Department of Land and Water Conservation, one appointed by the Director-General of the National Parks and Wildlife Service, and one person representing the Minister; four representatives, comprising one Aboriginal, one from the Nature Conservation Council, one from Landcare, and one from the State Council of the Rural Lands Protection Boards; two animal welfare representatives, with one from the animal welfare league or the RSPCA and one nominated by Animals Australia; a welfare scientist; a veterinarian; and a lay person who has never been involved in hunting or a hunting organisation.

Our proposed membership of the Game Council follows guidelines set for the membership of the council on animal experiments. The principles that apply to animal research committees should also apply to the Game Council, which deals with large numbers of animals. This moderate amendment addresses the issue competently.

The CHAIRMAN: Order! Again, a number of amendments need to be moved at the same time, for the reason I stated previously. The amendments to be moved are Australian Democrats amendment No. 2, Greens amendment No. 9, Government amendment No. 8, and National Party amendment No. 10.

The Hon. IAN COHEN [2.32 a.m.]: I move Greens amendment No. 9:

No. 9 Page 6, clause 8, lines 16-18. Omit all words on those lines. Insert instead:

- (a) 3 persons appointed on the nomination of hunting organisations prescribed by the regulations for the purposes of this paragraph, and
- (b) 3 persons appointed on the nomination of animal welfare organisations prescribed by the regulations for the purposes of this paragraph, and
- (c) 2 persons appointed on the nomination of conservation organisations prescribed by the regulations for the purposes of this paragraph, and

This amendment concerns the composition of the Game Council. The Greens believe that the composition of the council as it stands is unacceptably skewed towards hunters. Eight of the 16 members of the council are required to be members appointed by the Minister who are representatives of hunting organisations. Animal rights or environmental conservation organisations are not represented at all. This amendment will change the composition so that rather than having eight councillors appointed on the nomination of hunting organisations, there will be three appointed on that basis, three appointed on the nomination of animal welfare organisations and two appointed on the nomination of conservation organisations. The overall balance would be retained, with eight hunters being replaced by eight representatives of the three key sectors of interest. I commend the amendment to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.33 a.m.]: I move Government amendment No. 8:

No. 8 Page 6, clause 8, lines 21-23. Omit all words on those lines. Insert instead:

- (c) a person appointed on the nomination of the Australian Veterinary Association, and

This amendment relates to the removal of the Landcare representative from the Game Council, to be replaced by a representative from the Australian Veterinary Association. The Government believes that the Australian Veterinary Association is well qualified to represent animal welfare interests on the council.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [2.35 a.m.]: I move Opposition amendment No. 10:

No. 10 Page 6, clause 8, line 31. Omit all words on that line. Insert instead:

- (h) the person appointed as Chief Veterinary Officer under section 66 of the *Exotic Diseases of Animals Act 1991*.

The bill provides that one of the 16 members of the Game Council be appointed on the nomination of the Minister responsible for the legislation. This amendment removes that position and replaces it with the Chief Veterinary Officer of the Department of Agriculture. The intent of the amendment is two-fold. Firstly, it ensures that the council has the benefit, advice and expertise of the proper public veterinary officer in New South Wales. Secondly, it ensures that the composition of the council is balanced and fair. It also removes the possibility of the Minister using his nomination to give a "job for the boys". We also believe that Government amendment No. 8 has merit. Our amendment does not conflict with that amendment, and both could sit in the bill equally. We will oppose the Australian Democrats amendment, of which paragraph (g) provides for the representation on the council of a lay person who has never been involved in hunting or in a hunting organisation.

The Hon. Dr Arthur Chesterfield-Evans is obviously trying to get a job for himself. Further, we will not support Greens amendment No. 9. Both these amendments would appoint representatives of groups whose charters are totally opposed to hunting. A board of an organisation cannot have a representative who is opposed to that organisation. To use the example that I used by way of interjection earlier today, it would be akin to voting the Australian Labor Party [ALP] onto the board of the NRMA. The ALP does not like business and does not like businesses to run well. The reason why there is such mayhem currently on the board of the NRMA is that the ALP has a member. These amendments would visit similar mayhem on this council.

The Hon. RICHARD JONES [2.36 a.m.]: When I spoke to the Premier last night he was of the view that the RSPCA would be represented on this council. Apparently he was wrong. The Premier is the patron of the RSPCA. A member of the Hon. John Tingle's staff told a member of my staff that the Hon. John Tingle hates the RSPCA.

The Hon. John Tingle: I do not hate the RSPCA.

The Hon. RICHARD JONES: That is what she said. The RSPCA, being the most respected, largest, and most conservative animal welfare organisation in this country, clearly should be represented on the council. The Kangaroo Management Review Committee, which is basically a National Parks and Wildlife Service committee that oversees the commercial killing of kangaroos, has representatives from animal welfare organisations. Although the members have different views, the quotas are approved and kangaroos are killed in large numbers. The membership composition does not seem to affect that committee very much. Clearly, the RSPCA and other organisations should be on this council to counterbalance the overwhelming dominance of hunters. I believe it would be in the hunters' long-term interest.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.38 a.m.]: The Government does not support the Australian Democrats amendment. It seeks to substantially alter the composition of the Game Council and ignores the fact that to meet the objectives of the bill the Game Council needs to have an appropriate understanding of all hunting techniques that have been regulated, together with an understanding of pest animal management, animal welfare, and game animal and wildlife ecology and biology. These objectives can best be met by the composition of the Game Council as currently set out in the bill.

Greens amendment No. 9 seeks to replace five of the members of the Game Council who are to be nominated by hunting groups prescribed by the regulations, with three nominees from animal welfare organisations, and two persons appointed on the nomination of conservation organisations prescribed in the regulations. This amendment will reduce the representation on the Game Council of hunter groups to less than a quarter of the total membership. We cannot accept that amendment.

The constitution of the Game Council has been formulated to ensure that hunters can make a significant contribution to the control of introduced species, particularly feral animals with a significant pest potential. We also will not support the National Party amendment, which would make the Chief Veterinary Officer of the Department of Agriculture a member of the Game Council.

The Hon. Rick Colless: Why?

The Hon. IAN MACDONALD: Because we are supporting the Australian Veterinary Association.

Australian Democrats amendment No. 2 negatived.

Greens amendment No. 9 negatived.

Government amendment No. 8 agreed to.

National Party amendment No. 10 negatived.

Ms LEE RHIANNON [2.40 a.m.]: I move Greens amendment No. 10:

No. 10 Page 7, clause 8. Insert after line 10:

(5) A person who is or was a Member of Parliament may not be appointed to the Game Council.

The Game Council has been one of the more controversial aspects of this bill. I have spoken previously of the Greens concerns about the make-up of the Game Council, and this amendment addresses those concerns. The Greens amendment stipulates that a person who is, or was, a member of Parliament may not be appointed to the Game Council. The Greens believe that it is inappropriate for current or previous members of Parliament to sit on the Game Council. As one honourable member, the Hon. John Tingle, may be interested in a position on the Game Council I ask him whether he is considering putting himself forward for membership of the Game Council, as that is relevant to our considerations.

The Hon. John Tingle: No. Not at any time.

Ms LEE RHIANNON: I acknowledge the response from Mr Tingle. He said he will not at any time put himself forward for the Game Council.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.41 a.m.]: The Government opposes this rather pointed amendment moved by the Hon. Lee Rhiannon, which seems pretty much directed to the Hon.

John Tingle. It is difficult to see how this amendment would improve the function or operation of the Game Council. Therefore, the Government opposes it. I might add that, in principle, I am against Ms Lee Rhiannon picking out members of Parliament and saying that they cannot be appointed to any boards after they retire from this place. That is ludicrous.

Amendment negatived.

Clause 8 as amended agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.42 a.m.]: I move Australian Democrats amendment No. 3:

No. 3 Page 7, clause 9, line 13. Omit all words on that line. Insert instead:

- (a) to regulate and control game hunting by balancing the interests of licensed game hunters against the broader public interest,

The Game Council should not only represent hunters but also assess hunters' proposals or be comprised of members who represent hunters. This suggestion stems from the animal ethics committees and experimentation bodies, which do not represent researchers but assess their needs against other aspects of society which are broader, such as the need for research, animal welfare and community attitudes. Because there are other ways of controlling feral animals besides hunting, control proposals need to be assessed in a wider context.

The Game Council should reflect total societal interests rather than merely the interests of hunters. For those reasons, amendment No. 3 seeks to change the objective to "regulate and control game hunting by balancing the interests of licensed game hunters against the broader public interest". The principle underpins the charter of many bodies. I referred to animal ethics committees and research committees, but the principle is applied by a great number of special interest groups. I commend the amendment to the Committee.

The CHAIRMAN: I will ask the Government to move its amendment No. 9, which also deals with line 13.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.43 a.m.]: I move Government amendment No. 9:

No. 9 Page 7, clause 9, line 13. Insert "in matters arising under this Act" after "game hunters".

The Government's amendment ensures that the Game Council will engage only in activities directly relevant to the legislation. Accordingly, the Government opposes the amendment moved by the Hon. Dr Arthur Chesterfield-Evans because we believe that the Government amendment better reflects appropriate wording for the bill.

Australian Democrats amendment No. 3 negatived.

Government amendment No. 9 agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.47 a.m.]: In deference to the Hon. Richard Jones's amendment No. 2, I will not move Australian Democrats amendment No. 4.

The Hon. RICHARD JONES [2.47 a.m.], by leave: I move amendments Nos 1 and 2 in globo:

No.1 Page 7, clause 9, line 20. Omit "game management". Insert instead "game and feral animal control".

No. 2 Page 7, clause 9, line 25. Omit "game management". Insert instead "game and feral animal control".

The amendments remove the words "game management" and insert instead "game and feral animal control" to better reflect the intent of the bill. It is not about managing game, because "managing game" means that game populations will be managed too. Hunters probably want more game so they can shoot it. "Control" connotes an endeavour to reduce the numbers, rather than just manage them.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.48 a.m.]: The Government supports these amendments.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [2.48 a.m.]: Although I did not think the time would come when I would support the Hon. Richard Jones during consideration of this bill, these are sensible amendments and the Opposition supports them.

Amendments agreed to.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.48 a.m.]: I move Government amendment No. 10:

No. 10 Page 7, clause 9, lines 26-28. Omit all words on those lines.

This amendment relates to the Game Council funding of works for conservation of game animals listed in clause 5 (1). Given that introduced species, especially deer, remain in the clause only if references to ducks are removed from the bill, it is not necessary to give the council specific powers to conserve introduced species.

Amendment agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.49 a.m.]: I move Democrats amendment No. 5:

No. 5 Page 7, clause 9, lines 26-28. Omit all words on those lines. Insert instead:

- (g) to fund works or activities in connection with native habitat restoration and for the conservation of native game animals listed in section 5 (1),

This means that in conserving game animals the word "game" contradicts the stated purpose of the bill except for those few species listed as game animals that are native. It also changes the emphasis to native habitat restoration—by including the word "native" before the words "habitat"—and secondarily or subsequently to native species game animal conservation. Basically, we are putting back into the bill some habitat, restoration and conservation, particularly with native animals. I commend the amendment to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.50 a.m.]: This bill specifically excludes native animals from its purview and the Government opposes the amendment.

Amendment negated.

The Hon. IAN COHEN [2.51 a.m.]: I move Greens amendment No. 11:

No. 11 Page 7, clause 9. Insert after line 28:

- (h) to ensure that the activities of licensed game hunters do not conflict with the conservation or species management objectives of any government department or agency,

Greens amendment No. 11 adds an additional function to the existing function of the Game Council under the bill. This additional function will be to ensure that the activities of licensed game hunters do not conflict with the conservation or species management objectives of any government department or agency. This amendment is designed to ensure that some limitations are placed on the Game Council's activities. If the Government is not prepared to support the amendment I would be interested to hear the reason. It is a reasonable function for the Game Council to perform. The Greens are concerned that hunters in the bush could very easily be incompatible, for instance, with a recovery plan for threatened species. Hunters will have impact as they move through the bush, either in vehicles or on foot. Also, there is the risk of hunters shooting threatened species, whether by accident or by design. I commend Greens amendment No. 11 to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.52 a.m.]: The Government does not support the amendment. It seeks to expand the objects of the bill to ensure that "community standards in relation to animal welfare and environmental protection are not compromised by the hunting of game animals". This is not an appropriate amendment for this bill. Ensuring community standards with respect to animal welfare is an appropriate objective for the Prevention of Cruelty to Animals Act 1979. Clause 6 already clearly states that the bill is not to affect the operation of that Act. Ensuring community standards in relation to environmental protection is an appropriate objective for other existing legislation, such as the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and the Native Vegetation Conservation Act 1997. Amendment No. 11 adds another function to the Game Council, that is, to ensure that the activities of

licensed game hunters do not conflict with the conservation species management objectives of any government or agency. This is not required to be a function of the Game Council as the Game Council and all hunters will have to comply with the legislation that regulates these issues. The Government does not support the amendment.

The Hon. RICK COLLESS [2.55 a.m.]: The Opposition also opposes the amendment for reasons similar to those outlined by the Government.

Amendment negatived.

Clause 9 as amended agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.56 a.m.]: I move Democrats amendment No. 6:

No. 6 Page 8, clause 10, line 5. Omit "6 members". Insert instead "8 members".

This amendment deals with the composition of the committee. It increases the number of members on the committee of management from six to eight. The amendment changes the composition of the committee and is an excellent amendment.

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.58 a.m.]: This amendment proposes to increase the committee of management from six to eight members and alters its compositional operation with respect to quorums. Not only is this unnecessary and counterproductive in terms of the function of this committee, it ignores the fact that the committee can only work to the direction of the Game Council and is answerable to the Game Council for the actions it takes. The Government does not support the amendment.

Amendment negatived.

The Hon. IAN COHEN [2.58 a.m.]: I move Greens amendment No. 12:

No. 12 Page 8, clause 10, lines 8-10. Omit all words on those lines. Insert instead:

- (b) 1 other member of the Game Council (being a member appointed on the nomination of hunting organisations) designated from time to time by the Minister, and
- (c) 1 other member of the Game Council (being a member appointed on the nomination of animal welfare or conservation organisations) designated from time to time by the Minister, and

This amendment amends the proposed committee of management of the Game Council. As the bill currently stands the committee of management contains two Game Council members who are members appointed on the nomination of hunting organisations. The amendment replaces this with one Game Council member who is a member appointed on the nomination of a hunting organisation and one Game Council member who is a member appointed on the nomination of an animal welfare or conservation organisation. I commend Greens amendment No. 12 to the Committee.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.00 a.m.]: I do not intend to move my amendment.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.00 a.m.]: Greens amendment No. 12 similarly seeks to replace one of the 200 representatives on the committee of management with an animal welfare representative. That will reduce the influence of hunters and is not supported.

The Hon. RICK COLLESS [3.01 a.m.]: The Opposition opposes this amendment. We believe that, as this bill is about hunting and feral animal control, it is not appropriate to dilute the representation of hunting organisations.

Amendment negatived.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.01 a.m.]: I move Government amendment No. 11:

No. 11 Page 8, clause 10, lines 13 and 14. Omit all words on those lines. Insert instead:

- (d) the member of the Game Council appointed on the nomination of the Australian Veterinary Association, and

This Government amendment provides for the Australian Veterinary Association member of the Game Council to be on the game management committee, representing animal welfare interests.

The Hon. RICK COLLESS [3.01 a.m.]: The Opposition supports the amendment.

Amendment agreed to.

Clause 10 as amended agreed to.

Clauses 11 and 12 agreed to.

Clause 13 negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.01 a.m.], by leave: I move Australian Democrats amendments Nos 10 and 11 in globo:

No. 10 Page 9, clause 14, line 30. Insert "native" after "activities of".

No. 11 Page 9, clause 14, line 31. Insert "native" after "connection with".

These amendments will ensure that works or activities for game conservation are restricted to native species of game animals.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.01 a.m.]: The Government does not support either of these amendments as there are no native game animals defined in this Act as a result of our amendments.

Amendments negatived.

The Hon. RICHARD JONES [3.02 a.m.]: I move:

No. 1 Page 10, clause 14. Insert after line 4:

- (5) Funds from the Game Council Account used for the purpose of carrying out inspections under this Act are to be allocated to the organisations that employ inspectors according to the total number of inspections carried out by employees of each organisation for the purposes of this Act.

This amendment provides that the funds from the game account used for the purposes of carrying out inspections under the Act should be allocated to the organisation providing inspectors so as to appropriately reimburse the expenditure of those organisations carrying out inspections under this Act. I shall be moving amendments later to provide that inspectors under the Prevention of Cruelty to Animals Act, such as RSPCA officers, are considered to be Game Bill inspectors, which is as it should be.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.03 a.m.]: The Government opposes this amendment.

Amendment negatived.

Clause 14 agreed to.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.04 a.m.]: I move Government amendment No. 12:

No. 12 Page 11, clause 15, line 9. Omit all words on that line.

This amendment will remove the words "ducks" and "quail" from the bill. As this has occurred the Game Council will not be issuing occupiers licences. Those licences will be issued by the National Parks and Wildlife Service.

Amendment agreed to.

Clause 15 as amended agreed to.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.05 a.m.]: I move Government amendment No. 13:

No. 13 Page 11, clause 16, lines 22-26. Omit all words on those lines.

This amendment, which relates to an occupiers licence, removes that section in the bill relating to occupiers licence. The amendment will also remove from the bill the word "ducks".

The Hon. Duncan Gay: Will that have an effect on rice farmers?

The Hon. IAN MACDONALD: No.

The Hon. Duncan Gay: Why not?

The Hon. IAN MACDONALD: With reference to any culling program, rice farmers are referred to in the National Parks and Wildlife Service Act.

The Hon. RICHARD JONES [3.07 a.m.]: Licences are issued to rice farmers for culling under section 120 and 121 of that Act. Those provisions are not included in this legislation, so it does not affect them whatsoever.

Amendment agreed to.

Clause 16 as amended agreed to.

Clause 17 agreed to.

The Hon. DAVID OLDFIELD [3.08 a.m.]: I move my amendment:

Page, 12, clause 18. Insert after line 10:

- (a) a person who is hunting an animal listed in section 5 (1) on private land where the animal is of an introduced or non-native species,

This amendment merely addresses the unfair situation in the legislation requiring a hunter to have a game licence to hunt introduced non-native species on a friend's property. It is understandable that there is a worthy argument for licensing hunting on public land, but it is an incredible intrusion for the Game Council to have power over who may hunt introduced species on private land. It is the land owner who should determine who may hunt such species on his or her land, and that is the only determination that should be necessary. This is not a matter of trying to regulate the impact on an endangered species, nor for that matter is it in any way related to a protected species. The legislation as it stands applies a completely unnecessary and unfair impediment to hunters who simply wish to engage in their chosen pursuit on private land.

This part of the bill simply gives power to the Game Council to determine who a person can invite onto his land for the purposes of hunting introduced game. This part of the bill is a backward step for hunters. As yet, I have not heard any sustainable comment on this matter that is in the interest of hunters. This part of the bill appears to be only a power play; an erosion of existing rights; a matter of extending control over the rights of property owners to invite their friends to participate in hunting on their land. I welcome clarification of this matter in the debate.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.09 a.m.]: This amendment seeks to exempt hunters of deer and other recognised game animals from the need to hold a game hunting licence when hunting those animals on private land. The Government's intention is that a game hunting licence should be required to hunt animals that are commonly recognised as game, particularly when these same animals are usually recognised as such in equivalent legislation in other States. The Government believes this licensing requirement should extend to when these animals are being hunted on private land by people other than the land-holder and those other persons already exempt under this bill. Consequently, the amendment is not supported.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.10 a.m.]: The Opposition plans to move amendment No. 11, which is somewhat similar to this amendment. I believe it is a better amendment. The Hon. David Oldfield commented in his speech during the second reading debate that he would not be able to hunt deer on his friend's land without a licence. We believe hunters should have authorisation as well as a licence. Many people grow deer as a commercial enterprise and there are many valuable deer herds. We do not believe people should be able to hunt deer *carte blanche* without a licence and without the owner's authorisation. While the Hon. David Oldfield's amendment is similar to ours and thus has an attraction for us, we believe our amendment No. 11 has added safeguards that make it the better provision.

The Hon. DAVID OLDFIELD [3.11 a.m.]: I understand the Opposition's argument about amendment No. 11, which will shortly come before the Committee. I will certainly vote for that amendment as it expresses the same worthy sentiments as this amendment. It is implied in my amendment that a person will be invited to hunt. It was never my intention that the amendment would reflect a situation whereby someone would enter a property without the owner's knowledge and shoot deer being raised on that property. While I accept and understand the Deputy Leader of the Opposition's comments, as far as I am concerned my amendment implies that a person must be invited.

It is understood that a person would be on a property because he or she knew the owner of the land. It seems terribly unfair that a landowner cannot invite a friend, associate or whoever onto his or her land to hunt deer unless that person has a licence. People currently do not need a licence to hunt deer or some other animal on private property and it seems an impost and an intrusion to preclude a hunter from hunting deer on that land because he or she does not possess a game licence. A game licence should apply specifically to public land. Those who own private land should be responsible for determining who will hunt on their land and should not be fettered by a body—Game Council or otherwise—that assumes authority over the land-holder.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 2

Tellers,
Mr M. I. Jones
Mr Oldfield

Noes, 28

Ms Burnswoods	Mr Gay	Ms Saffin
Dr Chesterfield-Evans	Mr Harwin	Mr Samios
Mr Cohen	Mr Hatzistergos	Mr Tingle
Mr Colless	Mr R. S. L. Jones	Mr Tsang
Mr Costa	Mr Lynn	Mr West
Mr Dyer	Mr Macdonald	Dr Wong
Mr Egan	Reverend Nile	
Ms Fazio	Mr Pearce	<i>Tellers,</i>
Mrs Forsythe	Ms Rhiannon	Mr Jobling
Miss Gardiner	Mr Ryan	Mr Primrose

Question resolved in the negative.

Amendment negatived.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.21 a.m.]: I move National Party amendment No. 11:

No. 11 Page 12, clause 18. Omit lines 11-14. Insert instead:

- (a) a person who is hunting a game animal (other than a protected game animal) on private land, if:
 - (i) the owner or occupier of the land has authorised the person in writing to hunt the particular species of animal on the land in accordance with section 19, and
 - (ii) the person carries the authorisation when hunting on the land.

I spoke about this amendment when I outlined the reasons we could not support the amendment moved by the Hon. David Oldfield. Whilst there is a similarity between the two amendments, we believe ours is better because it provides a measure of protection.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.22 a.m.]: The amendment refers to protected game animals. This category has been removed from the bill by the Government's amendments. Notwithstanding this, the Government's intention is that a game hunting licence should be required to handle animals that are commonly recognised as game, particularly when these same animals are usually recognised as such in equivalent legislation in other States. The Government believes that this licensing requirement should extend to when these animals are being hunted on private land by people other than the land-holder and the other persons already exempt under the bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.23 a.m.]: The amendment streamlines the approvals process and allows private land-holders to organise effective pest management on private property without putting money into the Government's coffers. The amendment removes the necessity for farmers to have to comply with this measure, which is designed to help the Shooters Party.

The Hon. JOHN TINGLE [3.23 a.m.]: While I can understand the purpose of the amendment, it has a basic flaw. The whole purpose of the licensing system is, first, to effectively manage the game animal and, second, to ensure that the status of that game animal is recognised, whether it is on private or public land, as a game animal and not a pest animal.

There is no question of the owner or occupier of the land having to put money into the Government's coffers, as the Deputy Leader of the Opposition suggested. The person who would have the licence would be the person who is doing the hunting. The provision in paragraph (a) (i) of the amendment reinstates the bedevilled requirement that the land-holder must give permission in writing, which is precisely the requirement that caused so much trouble in the original Firearms Act in 1996. Landowners are often unwilling to give permission in writing, because of the liability situation it can place them in. The amendment would not streamline the provision. Although I can understand the intent of the amendment, I think it would make matters worse, not better.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 13

Mr Colless	Mr M. I. Jones	Mr Samios
Mrs Forsythe	Mr Lynn	
Miss Gardiner	Reverend Nile	<i>Tellers,</i>
Mr Gay	Mr Oldfield	Mr Jobling
Mr Harwin	Mr Pearce	Mr Ryan

Noes, 18

Dr Burgmann	Mr Hatzistergos	Mr West
Ms Burnswoods	Mr R. S. L. Jones	Dr Wong
Dr Chesterfield-Evans	Mr Macdonald	
Mr Cohen	Ms Rhiannon	
Mr Costa	Ms Saffin	<i>Tellers,</i>
Mr Dyer	Mr Tingle	Ms Fazio
Mr Egan	Mr Tsang	Mr Primrose

Pairs

Mr Gallacher	Ms Tebbutt
Dr Pezzutti	Mr Obeid

Question resolved in the negative.

Amendment negatived.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.28 a.m.]: I move National Party amendment No. 12:

No. 12 Page 12, clause 18, lines 32 and 33. Omit all words on those lines.

The amendment would remove the provision relating to a person assisting the holder of a game hunting licence. The provision as drafted could include a person such as a rural lands protection board officer who drives the four-wheel-drive, or a farmer who holds the spotlight. The amendment is simple and effective, but absolutely essential. It is a commonsense amendment and I hope it is supported.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.29 a.m.]: This amendment is not supported. It refers to protected game animals. This category has been removed from the bill by Government amendments. This notwithstanding, the Government's intention is that a game hunting licence should be required for someone to hunt animals that are commonly recognised as game, particularly when the same animals are usually recognised as such in equivalent legislation in other States. The Government believes that this licensing requirement should extend to when these animals are being hunted on private land by people other than the land-holder and other persons already exempt under the bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.30 a.m.]: The Government indicated the reason it could not support the amendment was that it had removed the clause it applied to. It is my understanding that you, Madam Chairman, would have indicated that this amendment was invalid if there was not a clause that it applied to.

Amendment negatived.

The Hon. RICHARD JONES [3.31 a.m.]: I move my amendment No. 40:

No. 40 Page 13, clause 18, lines 10 and 11. Omit all words on those lines.

Currently, clause 18 provides that a person hunting in the circumstances prescribed by the regulation does not require a game hunting licence. This amendment will remove that provision. Quite clearly, people who are exempt from the requirement to hold a game hunting licence should not be determined by regulation. This is entirely inappropriate. If the Minister intends the exemptions to be so broad, there appears to be little use instituting a licensing regime in the first instance.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.26 a.m.]: This amendment will reduce the flexibility of the bill to exempt further persons from the requirement to obtain a game hunting licence. It is not sensible to reduce the categories of persons to whom this exemption will apply. Such exemptions will be effected in the regulation and will be subject to disallowance and, accordingly, to public scrutiny. Therefore, the Government regards this as an important clause and does not support its removal. It is intended to make it possible for persons assisting pest control in certain circumstances to be exempt from the need to hold a licence.

Amendment negatived.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.33 a.m.]: I move Government amendment No. 14:

No. 14 Page 13, clause 18, lines 15-17. Omit all words on those lines

This amendment relates to the removal of ducks from the bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.33 a.m.]: This amendment will remove the words:

Note. A person exempt from licensing may wish to obtain a game hunting licence for the purposes of qualifying for exemption from offences of harming protected fauna under the *National Parks and Wildlife Act 1974*—see Division 4.

The Government's reason for removing this clause is to remove the reference to ducks. Will this have ramifications on kangaroo culling?

The Hon. Richard Jones: What does this have to do with kangaroo culling?

The Hon. DUNCAN GAY: I am asking a valid question, and it is a question that has to be asked, especially when the Hon. Richard Jones has had some involvement with the proposal.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 20

Dr Burgmann	Mr Egan	Mr Tingle
Ms Burnswoods	Mr Hatzistergos	Mr Tsang
Dr Chesterfield-Evans	Mr M. I. Jones	Mr West
Mr Cohen	Mr R. S. L. Jones	Dr Wong
Mr Costa	Mr Kelly	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Ms Fazio
Mr Dyer	Ms Rhiannon	Mr Primrose

Noes, 12

Mr Colless	Mr Lynn	
Mrs Forsythe	Reverend Nile	
Mr Gallacher	Mr Oldfield	<i>Tellers,</i>
Mr Gay	Mr Pearce	Mr Jobling
Mr Harwin	Mr Samios	Mr Ryan

Pairs

Mr Obeid	Miss Gardiner
Ms Tebbutt	Dr Pezzutti

Question resolved in the affirmative.

Amendment agreed to.

Clause 18 as amended agreed to.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.42 a.m.], by leave: I move National Party amendments Nos 13, 17 and 18 in globo:

No. 13 Page 13. Insert after line 17:

19 Authorisation by the owner or occupier of land

- (1) A person who is an owner or occupier of private land may authorise another person to hunt game animals (other than protected game animals) on the land.
- (2) The authorisation must be in writing and must specify the following:
 - (a) the name of the owner or occupier of the land,
 - (b) the name of the person authorised to hunt on the land,
 - (c) the species of game animal that may be captured or killed under the authorisation,
 - (d) the land to which the authorisation applies,
 - (e) the date on which the authorisation was granted,
 - (f) the period for which the authorisation is valid (up to a maximum period of 12 months),
 - (g) any other information required to be included in the authorisation by the Game Council.
- (3) The authorisation must be signed by the owner or occupier of the land and by the person authorised to hunt on the land.
- (4) A copy of each completed authorisation must be retained by the owner or occupier of the land for a period of 1 year after the expiration of the authorisation.

- (5) The owner or occupier of land:
 - (a) must not grant an authorisation under this section unless he or she is satisfied that the person seeking the authorisation holds all necessary permits or licences required under the *Firearms Act 1996*, and
 - (b) must take all reasonable steps to ensure that the person authorised to hunt on the land hunts only those species for which an authorisation has been given.
- (6) The Game Council is to prepare a standard form for an authorisation and is to make this publicly available.
- (7) A copy of the form is also to be sent to each game hunting licence holder at the time the licence is issued or as soon as practicable after that time.

Note: A person is exempted from the requirements to hold a game hunting licence if the person is hunting a game animal (other than a protected game animal) on private land and the person has been authorised in writing by the owner or occupier of the land and the person carries the authorisation when hunting on the land. To hunt a protected game animal on private land a person must be the holder of a game hunting licence and the owner or occupier of the land must hold an occupiers game hunting licence for the particular species being hunted.

No. 17 Page 30, clause 53, line 10. Insert "or written authorisation" after "licence".

No. 18 Page 30, clause 53, lines 16-19. Omit all words on those lines. Insert instead:

- (3) An inspector may require a person whom the inspector reasonably suspects is hunting for game animals to produce the person's game hunting licence or the person's authorisation in writing from the owner or occupier of the land.

Amendment No. 13 relates to written permission from a private land owner or occupier for a person to hunt on private land. Hunting without the permission of a land-holder was identified by the Pastoral and Agricultural Crime Working Party as a matter of great concern to farmers throughout New South Wales. The amendment sets out very clearly what must be contained in the written authorisation, including the type of animal to be hunted, the date of the commencement of the authorisation, the length of the authorisation and the details of the land-holder and the hunter. This provision will remove the need for a hunter to gain specific written permission to enter into and hunt on private land each time the hunter wishes to do so. Obligations are placed on the owner or occupier of the land to ensure that unlicensed hunters are not given written authorisation, and to ensure that the person authorised to hunt on that land hunts only the species set out in the written permission.

The permission could have effect for up to 12 months. We do not think it is too much to ask hunters to make an effort once a year to get written permission to hunt on private property. This provision will also encourage hunters to stop at boundary fences if they do not have permission from the neighbour, rather than following animals through boundaries and creating problems. We want sensible hunters who have prepared properly for hunting expeditions to take up game licences and hunt pests on private land. A party preparing for a routine hunting trip should get the appropriate permission. This will apply only to hunters who get the licence. Amendment No. 13 relates to the need for a hunter to carry the written authorisation from the owner or occupier of private property on which the person is hunting.

Amendments Nos 17 and 18 are consequential to amendment No. 13, and extend the definition of powers of inspectors under the legislation to demand that a hunter produce proof of written authorisation from a land-holder, as well as proof of the name and address of the status of the game hunting licence. The amendments will protect farmers. The greatest concern of farmers is unauthorised entry onto their land. The amendments seek to provide a standard document that will be proscribed under the legislation and, thus, remove the need for farmers to deal with it themselves. It puts emphasis on responsible hunters to do the right thing. It will gain respect from both sides of the equation. I hope that this series of amendments has the unanimous support of the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.47 a.m.]: National Party amendment No. 13 seeks to impose new and onerous conditions on land-holders who wish to allow game hunting on their land, and on private hunters of game animals on those lands. Although the Government believes that people hunting game animals on private land should be required to hold a game hunting licence, it does not support these additional measures. The Government also has been advised by farming groups that these measures will be seen as unnecessarily restrictive, and would not be supported by many private land-holders. The Opposition would also impose a requirement on a deer hunter on private land, for example, that would not apply to a person hunting pest animals, for example rabbits and pigs, on the same land. Therefore, the Opposition proposes to

create a law that applies differently to two persons undertaking essentially the same activity and, in effect, discriminates against the person hunting game animals. The Government does not support this approach or the amendment. Amendment No. 17 is consequential on amendment No. 13 and, therefore, it is not supported. Amendment No. 18 is also consequential, and is not supported.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 12

Mr Colless
Mrs Forsythe
Mr Gallacher
Miss Gardiner
Mr Gay

Mr Harwin
Reverend Nile
Mr Oldfield
Mr Pearce
Mr Samios

Tellers,
Mr Jobling
Mr Ryan

Noes, 20

Dr Burgmann
Ms Burnswoods
Dr Chesterfield-Evans
Mr Cohen
Mr Costa
Mr Della Bosca
Mr Dyer

Mr Egan
Mr Hatzistergos
Mr M. I. Jones
Mr R. S. L. Jones
Mr Kelly
Mr Macdonald
Ms Rhiannon

Ms Saffin
Mr Tsang
Mr West
Dr Wong
Tellers,
Ms Fazio
Mr Primrose

Pairs

Mr Lynn
Dr Pezzutti

Mr Obeid
Ms Tebbutt

Question resolved in the negative.

Amendments negatived.

Clause 19 agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.59 a.m.]: I move Australian Democrats amendment No. 12:

No. 12 Page 14, clause 20, line 5. Omit "Game Council". Insert instead "Minister".

This amendment ensures that the Minister, not the Game Council, must be satisfied in the training of applicants. It does not prevent the Game Council from setting the training or from making recommendations, and it reflects similar responsibilities in many other pieces of legislation where the Minister is the final arbiter of the decision. I am sure that the Government will approve of me giving power to the Minister and showing faith in the Government, which is a strain for me, but in this case it is a good idea. I commend the amendment to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.50 a.m.]: This amendment is not supported by the Government as it seeks to make the Minister rather than the Game Council responsible for approving those hunting clubs or organisations to which a person must belong to be eligible to hold a restricted game hunting licence. This proposal seems to ignore the fact that the composition of the Game Council will ensure that it is perfectly placed to make properly informed decisions on these matters. Therefore, the Government does not support this amendment.

Amendment negatived.

Clause 20 agreed to.

The Hon. RICHARD JONES [4.00 a.m.], by leave: I move my amendments Nos 43 and 44 in globo:

No. 43 Page 14, clause 21, lines 18-20. Omit all words on those lines. Insert instead:

- (3) The responsible Minister must, before making a declaration:
 - (a) give public notice of the proposed declaration in accordance with the regulations, and
 - (b) give the public an opportunity to make submissions in relation to the declaration.

No. 44 Page 14, clause 21. Insert after line 24:

- (c) any submissions duly made in relation to the proposed declaration, and

These amendments in relation to the declaration of public lands available for hunting game provide that the Minister must undertake an effective public consultation program and give the public an opportunity to make submissions in relation to the declaration. In addition, before making a declaration, the Minister must have regard to any submissions made or it is anticipated that there will be conflicts between different land users following the implementation of the measures contained in the bill. It is imperative that the public is fully aware of what areas of land will be made available for hunting.

The community must be able to comment on these proposals as hunting on public land severely restricts people's ability to use the land. Game hunting on public lands will pose serious dangers to visitors to public lands because of the difficulty in determining if hunting is authorised in certain areas, and there is a significant increase in hunting across New South Wales. The use of lands will become unappealing to families seeking a safe, quiet enjoyment in a natural setting. It is quite clear that the areas for recreation and hunting will overlap because of similar access requirements. Without adequate and appropriate public consultation, accidental injuries and deaths will undoubtedly increase. This was a serious problem in 1996 when duck shooting was widespread.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.01 a.m.]: The amendments are intended to apply to clause 21 (3), which states that the Minister responsible for particular public land declares that land be available for the purpose of hunting game and feral animals on the land. The bill requires the Minister to give notice of this declaration to the public. The Hon. Richard Jones wishes to expand this clause to also allow for the public to make submissions in respect of the proposed declaration. This is not appropriate, given that feral animal control is a normal land management activity and would be inappropriately delayed through necessity for public input. The existing public notice requirements in the bill relate to public safety. The giving of notice concerning a declaration of the land prior to the declaration coming into force is all that is required. It is a matter for the public land manager whether he wishes to see the assistance of game hunters to control introduced species onto the land.

Amendments negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.03 a.m.], by leave: I move Democrats amendments Nos. 13, 14 and 15 in globo:

No. 13 Page 14, clause 21, lines 30-32. Omit all words on those lines. Insert instead:

- (5) A declaration must specify the following:
 - (a) the land to which the declaration applies,
 - (b) the species of game animal to which the declaration applies,
 - (c) the particular times at which hunting of the particular species of game animal is permitted,
 - (d) any other conditions that the responsible Minister places on the declaration.

No. 14 Page 15, clause 21, line 1. Omit "may". Insert instead "must".

No. 15 Page 15, clause 21, line 3. Insert "and after" after "before".

The declaration of public lands for hunting must specify particular parts of the land, which might be a whole parcel, and particular animals and times. The amendments provide public accountability, transparency, an added degree of safety to the public and greater control of licensed hunters.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.04 a.m.]: Amendment No. 13 seeks to make these elements of a declaration by the Minister mandatory. The existing provisions under clause 21 are already quite specific, but clause 21 (5) also allows the responsible Minister some latitude in making a declaration. The Government believes that the current wording provides the appropriate degree of flexibility required. Amendments Nos 14 and 15 collectively seek to require individual hunters to register with a specified body. The Government believes that this will be adequately covered under the mandatory code of practice.

Amendments negatived.

Clause 21 agreed to.

Clauses 22 to 24 negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.12. a.m.], by leave: I move Australian Democrats amendments Nos 20, 21, 22 and 23 in globo:

No. 20 Page 17, clause 25, line 21. Omit "of waterfowl or quail".

No. 21 Page 17, clause 25, lines 22 and 23. Omit all words on those lines.

No. 22 Page 17, clause 25, line 25. Omit "any such protected".

No. 23 Page 17, clause 25, line 29. Omit "any such protected".

This heading and proposed section 25 (1) are insufficient. In the bird species alone, bush or native turkeys and many other bird varieties must be differentiated from non-native species by hunters. Likewise, dogs must be differentiated from dingoes, and cats from dasyurids and other native species with cat-like features. Therefore, the amendments will ensure that hunters sit for tests that are expanded to include differential identification of all species for which their licence is valid. Basically, we want to ensure that people are not shooting animals when they do not know what they are shooting. It is not just a question of cats; other species need to be distinguished.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.14 a.m.]: The Australian Democrats amendments relate to protected game animals, which are no longer included in the bill. Therefore the amendments are quite irrelevant.

Amendments negatived.

Clause 25 negatived.

Clause 26 negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.16 a.m.], by leave: I move amendments Nos 24 and 25 in globo:

No. 24 Page 18, clause 27. Insert after line 31:

- (3) The Game Council must refuse to grant a game hunting licence to a person if the person has been found guilty of an offence in New South Wales or elsewhere (in the previous 10 years) involving cruelty or harm to animals.

No. 25 Page 19, clause 27, lines 4 and 5. Omit "cruelty or harm to animals,".

These minor amendments will ensure that a game hunting licence must not be granted to a person found guilty of an offence in New South Wales or elsewhere in the previous 10 years involving cruelty or harm to animals.

Amendments negatived.

The Hon. RICHARD JONES [4.17 a.m.]: I move:

No. 66 Page 19, clause 27, line 1. Omit "may". Insert instead "must".

This determines that a person must, rather than may, be refused a grant of licence if the person has been found guilty of an offence involving cruelty to animals, personal violence, damage to property or unlawful entry, or if he is not fit to hold a licence. Quite clearly, persons authorised to shoot species of fauna on public and private lands should be eligible to do so. Anything less flies in the face of, and would make a mockery of, our animal protection and crime laws. I understand the Government will support this amendment. I would hope the Opposition will also.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.17 a.m.]: The Government supports the amendment. This amendment relates to clause 27 (3) of the bill. Clause 27 concerns the granting of licences, and subclause (3) gives the Game Council a discretion to refuse to grant a game hunting licence to a person where the person has committed certain offences or is not judged to be a fit and proper person to hold such a licence. The amendment proposed by the Hon. Richard Jones seeks to make it a requirement, rather than a discretion, of the Minister not to grant a licence. The amendment is supported. It reinforces the principles of welfare to animals that are to be propounded by the Game Council and practised by licence holders.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.19 a.m.]: The amendment seeks to omit the word "may" and insert the word "must" on line 1 at page 19. That does not do any of the things that the Government said it is supporting. If the amendment did what the Government said it is supporting—as the Hon. Richard Jones said it was to do—the amendment would have my support. But that is not the amendment that I have listed as amendment No. 66. Perhaps I have the wrong list. Could I have some clarification?

The CHAIRMAN: Order! The Hon. Richard Jones' amendment No. 66 reads:

Page 19, clause 27, line 1. Omit "may". Insert instead "must".

Amendment agreed to.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.22 a.m.], by leave: I move Government amendments Nos 15 to 26 in globo:

No. 15 Page 19, clause 27. Insert after line 6:

- (b) if the person has been found guilty of an offence under section 61, or

No. 16 Page 19, clause 30, lines 28 and 29. Omit all words on those lines. Insert instead:

- (1) The Minister is to approve a code of practice for the holders of game hunting licences.

No. 17 Page 20, clause 30. Insert after line 6:

- (3) Before approving a code of practice the Minister is to:
 - (a) make the draft code publicly available, and
 - (b) allow a period of not less than 30 days for public comment on the draft code, and
 - (c) take into account any submissions duly made.

No. 18 Page 20, clause 34, line 33. Omit "or occupiers game hunting licence".

No. 19 Page 21 clause 34, lines 1 and 2. Omit all words on those lines.

No. 20 Page 21, clause 35. Insert at the end of line 18:

, or

- (c) if the holder has been found guilty of an offence under section 61.

No. 21 Page 33. Insert after line 10:

61 Offence of releasing animals for the purpose of hunting

A person must not release a game animal into the wild for the purpose of hunting the animal or its descendants.

Maximum penalty: 50 penalty units.

No. 22 Pages 36 and 37, schedule 1, clause 4, line 24 on page 36 to line 3 on page 37. Omit all words on those lines. Insert instead:

- (1) The members are to elect, by a simple majority, a person from among their number to be the Chairperson of the Game Council. The person may be elected for the duration of the person's term of office as a member or for a shorter period.

No. 23 Page 47, schedule 3.1, line 7. Omit "*Game Act 2002*". Insert instead "*Game and Feral Animal Control Act 2002*".

No. 24 Page 47, schedule 3.2, line 15. Omit "*Game Act 2002*". Insert instead "*Game and Feral Animal Control Act 2002*".

No. 25 Page 48, schedule 3.4, lines 6 and 7. Omit "*Game Act 2002*". Insert instead "*Game and Feral Animal Control Act 2002*".

No. 26 Page 48, schedule 3.5, line 11. Omit "*Game Act 2002*". Insert instead "*Game and Feral Animal Control Act 2002*".

Amendment No. 15 provides for the penalty or refusal by the Game Council to grant a hunting licence to a person who, under section 61 of the Act, has been found guilty of releasing feral animals for the purpose of shooting them. Amendment No. 16 is a code of practice for licensed game hunters. It makes the development and release of the code of practice a more open and transparent process. Amendment No. 17 provides for a limited period of public consultation for the draft code of practice. Amendment No. 18 provides arrangements for granting of licences and relates to the removal of "ducks" from the bill. Amendment No. 19 provides for the Game Council to suspend or cancel a hunting licence if a person is found guilty of releasing feral animals for the purposes of shooting them. Amendment No. 20 provides for an offence of releasing animals for the purpose of hunting. As the amendment states, "A person must not release a game animal into the wild for the purpose of hunting the animal or its descendants", and a penalty of 50 units applies. Amendment No. 21 ensures that the chairman of the council is an acceptable chair to a simple majority of council members. Amendments Nos 22, 23, 24 and 25 relate to the change of name of the Act to make it "Game and Feral Animal Control Act" in all instances. Amendment No. 26 relates to the title.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.25 a.m.]: The Opposition supports every one of these amendments. They are similar to several of the Greens' and the Hon. Richard Jones' amendments. After having carefully examined them, we believe that the Government's wording, particularly on offences relating to releasing animals for the purpose of hunting, are more effective. We support the Government amendments.

The Hon. RICHARD JONES [4.25 a.m.]: It has been put to the Minister for Agriculture by various organisations and people that it is important to have a penalty for the release of animals for hunting purposes. One of the reasons for that is that an outbreak of foot and mouth disease would drastically affect our farming communities and could cost many billions of dollars. Whilst I do not use animal products, I know other people do. It is an important industry for rural communities and Australia's export market. If an outbreak of foot and mouth disease occurred as a result of the release of feral pigs, particularly in the Sydney Basin, it would have a devastating impact on those areas. These amendments will stop people releasing feral animals, mainly pigs and deer.

The Hon. IAN COHEN [4.26 a.m.]: The Greens support these amendments. I am pleased that both sides of the House acknowledge that this is a serious problem and some hunters have been actively releasing, and will continue to actively release, animals into the environment to facilitate their hunting practice. We thank the Government for that acknowledgment and the Opposition for its support.

Amendments agreed to.

The Hon. RICHARD JONES [4.27 a.m.]: I move my amendment No. 67:

No. 67 Page 19, clause 27. Insert after line 9:

- (4) The Minister must not grant a game hunting licence to a person unless that person:
 - (a) has undergone independent training and competency assessment of a type prescribed by the regulations in relation to the following:
 - (i) hunting safety procedures,
 - (ii) familiarity with the code of practice,
 - (iii) accuracy of weapon use,
 - (iv) humane killing practices,
 - (v) any other matter required by the regulations, and
 - (b) has satisfied the Commissioner of Police that the person is a fit and proper person to hold a game hunting licence.

This amendment provides that to be granted a game hunting licence a person must have undertaken an independent competency test in relation to hunting safety procedures, familiarity with the code of practice, accuracy or weapon use, humane killing practices and any other matter required by the regulation. A person must also satisfy the Commissioner of Police that he is a fit and proper person to hold a game hunting licence. Similar provisions are included in the Security Industry Act 1997 in relation to people who use weapons. Currently there is no requirement in the bill that a person who is granted a game hunting licence has any familiarity with the use of a weapon or how to kill humanely. The consequences of not inserting this provision into the bill will undoubtedly lead to prolonged and greater suffering of animals.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.28 a.m.]: The Government opposes this amendment. The proposed amendment seeks to amend clause 27 to add to the conditions upon which a person can be granted a game hunting licence. The Hon. Richard Jones seeks to enshrine into the legislation a requirement that all applicants for a game hunting licence have undergone independent training and competency assessment in relation to hunting safety procedures, the code of practice, accuracy of weapons use, humane killing practices and any other matter in the regulations. It also requires a person to be considered as a fit and proper person by the Commissioner of Police. This amendment will detract from the flexibility that has been written into the Act. Requirements such as those proposed by the Hon. Richard Jones will be written into the proposed code of practice for hunting, which must be adhered to by all hunters. The regulations can also add other requirements that are a pre-condition to obtaining a licence.

The bill proposes two standards of licence, namely, a general licence and a restricted licence. Those hunters who wish to hunt on public land will have to seek a restricted licence. Before being granted the restricted licence, a person must be a member of a hunting club or an organisation approved by the Game Council. The person must also satisfy the Game Council of his or her competency.

Amendment negatived.

Clause 27 as amended agreed to.

The Hon. RICHARD JONES [4.29 a.m.], by leave: I move amendments Nos 68, 73, 74, 85, 87, 88, 90, 91, 92, 93, 95, 98 and 106, in globo:

No. 68 Page 19, clause 28, line 11. Omit "unconditionally or".

No. 73 Page 20, clause 34, line 28. Omit "any person". Insert instead "a Minister responsible for a government body that manages public land or other authority that manages public land".

No. 74 Page 20, clause 34. Insert after line 31:

- (2) Before entering into any such arrangement, the Minister must be satisfied that the prospective authorised agent and any relevant employee or agent of that prospective authorised agent:
 - (a) has undergone independent training and competency assessment of a type prescribed by the regulations, and
 - (b) has satisfied the Commissioner of Police that the person is a fit and proper person to issue game hunting licences.
- (3) An authorised agent must ensure that any relevant employee or agent of that authorised agent:
 - (a) undergoes independent training and competency assessment of a type prescribed by the regulations, and
 - (b) satisfies the Commissioner of Police that the person is a fit and proper person to issue game hunting licences.

No. 85 Page 22, clause 37. Insert after line 25:

- (2) Any person who is dissatisfied with any of the following decisions under the Act (other than a decision made by a court) may apply to the Administrative Decisions Tribunal for a review of the decision:
 - (a) the granting of a game hunting licence to a person,
 - (b) a decision not to impose a condition on a person's game hunting licence,
 - (c) a decision made under section 35 not to suspend or cancel a person's game hunting licence or not to disqualify a person from holding a game hunting licence.

No. 87 Page 24, clause 39, line 6. Omit all words on that line.

No. 88 Page 24, clause 39, lines 11 and 12. Omit all words on those lines.

No. 90 Page 24, clause 39. Insert after line 16:

- (4) The Minister must not appoint a person as an inspector unless that person:
 - (a) has undergone independent training and competency assessment of a type prescribed by the regulations, and

- (b) has satisfied the Commissioner of Police that the person is a fit and proper person to be an inspector.

No. 91 Page 24, clause 40, line 17. Omit "Police". Insert instead "Other".

No. 92 Page 24, clause 40, line 18. Omit "A police officer". Insert instead "An officer under the *Prevention of Cruelty to Animals Act 1979*".

No. 93 Page 24, clause 40, line 20. Omit "A police". Insert instead "Such an".

No. 98 Page 25, clause 42, line 10. Omit "a police officer". Insert instead "an officer under the *Prevention of Cruelty to Animals Act 1979*".

No. 106 Page 33. Insert after line 10:

61 Offence of hunting by means other than a firearm

- (1) A hunter must not hunt a game animal by any means other than by the use of a firearm.

Maximum penalty: 100 penalty units or imprisonment for 2 years, or both.

- (2) In this section:

firearm has the same meaning as in the *Firearms Act 1996*.

hunter means a person:

- (i) who holds a game hunting licence, or
- (ii) who is carrying on an activity that requires the person to be the holder of a game hunting licence, or
- (iii) who is exempted from holding a game hunting licence under section 18 (1) (a) or (b).

Amendment No. 68 is intended to remove the provision stating that the game hunting licence may be granted unconditionally. Amendments Nos 73 and 74 ensure that the Game Council Advisory Committee can delegate its power to grant game hunting licences only to a government body that manages public land. The current provisions are so broad that the granting of game hunting licences may be undertaken by any person. The amendments also ensure that the Minister must be satisfied, and the Government body must ensure, that any employee has undergone independent training and competency assessment, and is a fit and proper person to issue game hunting licences. To indiscriminately allow for the delegation of issuing game hunting licences is inappropriate and could lead to disastrous and unintended consequences. The provisions as currently drafted reflect badly on the integrity of the licence granting system, and therefore should be amended.

Amendment No. 85 applies to clause 37, "Rights of review", and provides that a person may apply to the Administrative Decisions Tribunal [ADT] for a review of the decisions as currently listed—that is, the failure to refuse to grant a licence, the failure to impose conditions, the failure to suspend, and cancel or disqualify—if they are dissatisfied. Amendment Nos 87 and No. 88 delete provisions which enable the Game Council currently to appoint a member of the council as inspector. Clearly conflicts of interest will arise when those persons who are responsible for granting licences are also responsible for writing the rules and enforcing them. This provision must be deleted, lest it calls into question the entire integrity of the inspection process. Amendment No. 90 provides that the Minister must not appoint an inspector unless the person seeking the appointment has undergone independent training and competency assessment, and is a fit and proper person to be an inspector. To allow unqualified persons vast powers of entry, inspection, search, seizure, obtaining information and demanding another person's name and address is unacceptable.

Amendment Nos 91, 92, 93, 95, and 98 provide that inspectors under the Prevention of Cruelty to Animals Act [POCTAA] are considered to be inspectors in this bill. The RSPCA considers this an absolute necessity. The Premier, as patron of the RSPCA, should be ashamed that he has not listened to the RSPCA on this matter. People from all over Australia have been trying unsuccessfully to get through to the Premier in the past week. The Government has considered it necessary to include in this bill the provisions contained in clause 40 that allow police officers to be Game Bill inspectors, but not subject to the control of the Game Council. Why does the Government not consider that officers who are equally qualified, if not more qualified, in this field, such as RSPCA officers, should be considered in the same category?

It has been maintained by the Government that the Game Bill will be an improvement in animal welfare because it will seek to regulate hunting, which is not formally regulated at the moment. If that is the

case, there is an obvious benefit in accommodating the RSPCA's request for inclusion as inspectors so that they can determine whether persons are hunting in accordance with the provisions of the bill. The RSPCA, Australia's peak animal welfare organisation, quite clearly should have such power to inquire and establish whether persons claiming to hold licences actually do so, as well as power to exercise all the other necessary powers as outlined under part 4 division 2. The powers exercised by inspectors under the Game Bill are similar to the powers that RSPCA officers are already trained to carefully exercise under the Prevention of Cruelty to Animals Act. However, under the provisions of the Prevention of Cruelty to Animals Act, an RSPCA officer cannot, and does not, investigate any matter unless that inspector has received a complaint first.

One fundamental difference between the POCTAA and the Game Bill is that, under clause 45 (1) (a) of the Game Bill, an inspector may enter any premises in which the inspector has reason to believe that "persons are hunting for game to which this Act applies". Clearly, whether an offence has been, is being or is to be committed is not a consideration in that instance. Game Bill inspectors are empowered to detect and police offences under the Game Bill. All offences outlined in the bill have an animal welfare impact. It is hardly inappropriate but commonsense to take advantage of the existing infrastructure that RSPCA inspectors, along with the police and Game Council appointed inspectors, provide to enforce standards designed to protect both public safety and animal welfare.

Amendment No 106 provides that it is an offence to hunt by any means other than by a firearm. The majority of methods of killing that are identified by the bill—such as using a bow, animal or other device—will inflict unnecessary pain upon the animal. Those methods of killing are simply not necessary to achieve the objectives of the bill, if it is about animal control. The Minister has said that he is "pleased to introduce a measure that places direct emphasis on the need to hunt humanely", yet that is not supported by the bill as it stands. Moreover, the report of the Committee of Inquiry into Hunting with Dogs in England and Wales states:

Animals caught and killed by dogs tend to suffer immensely... the use of animals to hunt other animals is also objectionable for two other reasons. Firstly because it is probable that dogs being used for hunting may be injured... secondly because sanctioning the use of dogs to hunt other animals... is inconsistent with the government's objection to blood sports such as dog fighting as enshrined in the POCTAA.

Dogs, bows, traps, drug-injected arrows, explosives and the like are unconscionably inhumane and cruel. The Government must not sanction those methods through this bill.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.37 a.m.]: The Government opposes all the amendments moved by the Hon. Richard Jones for the reasons outlined during the debate in the other place and during debate in this Chamber.

Amendments negatived.

The Hon. IAN COHEN [4.38 a.m.]: I move Greens amendment No. 17:

No. 17 Page 19. Insert after line 22:

29 Special condition—animal welfare

- (1) It is a condition of every game hunting licence that any hunting activity carried out under that licence must be done in a way that minimises to the greatest extent possible the pain or suffering that an animal may experience.
- (2) A licence does not authorise a hunter to torture or mutilate an animal while the animal is alive.

This amendment seeks to create a special condition attached to each game hunting licence. It stipulates that, as a condition of every game hunting licence, any hunting activity carried out under that licence must be done in a way that minimises to the greatest extent possible the pain or suffering that an animal may experience. The licence does not authorise the hunter to torture or mutilate an animal while that animal is alive. The Greens believe that this amendment will significantly reduce animal cruelty that is caused by recreational hunting. It is fair to assume that among those who get satisfaction from killing animals there would be a significant minority who get their kicks from causing animals pain.

The addition of such a condition to the licence gives the Game Council a legitimate basis upon which to cancel or refuse licences to offending individuals. It would also send a clear signal to hunters that they are expected to act with some restraint and that there are some limits to their legally sanctioned activities. The Greens call on the Government to accept this amendment as a reasonable step toward inserting some kind of animal welfare protection into this bill. I commend Greens amendment No. 17 to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.40 a.m.]: The Government opposes the amendment. It is not required. It seeks to add a condition on each game hunting licence in relation to animal welfare. The code of practice will cover animal welfare issues, and the Prevention of Cruelty to Animals Act already outlaws acts of cruelty such as mutilating an animal while still alive. This proposal is a duplication of existing legislation and is not supported.

Amendment negatived.

Clause 28 agreed to.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.45 a.m.]: I move National Party amendment No. 15:

No. 15 Page 19, clause 29. Insert after line 25:

- (2) The owner or occupier of land must take all reasonable steps to ensure that a person whom he or she has authorised to hunt a game animal on the land does not breach any condition to which that person's licence is subject.

This amendment ensures that the owner or occupier of a private property on which a hunter is authorised to hunt must take responsibility for the actions of any person who is authorised to hunt on that property.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.41 a.m.]: This amendment is in similar terms to National Party amendment No. 13. The Government opposed that amendment and takes a similar attitude to this amendment.

Amendment negatived.

Clause 29 agreed to.

Clause 30 as amended agreed to.

Clauses 31 to 33 agreed to.

Clause 34 as amended agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.44 a.m.], by leave: I move Democrats amendments Nos 27, 28, 29, 30 and 31 in globo:

No. 27 Page 21, clause 35, line 14. Omit "suspend or cancel a game hunting licence".

No. 28 Page 21, clause 35, line 15. Insert "suspend or cancel a game hunting licence" before "if the holder".

No. 29 Page 21, clause 35, line 17. Insert "cancel a game hunting licence" before "if the holder".

No. 30 Page 21, clause 35, line 18. Insert "or harm" after "cruelty".

No. 31 Page 21, clause 35, line 22. Omit "harm to animals,".

These amendments involve suspension or cancellation of licences by the Game Council. They basically state that the Game Council may not remove a suspension of a licence if the suspension is due to cruelty to animals.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.45 a.m.]: The Government does not support the amendments. These amendments seek to make minor and somewhat pedantic changes to the Game Council's power to suspend or cancel a person's game hunting licence. The council's powers in this regard are already quite strong across the broad range of circumstances for which such action may be appropriate. Apart from the unnecessary tightening of provisions relating to action against anyone found guilty of animal cruelty under clause 35 (3) (b), the Government is not strongly opposed to these proposals but does not support them because they appear to serve no useful purpose.

Amendments negatived.

Clause 35 as amended agreed to.

Clauses 36 to 44 agreed to.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.47 a.m.]: I move National Party amendment No. 16:

No. 16 Page 26, clause 45, lines 2-5. Omit all words on those lines. Insert instead:

- (1) An inspector who has reason to believe that there is in or on any premises anything connected with a game hunting offence may enter and search the premises.

This amendment clarifies the powers of entry for inspectors authorised under the legislation. It effectively removes the blanket powers afforded to the inspectors, replacing them with a set of powers that will allow an inspector entry to a property only when he or she reasonably suspects that an offence has been committed or may be committed in relation to the legislation.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.48 a.m.]: The Government does not support this amendment. This seeks to limit the current power of inspectors to enter premises where game hunting is occurring. The Government does not support this amendment because it would unnecessarily limit the functions of an inspector appointed under this Act. It would also undermine the capacity of people employed by public sector agencies, for example, State Forests, to adequately supervise hunting on lands under their control.

Amendment negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.49 a.m.]: I move Democrats amendment No. 36:

No. 36 Page 26, clause 45, line 15. Omit "in the daytime".

This amendment removes the words "in the daytime" as this leads the way for blocking the powers of investigation by blocking entry to the premises. I agree with the Hon. Ian Macdonald, he said that inspectors should have the power to carry out inspections and the words "in the daytime" simply interfere with that. I trust that he, being consistent, will support this sensible amendment to help inspectors.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.52 a.m.]: I do not know why the Hon. Dr Arthur Chesterfield-Evans would ever expect me to agree with any amendment that he has moved but, in this case, the Government is happy to support his amendment.

Amendment agreed to.

Clause 45 as amended agreed to.

Clauses 46 to 60 agreed to.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.52 a.m.]: I move Opposition amendment No. 19:

No. 19 Page 33. Insert after line 10:

61 Offence of unreasonably preventing or obstructing lawful hunting

- (1) A person must not unreasonably prevent or obstruct the holder of a game hunting licence from engaging in the lawful hunting of game animals with the intention of protecting a game animal from hunting.

Maximum penalty: 50 penalty units.

- (2) For the purposes of this section, the hunting of game animals by the holder of a game hunting licence is not lawful unless the person is acting in accordance with this Act and any other applicable law.
- (3) Nothing in this section affects a person preventing or obstructing the holder of a game hunting licence from engaging in the lawful hunting of game animals, if the person:
 - (a) is acting with lawful authority, or
 - (b) is preventing or obstructing hunting on land of which the person is the owner or occupier, or the owner or occupier's representative.

This amendment proposes to make it an offence to unreasonably prevent or obstruct the holder of a game licence from engaging in the lawful hunting of game animals with the intention of protecting a game animal

from hunting. The maximum penalty for this offence is 50 penalty units. This amendment, which has been carefully considered, will place an onus on the hunter to act in accordance with the law. This sensible amendment will act as a deterrent to prevent silly behaviour by those who want to obstruct hunting. The Victorian Labor Government has a similar legislative provision in place. I commend the amendment to the Committee and I hope that it receives unanimous support.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.53 a.m.]: The Government does not support this amendment, which seeks to create an offence of taking any action to obstruct the holder of a game hunting licence from hunting game animals. Such a provision would create a set of rules which apply to licensed game hunters but do not apply to pest animal hunters on private land. As with the earlier amendment concerning written permission to hunt on private land, this would create a set of standards which apply to one type of hunter but do not apply to the others. It would effectively discriminate against pest animal hunters on private land. As such, it would be a bad law. The Government cannot support this type of ad hoc approach.

The Hon. RICHARD JONES [4.54 a.m.]: This amendment was basically designed to stop people protesting against the killing of ducks. It had nothing to do with the killing of foxes and dogs. It is now out of place. It was not good in the first place. It is even worse now.

The Hon. IAN COHEN [4.54 a.m.]: It appears as though the Deputy Leader of the Opposition is seeking to prevent any people wishing to protest against activities that are occurring, regardless of the fact that they might be transgressing the very laws we are enacting in this Parliament tonight. It is an attack on the right of people to protest. Who knows what the situation might be in the future?

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.55 a.m.]: This is a simple amendment to protect people from their own stupidity.

The Hon. JOHN TINGLE [4.55 a.m.]: The Deputy Leader of the Opposition described this amendment as a sensible amendment. I think it is a crucial amendment. As the Hon. Richard Jones said earlier, in Victoria similar provisions are designed to stop people interfering with duck shooting, which is one thing. However, as the Deputy Leader of the Opposition also said, this amendment is designed to protect people from their own foolishness. It is an essential public safety idea. If people are silly enough to get in the way of those who are hunting, in particular with firearms, they are putting themselves in jeopardy. We are doing this for the sake of people who might come to harm if they try to put themselves deliberately in the way of people who are legitimately hunting.

Amendment negated.

The Hon. RICHARD JONES [4.56 a.m.], by leave: I move my amendments Nos 107 and 108 in globo:

No. 107 Page 33. Insert after line 10:

61 Offence of hunting under the influence of alcohol or other drugs

A person must not hunt while the person is under the influence of alcohol or a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*.

Maximum penalty: 50 penalty units.

No. 108 Page 33. Insert after line 10:

61 Direction to cease hunting

- (1) If an inspector reasonably believes that a person is hunting under the influence of drugs or alcohol, the inspector may direct that the person cease hunting immediately.
- (2) A direction to cease hunting remains in force for 24 hours.
- (3) A person must not contravene such a direction.

Maximum penalty: 50 penalty units.

These amendments provide that a person must not hunt while under the influence of alcohol or any other drug, including marijuana, heroin, morphine and heaven knows what else. Quite clearly, these are essential amendments which provide for penalties if contravened. Under this bill hunters are allowed on public land to

kill animals. Members of the community have expressed concerns about the conflict in user access that will undoubtedly arise. It must be stated clearly in this bill that people must not hunt if they are intoxicated with alcohol or illegal drugs. What kind of message would it send to the community if we do not make that clear? These amendments also provide that, if an inspector reasonably believes that a person is under the influence of drugs or alcohol, the inspector must direct the person to cease hunting immediately.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.57 a.m.]: Whilst the Opposition was initially persuaded by the honourable member's amendments—the intent of these amendments are sensible and I indicated to the Government that the Opposition thought that they were worth supporting—the Opposition does have some concerns about amendment No. 108. I am not sure whether 50 penalty units, or a fine of \$5,500 should be imposed on someone who an inspector reasonably believes to be intoxicated. We need something more accurate than the words "reasonably believes" before we impose a penalty of \$5,500. To cut a long story short, when the Government realised that the Opposition was in favour of these amendments, it informed the Opposition that those provisions are contained in the Firearms Act. Under the Firearms Act it is an offence for anyone to hunt if that person is intoxicated by alcohol or drugs. I thought what the Government said made a great deal of sense.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.58 a.m.]: The Government does not support either of these amendments. As the Deputy Leader of the Opposition said, the question of alcohol and drugs is covered under the Firearms Act. It will also be covered, as it is in other States, under the codes of practice in the bill. In relation to Opposition amendment No. 108, inspectors under this Act should not have to deal with intoxicated or drug-affected persons who are armed with weapons. If an inspector came upon such a person the police are more appropriately trained to cope with that person. It is not desirable that such a power should be included in the bill.

Amendments negatived.

New clause 61 agreed to.

Clauses 61 to 68 agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.01 a.m.], by leave: I move Australian Democrats amendments Nos 37, 38, 39, 41, 43 and 44 in globo:

No. 37 Page 35, clause 69, line 26. Omit "5 years". Insert instead "2 years".

No. 38 Page 35, clause 69, line 28. Omit "12 months". Insert instead "8 months".

No. 39 Page 35, clause 69, line 28. Omit "5 years". Insert instead "2 years".

No. 41 Page 37, schedule 1, clause 5, line 26. Insert "not to be" after "member is".

No. 43 Page 39, schedule 1, clause 9. Insert after line 32:

- (6) A member who knowingly contravenes subclause (1), (4) or (5) is guilty of an offence.

Maximum penalty: 50 penalty units.

No. 44 Page 39, schedule 1, clause 9. Insert at the end of line 34:

unless:

- (a) the decision relates to a matter in which the member who contravened this clause had a direct or indirect pecuniary interest, and
- (b) the majority of the Game Council (excluding the member who contravened this clause) believe that the decision should be reconsidered given the nature of the pecuniary interest.

- (7) If a decision is invalidated, it is invalidated from the date of the original decision.

- (8) The Game Council must reconsider an invalidated decision as soon as practicable and can retrospectively validate the earlier decision, modify the earlier decision or replace the earlier decision with a new decision.

These amendments relate to a number of subjects. Amendments Nos 37, 38 and 39 shorten the review period of the Act. As it is such a significant Act it should be reviewed sooner: in two years rather than five years. When a member is absent due to death, resignation or non-reappointment a deputy may stand in as the section allows.

Amendment No. 41 prevents a vacancy involving death, resignation or non-reappointment from nullifying the rights of a deputy for that person. Amendments Nos 43 and 44 put some teeth into the disclosure of pecuniary interest. The amendments provide a penalty and an opportunity for the Game Council to recommit an item and possibly change a decision when there has been a breach of the pecuniary interest conflicts of interest if the majority of members, other than the one breaching the disclosure, believes it is necessary. I commend the amendments to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.04 a.m.]: The Government does not support any of these amendments.

Amendments negatived.

Clause 69 agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.06 a.m.]: I move Australian Democrats amendment No. 42:

No. 42 Page 38, schedule 1, clause 7. Insert after line 17:

(h) is convicted of an offence in New South Wales or elsewhere involving cruelty or harm to animals, or

This amendment provides that an office of a member of council will become vacant if the member is convicted of animal cruelty or harm in New South Wales or elsewhere. We do not want people who are cruel to animals to serve on the Game Council.

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.06 a.m.]: The Government supports the amendment.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.06 a.m.]: I do not understand why the Government is going to the trouble of supporting this amendment. It is self-evident that someone convicted of cruelty to animals would not serve on the Game Council. However, we will not oppose the amendment.

Amendment agreed to.

The Hon. RICHARD JONES [5.07 a.m.]: I move my amendment No. 118:

No. 118 Page 38, schedule 1, clause 7. Insert after line 17:

(h) is convicted of an offence under this Act or under the *Prevention of Cruelty to Animals Act 1979*, or

This amendment provides that the office of a member of the Game Council Advisory Committee will become vacant if a person is convicted of an offence under the Prevention of Cruelty to Animals Act. The Minister said that the State Government currently has few opportunities other than through the Act to directly promote ethical and humane hunting among hunters who are not actively involved in hunting or shooting club activities. He said that the Game Council will address this vacuum and that these features of the bill underpin rather than undermine the Prevention of Cruelty to Animals Act. However, the Minister's claims would be hollow unless amendments were inserted that state that a person must not sit on the Game Council Advisory Committee if he or she is convicted of an offence under the Act.

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.08 a.m.]: The Government opposes this amendment. The amendment will replace the provisions empowering the police to do certain things under the bill with inspectors appointed under the Prevention of Cruelty to Animals Act 1979. It is not appropriate that these powers be transferred in this way. The inspectors appointed under the Prevention of Cruelty to Animals Act do not need further powers to regulate activities such as hunting. They already have ample powers of entry and search when they suspect cruelty offences are being committed. It is important that in certain circumstances police are able to deal with complaints made against hunters. Therefore, the Government does not support the amendment.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.09 a.m.]: It is incredible that the Government supported the last amendment yet does not support this amendment. The similarities between the two amendments are gobsmacking. Frankly, the Government probably should not support either of them.

The Hon. RICHARD JONES [5.09 a.m.]: There is some confusion here. This amendment is very similar, if not identical, to the amendment moved by the Hon. Dr Arthur Chesterfield-Evans. I therefore withdraw amendment No. 118.

Amendment, by leave, withdrawn.

The Hon. RICHARD JONES [5.10 a.m.]: I move my amendment No. 137:

No. 137 Page 40, schedule 1, clause 13, line 30. Omit "9 members". Insert instead "two-thirds of its members".

This amendment provides that the quorum required for a meeting of the Game Council Advisory Committee should be two-thirds of its members, not nine members, as outlined. This removes the power of one interest group to control the meetings of the council.

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.10 a.m.]: The Government opposes the amendment.

Amendment negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.10 a.m.], by leave: I move amendments Nos 46, 47, 48 and 49 in globo:

No. 46 Page 41, schedule 1, clause 15, line 8. Insert "two-thirds" after "supported by a".

No. 47 Page 42, schedule 1, clause 17, line 2. Omit "twice". Insert instead "three times".

No. 48 Page 44, schedule 2, clause 2. Insert after line 20:

(6) A member who knowingly contravenes subclause (1), (4) or (5) is guilty of an offence.

Maximum penalty: 50 penalty units.

No. 49 Page 44, schedule 2, clause 2. Insert at the end of line 22:

unless:

(a) the decision relates to a matter in which the member who contravened this clause had a direct or indirect pecuniary interest, and

(b) the majority of the Game Council (excluding the member who contravened this clause, if that member is also a member of the Game Council) believe that the decision should be reconsidered given the nature of the pecuniary interest.

(7) If a decision is invalidated, it is invalidated from the date of the original decision.

(8) The Game Council must reconsider an invalidated decision as soon as practicable and can retrospectively validate the earlier decision, modify the earlier decision or replace the earlier decision with a new decision.

The amendments refer to how often a decision must be supported by a two-thirds majority, rather than a simple majority, to ensure that people other than hunters are able to have a majority on the council. The amendments also provide that the council is to meet three times a year, and if the members contravene clauses regarding pecuniary interest they will have committed an offence with regard to their functioning on the Game Council. I commend the amendments to the Committee.

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.13 a.m.]: The Government opposes the amendments.

Amendments negatived.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

The Hon. RICHARD JONES [5.14 a.m.]: I move my amendment No. 150:

No. 150 Page 48, schedule 3, line 4. Omit "must". Insert instead "may".

This amendment gives the Minister discretion to consult with the Game Council Advisory Committee before making a pest control order. The amendment is essentially about deer. General Purpose Standing Committee No. 5 heard evidence that hunters were waiting for the pest control order on deer to be proclaimed. The hunters do not want deer to be subject to a pest control order because they do not want them to be wiped out. If a pest control order were made on deer, it would conflict with the hunters' desire to shoot deer. The last portion of the bill indicates what the bill is about. It is not about wiping out feral animals; it is about allowing them to be hunted by people who like killing animals for recreational pleasure.

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.15 a.m.]: The Government does not agree with the Hon. Richard Jones' comments, and it opposes the amendment.

Amendment negatived.

Schedule 3 as amended agreed to.

Schedule 4 agreed to.

Title agreed to.

Bill reported from Committee with amendments and report adopted.

Third Reading

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.17 a.m.]: I move:

That this bill be now read a third time.

The Hon. RICHARD JONES [5.18 a.m.]: This bill, which has been through the Committee process for the last several hours, is still deeply flawed legislation which I cannot support, and nor can any animal welfare group or humane group in Australia.

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

The House divided.

Ayes, 27

Mr Colless	Mr Harwin	Ms Saffin
Mr Costa	Mr Hatzistergos	Mr Samios
Mr Della Bosca	Mr M. I. Jones	Mr Tingle
Mr Dyer	Mr Kelly	Mr Tsang
Mr Egan	Mr Lynn	Mr West
Ms Fazio	Mr Macdonald	
Mrs Forsythe	Reverend Nile	
Mr Gallacher	Mr Oldfield	<i>Tellers,</i>
Miss Gardiner	Mr Pearce	Mr Jobling
Mr Gay	Mr Ryan	Mr Primrose

Noes, 4

Mr Cohen
Ms Rhiannon
Tellers,
Dr Chesterfield-Evans
Mr R. S. L. Jones

Question resolved in the affirmative.

Motion agreed to.

Bill read a third time.

SPECIAL ADJOURNMENT

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.25 a.m.]: I move:

That this House at its rising today do adjourn until Tuesday 27 August 2002 at 2.30 p.m. unless the President, or, if the President be unable to act on account of illness or other cause, the Chairman of Committees, prior to that date, by communication addressed to each member of the House, fixes an alternative day and/or hour of meeting.

Amendment by the Hon. John Jobling agreed to:

That the question be amended by the addition, at the end, of the following paragraphs:

2. Notwithstanding the above, the President, on receipt of a request by a majority of the members of the House, that the House meet at an earlier time, must by communication addressed to each member of the House, fix a day and hour of meeting in accordance with the request.
3. For the purpose of paragraph (2), a request by the leader of any recognised party or group is to be deemed to be a request by each member of that party or group.
4. A request may be made to the President by delivery to the Clerk of the House, who must notify the President as soon as practicable.
5. In the event of the absence of the President, the Clerk must notify the Deputy-President, or if the Deputy-President be absent any one of the Temporary Chairmen of Committees, who must summon the House on behalf of the President, in accordance with this resolution.

Motion as amended agreed to.

APPROPRIATION BILL**APPROPRIATION (PARLIAMENT) BILL****APPROPRIATION (SPECIAL OFFICES) BILL****GENERAL GOVERNMENT LIABILITY MANAGEMENT FUND BILL****PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (TRADEABLE EMISSION SCHEMES FUND) BILL****PUBLIC FINANCE AND AUDIT AMENDMENT (BUDGETING AND FINANCIAL REPORTING) BILL****STATE REVENUE LEGISLATION AMENDMENT (BUDGET) BILL****Second Reading**

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.27 a.m.]: I move:

That these bills be now read a second time.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.27 a.m.]: I will be very brief in my contribution. I am conscious of the hour but there are a couple of things I wish to comment on. I start by thanking the Hon. John Ryan for the contribution he made to the budget debate when leading on behalf of the Coalition. The Appropriation Bill reveals that the State Transit Authority lost more than \$2.5 million and that the State Rail Authority lost more than \$4 million as a result of the union bans that the Government brought upon itself because of the way it handled the workers compensation dispute last year.

As a result of the reforms that went through this place there is very little likelihood of any reduction in premiums. That is the biggest disappointment to business in this State. They were promised so much, but there does not appear to be any light at the end of the tunnel. There is considerable dispute about the overall financial success of the reforms. The jury is still out. The Government is doing absolutely everything it can to push any report-back date to well after the next State election. Yesterday the Premier travelled to Newcastle to announce the allocation of \$23 million for EnergyAustralia stadium. The people of Newcastle and surrounding areas have been waiting for this announcement from the Government for a long time. The Coalition made the first commitment, so it is pleasing to see that the Premier is following the Opposition into the Hunter and supporting the people of that area by making a financial commitment to the football stadium.

Unfortunately, the Government's record is not as good with the high-speed rail link for the Central Coast. Honourable members might recall that in 1999 the Government promised \$800 million to improve the standard and times of travel between Sydney and the Central Coast. That went by the wayside. Last June we were told that it was all up and running and that \$646 million would be provided between 2000 and 2011. However, this year's budget shows a paltry figure of \$3.3 million to be provided over three years, which is earmarked for the Newcastle high-speed rail link investigation. It is an insult to the people of the Central Coast. Hunter rail lines are no better. It will now be 2005 before they will see the first of the 14 promised carriages roll off the line. In March last year the Hunter was promised a \$50 million upgrade to its rolling stock. That figure has blown out to \$89 million. There is real confusion about what the Government is promising and its ability to deliver on that promise.

I again draw to the attention of honourable members the Raymond Terrace police station. It seems that I am the only person in this House that raises this matter. The Government is not interested. We have heard nothing from the local member. I would like to think that he is talking to the Minister for Police and trying to push for him to honour the promise he made at a public meeting in Medowie in May 2001 to open up a police station either at or nearby the council grounds. The 2001 budget, which was handed down only weeks after his announcement in May, proved that to be a falsehood. This year the people of Raymond Terrace have once again been neglected in the budget. Money that was originally promised in 1995 has been taken away and never returned.

There was a promise of a super police station. The Minister for Police said in this Chamber that the super station was dead in the water, but the money was not coming back. That is pretty obvious by his lack of any commitment to the people of Raymond Terrace. Woy Woy police station is a joke. I am not the only one who is aware of that. I am sure that, in his heart, the Special Minister of State knows that the way in which the Woy Woy police station has been handled is a sad indictment of the way in which this Government treats the Woy Woy peninsula. But we will maintain pressure in that area.

Of significance to the Central Coast is the Pacific Highway route study. Promises have been made about it for years. The study involves the Pacific Highway from Kariong up into Doyalson, but it is the area from Tuggerah through to Kanwal that is the biggest area of concern. Every day vehicles are banked up for kilometre after kilometre. In the morning the problem is going south and in the afternoon it is going north. The Government is sitting on its hands. We know the study has been done, and we know the Government has it. Last year it promised to spend \$3.6 million of the total project cost of \$18 million, but it spent only \$800,000. When this matter was raised previously the honourable member for Wyong made sure that he was standing on an intersection well in sight of absolutely everyone who drove past, writing down on a piece of paper the number of cars that drove past.

The problems the long-suffering residents of Wyong shire are experiencing with local roads is an indictment on the Government. It is extremely important to put onto the record the disappointment I feel for my members on this side of the Chamber, the crossbench members and even some of the Government members because the Government has not given us an opportunity or scheduled time for us to have a significant take-note debate on the this year's budget. One can only wonder what the Government is afraid of.

The Hon. RICHARD JONES [5.34 a.m.]: I would normally make a reasonable speech on the Appropriation Bill, as would the Leader of the Opposition. It is disgraceful that the Leader of the Opposition had to race through a 10-minute speech on the Appropriation Bill. It is most undignified. It is also undignified that other members have had to cut their speeches to a few sentences on these really important bills. It is a very bad way to run the House. It is quite shameful that the Game Bill was rammed through in the last 24 hours at the behest of the Premier, who thought that it could not wait six weeks. It has kept Hansard up until the early hours of the morning, and I apologise for that. It is quite shocking for them to have to be here right now. They will be working after this as well. I apologise to them. The Premier did this. Nobody else did it. They can thank the Premier for this.

The Hon. JOHN RYAN [5.35 a.m.]: I wish to speak to one of the cognate bills. It is somewhat technical, but I would not like the Treasurer to think that a couple of things in the Public Finance and Audit Amendment (Budgeting and Financial Reporting) Bill went unnoticed by the Opposition. The bill changes the Public Finance and Audit Act in a couple of important respects, many of which are welcomed. The bill provides that forward estimates appear in the budget papers. The Opposition notes that the bill determines that forward estimates have to consider details of the inner budget, or general budget areas, but there is no provision for the outer budget sector to be treated in the same way.

We sincerely hope that the reason the bill does not mandate the Treasurer to provide the forward estimates for the public trading enterprise sector is that the Treasurer feels a little sensitive about some criticism of the Government as a result of the Opposition discovering and making prominent in the media a significant increase in the borrowings by the public enterprise sector which, to some extent, compromised some of the Government's objectives in the General Government Debt Elimination Act and some of the things it said about reducing government debt. The bill also amends the General Government Debt Elimination Act. We suspect that the Treasurer has been constantly embarrassed by frequent reports by the Auditor-General that, with the exception of one of the fiscal targets, all the objectives have not been able to be met.

Obviously, the Government has decided to move the goal posts. We would not want the Treasurer to notice that we did not detect that the goal posts have been moved, particularly in regard to the target for government expenditure. Currently, the target for government expenditure is that it is not to exceed an amount calculated by inflation plus population growth. The reason this is somewhat difficult for the Government can be seen in the Auditor-General's report, volume 6, 2001, produced at the end of last year. When the Auditor-General examined both State taxation and expenditure he discovered that in some significant respects the Government's program of expenditure, if we include significant items, had increased by 23.9 per cent.

If those matters were not taken into account, the expenditure increase was not quite so large, but it was certainly significant and has been significant year after year. One does not have to be a genius to notice that the Government has frequently overspent its target. One of the things that the Auditor-General pointed out is that the State debt elimination legislation has virtually no target for the reduction of State taxation that is in any way meaningful. It simply says that taxes are to be restrained to the maximum extent possible. One would hardly say that the level of taxation that has grown in New South Wales by such a significant amount has been restrained to the maximum amount possible. The Treasurer tried to impose some restraint.

I also draw the attention of honourable members to the report of the Auditor-General in which, in the absence of any other yardstick, he applied the population and inflation growth index to State taxation. He demonstrated that the variation between that notional target and the actual revenue collected by the Government had been in excess of \$1 billion in each of the three years from 1996 to 2000. If we get more information about the 2000-01 budget we might not be surprised to discover that that target was not met.

In this regard, the Treasurer said that it needs to meet the maximum restraint possible but now there will be other considerations, such as predictability and stability of taxation rates. While that might be desirable, obviously it is not hard to see how that could be used as a convenient excuse for not reducing tax rates to take into consideration large revenues. Expenditure will now be referenced against gross State product. Of course, in an expanding economy, as we have currently, and even with the profligate behaviour of the Government, it will be impossible to exceed that target because of the welcome growth in the gross State product as a result largely of the good management of the Commonwealth and the good work of people in the community.

Interestingly, it could probably be argued that government expenditure probably should rise when the State economy is contracting, because it will be necessary to increase welfare expenditure and so on during those times, as it was when the Greiner Government faced the large recession brought on by the Keating Government. Opposition members accept that those matters are technical. We simply did not want the Treasurer to think that we had not noticed that the goal posts relating to his much-vaunted General Government Debt Elimination Act had been moved.

Motion agreed to.

Bills read a second time.

In Committee

The CHAIRMAN: The Committee will deal first with the Appropriation Bill.

Parts 1 to 3 agreed to.

Title agreed to.

The CHAIRMAN: The Committee will now deal with the Appropriation (Parliament) Bill.

Clauses 1 to 5 agreed to.

Title agreed to.

The CHAIRMAN: The Committee will now deal with the State Revenue Legislation Amendment (Budget) Bill.

Clauses 1 to 8 agreed to.

Schedules 1 to 6 agreed to.

Title agreed to.

The CHAIRMAN: The Committee will now deal with the Appropriation (Special Offices) Bill.

Clauses 1 to 9 agreed to.

Title agreed to.

The CHAIRMAN: The Committee will now deal with the General Government Liability Management Fund Bill.

Parts 1 to 4 agreed to.

Schedule 1 agreed to.

Title agreed to.

The CHAIRMAN: The Committee will now deal with the Protection of the Environment Operations Amendment (Tradeable Emission Schemes Fund) Bill.

Clauses 1 to 3 agreed to.

Schedule 1 agreed to.

Title agreed to.

The CHAIRMAN: The Committee will now deal with the Public Finance and Audit Amendment (Budgeting and Financial Reporting) Bill.

Clause 1 agreed to.

The Hon. IAN COHEN [5.46 a.m.], by leave: I move Greens amendments Nos 1 and 2 in globo:

No. 1 Page 2, clause 2, lines 5–7. Omit all words on those lines. Insert instead:

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.
- (2) schedule 1 [9]–[15] commence on 1 July 2003.

No. 2 Page 5, schedule 1. Insert after line 19:

[9] Section 12 Commitment etc of expenditure

Insert "concerning a program" after "liability" in section 12 (3).

[10] Section 12 (3)

Insert "for the program" after "Consolidated Fund" where secondly occurring.

[11] Section 21A Special appropriations

Insert "comprising or included in a program" after "specified purpose" in section 21A (2).

[12] Section 25 Payments authorised on lapse of appropriation

Insert "for the program appropriate thereto" after "that Act" in section 25 (b).

[13] Section 25 (c)

Insert "in respect of any program" after "section".

[14] Section 25 (c)

Insert "in respect of the program" after "financial year".

[15] Section 25 (d)

Insert "for any program" after "lower" where firstly occurring.

In 1998 the Government made amendments to the Public Finance and Audit Act. At the time the bill went through, the significance of the amendments relating to parliamentary oversight of public money was unclear. This was brought to the attention of crossbench members in an informative briefing session with the Auditor-General in 1998, in volume 2 of the Auditor-General's report to Parliament in 1998, and again in volume 1 of the 1999 report. The Auditor-General explained the situation in his 1998 report as follows:

Up until 30 June 1998, the NSW Parliament appropriated Consolidated Fund moneys to agencies at a program level. This restricted agencies Consolidated Fund expenditure to an upper limit specified for each program. The legislation allowed for limited or conditional additional funds, if required, provided certain approvals were obtained from the Governor or Treasurer or Minister.

A change occurred with the 1998-99 Appropriation Bill. Enacted in mid 1998, this Act appropriates funds at a total agency level and not at agency program levels. This change provides greater flexibility to agencies because they can now lawfully expend funds in excess of amounts shown for individual programs in the Budget Papers, up to the appropriation total available to the agency.

This change significantly reduced Parliament's control over the Consolidated Fund. Although Budget Papers detail at a program level the estimated appropriations of the Consolidated Fund moneys for each program, agencies have total flexibility.

In the 1998 report the Auditor-General said:

The Parliament, seemingly without appreciating the matter, freely ceded to the Government further powers relating to Parliament's constitutional obligation to hold the Government accountable for its use of taxpayers' funds and resources.

The Parliament's enactment of the bills was not informed by any second reading speech which outlined the constitutional import of the proposals.

The changes in 1988 have led to a significant decrease in transparency and accountability. These days the budget papers are much more difficult to read, and it is harder to see how taxpayers' money is being spent. The Greens amendments would reinstate the provisions removed in 1998, which means the Parliament would regain its previous oversight role. These amendments will not affect this year's budget estimates. They are drafted so that they do not commence until 1 July 2003. The Government will have one year to revert to appropriating at a program level rather than at an agency level. I commend the amendments to the Committee.

The Hon. MICHAEL EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [5.50 a.m.]: The Government opposes the amendments.

The Hon. JOHN RYAN [5.50 a.m.]: To some extent it is a little arrogant of the Treasurer not to explain why he opposes the amendments.

The Hon. Michael Egan: I am trying to save time.

The Hon. JOHN RYAN: I recognise that the Treasurer is trying to save time. Though the debate that the Hon. Ian Cohen has commenced is legitimate, the Opposition does not support the amendments. We accept that it is necessary to give the Government flexibility to move money across programs within agencies. However, this level of flexibility was never intended to make the budget more difficult to understand. In my view it is incumbent on the Government to report to the Parliament, as it does, how it intends to spend money. At some later stage it should come back to the Parliament and each department should explain program by program how the money was spent. A continual difficulty members have in understanding the budget is that the figures are never reported the same way from one year to another. It is impossible to follow programs and to

make any meaningful comment about whether or not expectations are being met, whether resources are appropriate or whether programs that members might be interested in are being supported or ditched. It is fair for members of Parliament to ask about these issues. The Auditor-General was right, not so much in saying that we should not have ceded the powers to the Government to be flexible—that would have been unreasonable—but it is not unreasonable for us to be able to find out what the Government plans. Obviously, there always is a plan and we should eventually find out afterwards what happened.

In considering the amendments I also make a point with regard to the estimates committees. We have been sitting all through the night and the Parliament has been busy. A number of estimates committees met in the last couple of days and questions on notice are due to be lodged some time this afternoon. I sincerely hope the Treasurer and the chairmen of the committees will assist members who are not able to have questions placed on notice by 5 o'clock this afternoon. God knows, there is not even likely to be staff available to receive them. Perhaps members will be allowed to lodge questions by email over the weekend or early on Monday. I accept that committees sometimes have passed motions to do otherwise, but it would be cruel and inhuman punishment for members of Parliament who have sat through the night at the Government's behest to deal with the bill and then, without sleep, to have to complete their questions on notice by 5.30 this afternoon. I hope that commonsense will prevail in that regard too.

Ms LEE RHIANNON [5.52 a.m.]: I thank the Hon. John Ryan for his comments, particularly the suggestion about the lodging of questions on notice. We are in a predicament in just being able to carry out our work effectively. I understand that the Treasurer wants to be brief. That is a shame. The Greens parliamentary office put considerable work into the amendments and I ask the Treasurer to reply briefly to the request that is now before him to give us greater time so that we can prepare our final questions effectively.

Amendments negatived.

Clause 2 agreed to.

Clauses 3 and 4 agreed to.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

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

PRINTING COMMITTEE

Report

The Hon. Ian West, as Chair, tabled report No. 1 of the Printing Committee dated 27 June 2002.

Ordered to be printed.

GENERAL PURPOSE STANDING COMMITTEE No. 1

Reporting Date: Government School Closures

Motion by Reverend the Hon. Fred Nile, by leave, agreed to:

That the reporting date for the inquiry by General Purpose Standing Committee No. 1 into the proposed closure and restructuring of government schools in inner Sydney be extended from 27 June 2002 to Thursday 4 July 2002.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. Michael Gallacher agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business Item No. 2 outside the Order of Precedence, relating to the Roads Amendment (Road Tunnel Pollution Filtration) Bill, be called on forthwith.

Order of Business

Motion by the Hon. Michael Gallacher agreed to:

That Private Member's Business Item No. 2 outside the Order of Precedence be called on forthwith.

ROADS AMENDMENT (ROAD TUNNEL POLLUTION FILTRATION) BILL

Bill introduced and read a first time.

Second Reading

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.58 a.m.]: I move:

That this bill be now read a second time.

The Roads Amendment (Road Tunnel Pollution Filtration) Bill will amend the Roads Act 1993. The object of the bill is to require the State Government to install and maintain pollution filtration equipment that will remove particulate matter from the air exiting the M5 East motorway tunnel stack. The bill will also require the Government to ensure that such filtration equipment is installed for air exiting the proposed Lane Cove tunnel and the cross-city tunnel. The fact that the Coalition needs to introduce this bill is a serious indictment on the New South Wales Labor Government and in particular the Ministers involved. After all, the objectives that this bill seeks to achieve, and the people and things that stand to benefit most from its introduction, are supposedly at the core of the beliefs and priorities of a Labor government.

The Premier, as a self-styled green Premier, would argue that he can be relied upon to act in the best interests of the New South Wales environment. His roads Minister says that he prides himself on being, above all, a family man. However, as always, actions speak louder than words. When it comes to the issue we are now addressing, the environmentally and family minded attributes that they supposedly espouse, and which they would claim come to the fore in their policy formulation and decision making, have failed to surface. Indeed, it is the environment and families that are set to suffer the most from the Carr Government's decisions relating to this matter.

The introduction of this bill by the Coalition provides the opportunity for the Government to right the wrongs of past inaction and to clear the way for the future. It is absolutely essential that equipment to filter exiting air be retrofitted in the M5 East ventilation stack, and that appropriate filtering be put in place during the construction of the cross-city tunnel and the Lane Cove tunnel. The technology is available and it is totally unacceptable for the Carr Government simply to refuse to engage in world's best practice in relation to ventilation filtration devices in road tunnels. The M5 East and the current design proposals for other city tunnels, namely, the cross-city and Lane Cove tunnels, are environmental and economic disasters in the making. They are unhealthy, uneconomical to run and represent a careless attitude to public health and safety. They also betray the expectation that governments will act in the best interests of all their citizens.

To assist the House, as it is very early in the morning and as the remainder of my speech is not only lengthy but detailed in a technical sense, I seek leave to incorporate it in *Hansard*.

Leave granted.

The air pollutants emitted from vehicles include carbon monoxide, nitrogen oxides, hydrocarbons and particulate matter with an aerodynamic diameter of less than 10 microns, such as polycyclic aromatic hydrocarbons. The effect of this particulate matter on people's health is of particular concern.

Recent studies have gone a long way to show the effect that air pollution has on the cause and/or further development of lung disease.

Increasingly scientific research is linking life-threatening illnesses, such as cancer, asthma and cardiopulmonary diseases, to exposure to particulate matter found in air pollution. It is this evidence that the Carr Government cannot continue to ignore.

As we sit today residents in the vicinity of the M5 East exhaust stack are breathing in these dangerous, unfiltered exhaust emissions while the Minister for Roads sits on his hands, knowing full well that this situation undoubtedly will create health problems for these people, particularly children. As if this is not bad enough, it is now determined to construct another two tunnels complete with unfiltered ventilation systems in the Sydney CBD and Lane Cove, placing the health, lifestyle and wellbeing of untold numbers of Sydney residents at risk.

The non-existent filtration and inadequate ventilation system of the new M5 East tunnel also causes problems for motorists travelling through the tunnel. Exhaust emissions from the 70,000 vehicles have created a visible haze in sections of the 4-kilometre tunnel. Drivers who have complained of feeling unwell, including at least one asthma attack, after taking the journey blame the fumes. The response from the Minister for Roads was simply to advise drivers to wind up their windows, close air vents and hope for the best.

It is hard to believe that he claims this is world's best practice. The pollutants mentioned also play havoc with the environment and, in particular, air quality. Current smog and traffic fumes have already left Sydney languishing at 55th on the environmental rankings, a staggering 40 places below the famed US steel city of Pittsburgh.

Failure by the Government to install filtration equipment, thus allowing large quantities of particulate matter to escape, will only accentuate the already acute problem of Sydney's air quality.

The bill covers three road tunnel projects, the proposed cross-city tunnel, the Lane Cove tunnel and the M5 East tunnel. Although I stress that the M5 East tunnel must not be used as a benchmark for the proposed cross-city and Lane Cove tunnels, it is important to examine the mistakes of the Carr Government so that the same erroneous policies are not pursued.

In December 1999 the findings of an inquiry by this House into the M5 East was released. The committee's key unanimous commendation was that expressions of interest be sought immediately by the Carr Government for the installation of world's best treatment process for particulate and nitrogen dioxide removal in the M5 East tunnel.

This recommendation was completely ignored, which is consistent with the history of the Carr Government's treatment of recommendations of parliamentary committees. Instead, the Road and Traffic Authority [RTA] held an international workshop, which drew upon leading-edge expertise from France, Germany, Great Britain, Norway, Switzerland, and the United States. It looked to be a step forward on road tunnel ventilation filtration. The positive nature of the workshop, which came at a cost of \$210,000 to NSW taxpayers, was short lived.

Many of the recommendations produced were never implemented. Instead, they were simply ignored by the Carr Government. The final report from the 3-day international workshop, written by Melbourne barrister Arnold Dix, was released in August 2000. It recorded expert criticisms of the stack location, the complicated design selected and the appalling community consultation process. It recommended further research and a cost-benefit analysis. The placement of the tunnel was widely criticised at the workshop, with Dix concluding:

The complex, remotely located M5 East single stack tunnel ventilation design can be distinguished from any other tunnel ventilation scheme in the world.

An expert from the United States said in relation to the Wolli Creek Valley stack location:

Well I know the first reaction I had when I first looked at this was why put one stack in a valley ... We've always tried to put them as high as possible, not in a valley.

Further findings from the Dix report include:

- Technologies exist which can alter the composition of polluted air from tunnels.
- Immediate consideration should be given to the most effective ways of improving air quality in areas identified as receiving the least benefit from the operation of the M5 East Tunnel ventilation system.
- Emissions from motor vehicles can cause adverse health effects.

The experts selected by the RTA and representing the very best in road tunnel design from around the world found that the M5 East design did not represent the world's best practice as claimed by the RTA, but was in fact highly unusual, even idiosyncratic. Unfortunately, it now appears that the Government is proceeding down the same shameful path with the proposed cross-city and Lane Cove tunnels as it did with the M5 East.

The Government is again keen to construct massive, unsightly ventilation stacks for these projects. It is proposed that the cross-city tunnel have a 46-metre ventilation stack constructed between the Western Distributor viaduct that runs over the eastern side of Darling Harbour, despite advice to the contrary from one of the CSIRO's leading research scientists on air quality, Dr Peter Manins.

Plans to build this single ventilation stack have been further criticised by Darling Harbour retailers and the Ultimo-Pymont Chamber of Commerce, which is understandably concerned about the effects on the multi-million dollar tourist mecca of Darling Harbour of the unventilated air exiting the tunnel. What sort of message does this send our international visitors when the Carr Government willingly allows unfiltered exhaust fumes to be emitted into such a tourist haven?

The Government is also planning the construction of two filtration stacks for the Lane Cove tunnel. Emissions normally contained along a 3.5-kilometre stretch of roadway will now be concealed in two locations.

So far the RTA has withheld the truth from concerned residents about the estimated level of emissions from the Lane Cove tunnel. Of particular concern is that a primary school is located within 300 metres of one of the proposed stacks. The Lane Cove Tunnel Action Group is pushing for the installation of filtration, electrostatic precipitators, and detoxification systems, and activated charcoal beds in the tunnel. This would remove the need for unsightly stacks. I strongly encourage the Government to investigate the possibility of such options. The people of Lane Cove should not hold their breath. The Premier is adamant that "Tunnels always mean stacks."

The Dix report also indicates that residents believe there was a severe lack of community consultation about the environmental standards, and the process of designing the M5 East motorway and the ventilation stack. A continuing failure to conduct genuine community consultation in relation to proposed road projects is one of the defining characteristics and significant failings of the Carr Government. It looks as though this unfortunate trend will continue when it comes to the Lane Cove and cross-city tunnels.

The Minister for Roads and the RTA are well rehearsed in defending their inaction when it comes to the installation of filtration equipment. It is always hurriedly dismissed by the Minister as being too expensive or unavailable and/or ineffective. Contrary to what the Minister would have us believe, electrostatic precipitators do not consume massive amounts of electricity. During full operation, cleaning 860 cubic metres of air per second, the precipitators required for the M5 East would consume somewhere around 1 gigawatt per annum as compared to the unfiltered tunnel's current estimated energy consumption of 32 gigawatts per annum, at approximately \$2 million a year at commercial rates. Installation of electronic precipitators would bring about a considerable saving in running costs.

The current massive energy consumption of the M5 East ventilation system drew adverse comment from many of the international experts at the international tunnel convention on both cost and the system's excessive greenhouse gas production. The Minister for Roads declares that the cost of installation of electrostatic precipitators is too great, tossing around installation costs of anywhere between \$25 to \$40 million, generally using whatever figure suits his argument. The evidence given by Hans Anderl of Clean Air Tunnel International AS, Austria-Norway, estimated the cost to be much less, in the ballpark of \$7.5 to \$8 million.

Perhaps if the Minister had cared to accept the recommendation of the parliamentary inquiry we would all know the truth. The cost of a filtration system is only a small fraction of the \$800 million cost of building the M5 East, and certainly only a very small price to pay if it means maintaining the health and quality of life for local communities.

If this bill is successful the Government will have to retrofit electrostatic precipitators in the M5 East stacks. Sufficient land is available near the M5 East stack site to engage in retrospective installation, and the construction of the stack itself lends itself to just such a fitting. In the case of the proposed Lane Cove tunnel and cross-city tunnel, the time to install filtration systems is early on in the piece, as inevitably retrofitting will be at a greater cost.

The Government's other favoured argument is that electronic functional precipitators do not exist. On the contrary, there is plenty of evidence that demonstrates how filtration technology is successfully used in tunnels in Japan, Norway, Korea, Austria and Vietnam with significant improvements reported in air quality as well as considerably reduced capital operation and energy costs. Instead of pursuing a genuine solution in the form of filtration equipment the Government has thus far been preoccupied with wasting money on stunts to cover up its inaction.

The first of these has been the buy-back system.

In February last year the RTA confirmed that it would buy back homes within 400 metres of the M5 East stack at the unaffected market value. The offer came complete with strict conditions. It was to apply only for 12 months after the motorway opened and only to those people who owned homes on or before 22 August 2000 when the stack was approved by DUAP. Residents would have to pay their own relocation costs, obtain valuations of their properties at their own expense and demonstrate that they were unable to get a fair price. The Government's 400-metre decision has no scientific basis. It is a quick political fix, which allows the Government to appear as though it is doing something while it is actually doing very little.

It is nonsensical that the Government is prepared to spend \$10 to \$15 million to buy back homes rather than install a high quality filter to solve the problems. The RTA offered to buy back about 270 homes that are within 400 metres of the stack. That is an act of financial ludicrousness; it is simply a stunt. It is not only the residents within 400 metres of the M5 East who will be affected. What about residents located 405 or 415 metres away? The Minister's cheap political stunt will not wash with residents. A spokesman from the group Residents Against Polluting Stacks [RAPS] stated:

We are much more interested in getting the system filtered than getting sold up. Besides anything it's immoral—it just leaves the problem here for someone else to live with.

The Minister for Roads, who insisted on such a scheme, obviously has some understanding of the problems faced by residents. As a family man he should now act with the best interests of other families in the area, as well as those in Lane Cove, Pyrmont, Ultimo and Darling Harbour, and support this bill to introduce filtration. The Carr Government likes to hide behind the safety screen of air quality limits. It justifies the absence of filtration systems and compliance with a set of predetermined standards. Conditions of approval were placed on the M5 East by DUAP to ensure that the tunnel portals, ventilation system and stack were designed to prevent emissions that resulted in ambient air quality exceeding the set standards.

However, I have heard from a representative of RAPS that serious delays are occurring in the provision of data from the RTA for its own air quality specialists to analyse. Frequently, the quality of the supplied data can only be described as dubious. In fact, no accurate data has been made available on the omissions of particulate matter from the stack. The RTA has admitted that available figures for PM10 concentration are uncalibrated and many times less than the actual level. In addition, no evidence has been provided on the accuracy of the nitrous oxide or nitrogen dioxide concentrates or on the appropriate quality assurance measurements.

When it comes to ambient air quality measuring, the air quality experts who are to carry out the calculations have, I am told, not received any data more recent than February. The available data is insufficient to allow any conclusion. It is completely unsatisfactory that the Minister is allowing these significant delays in the release of data. Is it because he has something to hide? If the complaints made by hundreds of local residents of offensive odours, sore throats headaches and increased respiratory difficulties since the opening of the tunnel are anything to go by, the answer would be yes. The Coalition has previously received the signatures of at least 71 local residents who have signed a petition and documents, which state they have experienced changed health conditions since the opening of the M5 East on 9 December last year.

They are desperately seeking action from the Government. Some of the symptoms from which they are suffering include: an increase in headaches and migraines, sore throats, more frequent asthma attacks, dry throats, sore eyes, runny eyes, blocked noses, wheeziness, itchy eyes and rashes. They have also reported that there is a bad smell in the air. The documentation that the Coalitions has demonstrates that people are experiencing difficulty because of the changed conditions since the construction of the M5 East tunnel and the Government made the decision not to install filters. These people have called on the NSW Government, EPA, Department of Health and DUAP to urgently and comprehensively investigate and publicly report on the incidence and extent of adverse health outcomes among residents and workers in the area affected by motor vehicle exhausts from the M5 East tunnel.

The RTA has not yet publicised a clear complaint mechanism, let alone responded to these serious complaints despite clear requirements to do so under the DUAP conditions of approval. Furthermore, remaining within so-called safe limits does not take into account the long-term cumulative effect of particulate matter on residents. The Government decision to not put in filtration but instead measure the effects and see what happens is not acceptable. Residents are, in essence, being used as guinea pigs by the Carr Government. The Minister in the other place, argues that, in the future:

The fuel is going to get cleaner, engines are going to be using fuel to drive their vehicles in a different way. That means what comes out is going to be cleaner—you don't need a filter.

This is yet another gross cop-out by the Minister. Such benefits will obviously come only in the long term, when much of the damage has already been done. The Minister seems determined to bury, disregard or overrule all intelligent medical or community input on the subject of filtration.

If the Government does not support this bill, they will need to be prepared for the onslaught of litigation by residents for the Government's wilful jeopardising of their health and wellbeing, because their homes are located near unfiltered air and pollutants exits from road tunnels. The Government has had plenty of forewarning by international experts that filtration is necessary and the technology exists to make it a reality.

Sadly it seems likely that the Government will have many cases of ill health and even death brought against it as a result of its point-blank refusal to filter the air exiting the tunnels. In the United States, the California State Government is being sued over air pollution and its "failure to take aggressive action to reduce motor vehicle emissions." This Government has no way of telling what cumulative effects of living near the unfiltered ventilation points will have on the health of residents. One would think that it would err on the side of caution when the health of the people it is supposed to represent is called into question.

The technology exists to remove particulate matter from air exiting the M5 East and the proposed cross city and Lane Cove tunnels. Filtration systems are in place in other countries. Precipitators are installed in tunnels in countries such as Norway, Japan and South Korea and are also planned for Austria, Vietnam and France. Indeed, the Government has written quotes, demonstrating that electronic precipitators remove 90 to 95% of fine particulate matter. The Carr Government continues to turn a blind eye to this evidence and refuses to engage in world's best practice when the construction and design of road tunnels and their ventilation systems is concerned.

This Government should hang its head in shame over this issue. The Minister in the other place, who in one breath says that emissions from road tunnels will be safe and do not require filtration, in the next breath admits that he would not want his family living near them.

Minister, if it is not good enough for your family, it is certainly not good enough for any other family in Sydney.

I call on the Premier to honour his publicly stated commitment to the environment by supporting this Coalition bill. A failure to do so will certainly say goodbye to any credibility he has as a green Premier.

This complacent and insensitive Government has consistently ignored community interests, expert opinion and findings from parliamentary inquiries, a critical tunnel workshop and more than 17,000 petitions and letters. It is time that the Government started listening to residents who are begging it to take the necessary steps to ensure that they will not have to live in fear of themselves or their children getting sick and the local environment being destroyed.

It is disgusting that it is up to the Opposition to hold the Government accountable and encourage it to do the right thing by residents, by the environment and indeed by taxpayers' money. It is absolutely necessary for the Opposition to do so because this uncaring Labor Government is too arrogant to realise the real needs of the people it is supposed to look out for. The Opposition is proceeding with this bill on behalf of the residents who are currently and may in future be affected by the operation of road tunnels.

The introduction of this bill by the Coalition will hopefully achieve what the Carr Government has failed to do—to install systems to remove particulate matter from air exiting the M5 East and the proposed Lane Cove and cross-city tunnels.

This Bill differs from that introduced by my colleague in the other place. It includes important provisions that will require the constructors of a tunnel, if that is the private sector, to be responsible for the installation of the filtration device and its maintenance in the event that the RTA is not the constructing authority.

Since the second reading of this Bill in the other place a significant issue has been publicly raised.

The first is the concerns raised by RAPS that the RTA may be in serious breach of a legal agreement signed in December last year, by failing to run the tunnel's fans at significantly higher speeds nightly for 6 months. RAPS spokesperson, Mark Curran is quoted in a press release dated 13 June 2002, as saying, and I quote:

RTA data released only yesterday shows the tunnel and stack fans have operated below the required speeds on at least 49 days between February and May and for much of this time, they were not even turned on.

When the Government appears to disregard a legal agreement that it initiated it is now up this House to ensure that it does not continue ignore the wishes of the community and is forced to address the problems of unfiltered tunnel emissions.

I commend the bill to the House.

Debate adjourned on motion by the Hon. Peter Primrose.

ADJOURNMENT

The Hon. MICHAEL EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [6.02 a.m.]: I move:

That this House do now adjourn.

LEGISLATIVE COUNCIL SITTING HOURS

Ms Lee Rhiannon: Madam President—

The Hon. Henry Tsang: Madam President—

The Hon. Michael Egan: No, Henry. If she wants to be an idiot, let her be an idiot. People want to get home.

Ms LEE RHIANNON [6.02 a.m.]: I note the Treasurer's comments that he wants to leave the House. I agree; I think everybody does.

The Hon. Jan Burnswoods: He didn't say he wanted to leave the House.

Ms LEE RHIANNON: I apologise and I stand corrected. It has been a 20-hour day, and that is the point that I want to make.

The Hon. Jan Burnswoods: Whose fault is that? That is largely your fault.

Ms LEE RHIANNON: I note the interjection of the Hon. Jan Burnswoods and I think it is a tragedy that we sit for such a long time.

Reverend the Hon. Fred Nile: Workers conditions.

Ms LEE RHIANNON: Precisely, and that is one of the points I want to make. In this place we have been trying—

The Hon. Jan Burnswoods: Point of order: I draw your attention to the fact that the clock did not actually start at the beginning of Ms Lee Rhiannon's speech and she has used quite a bit more time than the time on the clock shows.

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

Ms LEE RHIANNON: We have just had an extraordinarily long sitting which I think is highly inappropriate. That is why I was disappointed with the comments of the Treasurer and the comments of the Hon. Jan Burnswoods. We come to this House willing to have robust debate and it is our responsibility to work through things, but when a decision is made to have these long sittings—

The Hon. Jan Burnswoods: Point of order: The honourable member is reflecting on the processes and the decisions of the House. This is not an adjournment speech, this is a diatribe against the decisions made by the House during this current sitting.

Ms LEE RHIANNON: To the point of order: The honourable member is just being obstructionist. One of the beauties of this House is that it is about free speech and not about stifling other members of Parliament.

The PRESIDENT: Order! Ms Lee Rhiannon is not reflecting on a decision of the House, she is reflecting on the hours of sitting.

Ms LEE RHIANNON: I believe that we cannot do our work effectively as members of Parliament when our working hours spread across a day, a night and the next day. It is certainly not fair to the many staff who have worked on a similarly long shift, and many of them have to continue working. We will end in a few minutes time but they will continue to work.

I do not believe we can do our work as members of Parliament effectively when we have very long sittings. Members should note that not all Parliaments work such ridiculous hours. I understand that many of the newer Parliaments, such as South Africa, Wales and Scotland, are looking at more family friendly hours. What has been done to the members of Parliament and the staff here tonight is highly inappropriate, and for members of the Government to blame the crossbenchers, in particular the Greens, is an indication of how indefensible their arguments are.

The Hon. Michael Egan: You kept the House sitting all night with 150 amendments. You are a hypocrite.

Ms LEE RHIANNON: I note the Treasurer's interjection. It is very disappointing that he ends this long sitting in such a way. This has been an absurdly long working day. I conclude by thanking all staff.

CABRAMATTA POLICING

The Hon. GREG PEARCE [6.07 a.m.]: Today we witnessed another disgraceful example of this Government's hypocrisy and arrogance as it crushed legitimate criticism and hounded those who, in good faith, seek to expose and address corruption, incompetence and inaction by the Government. We witnessed on the part of Minister Costa a grudging recognition of the abysmal treatment meted out to Cabramatta police by this Government and senior police, but there has been no apology, no retraction, and no accountability. As one of those police officers said later, "It was the best we could have hoped for." I replied, "Then you must have lost hope", and he said, "Yes, we still have some hope and that is that Commissioner Moroney won't put up with intimidation and victimisation."

Just as soon as Minister Costa put on the record what we in the Opposition have stood up for—that the Government should protect the police and others who speak out and that there should be sure penalties for those who engage in payback—he rejected any commitment to set the record straight and ensure accountability for what happened in 2001 at Cabramatta. There we saw a virtual rerun of the concerted attack mounted by the Government on Tim Priest. As Bob Carr fell back to denial and half-truth and claimed never to have criticised Tim Priest, he said, "I don't think I even mentioned him by name." A cute, literal comment by Carr. What he did in the co-ordinated attack on Tim Priest in February 2001 was to lead the chorus about unfair allegations, people who are attacked, the blame game and taking shots at one another.

Carr was joined by his then police Minister, Whelan, who called Priest "highly prejudicial and unfair" and who said he was making untested allegations that had to be answered immediately. Then Minister Aquilina described as nonsense claims that had been made by Tim Priest. Then Assistant Commissioner Clive Small, as he then was, joined in the invective against Tim Priest. To complete the picture, the Cabramatta member of Parliament, Reba Meagher, joined in, claiming that Priest had been irresponsible and was damaging the long-term viability of police effectiveness.

That is better than the spin and the understatement that Minister Costa spread today when he said, masterfully, that police whistleblowers such as Mr Priest had to come forward in difficult circumstances. Difficult circumstances indeed! The record shows, at least in part, that the intimidation of the other four officers who came forward at Cabramatta was rectified by the actions of a committee of this House, and also by their own strength and the support they received from many others. I place on the record now that I was disgusted with the intimidation that those four officers had to endure which was orchestrated by Bob Carr's pet, Clive Small. Since then, the community has seen a grudging response to the serious problems in Cabramatta. We are happy that there has been some response to some of those problems; but there has been no accountability by this Government.

Sure, we saw Whelan slink off, cowardly retiring but never retracting. And the ill-tempered Reba Meagher has changed her tune, but not her neglect of the people of Cabramatta. Ryan was driven out and bought

off by Costa. Only Jarrett, surprisingly, who admitted responsibility for the policing catastrophe in Cabramatta, took the punishment and was sacked by Ryan. Accountability and decency require that Bob Carr sack Aquilina and Reba Meagher and stop protecting Clive Small, who has been at the centre of the intimidation.

HUNTERS HILL HIGH SCHOOL

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.10 a.m.]: I draw attention to a meeting on Saturday of the school community and former students at Hunters Hill High School. It will be a major reunion. Some distinguished old boys of the school are Jeff Shaw and Peter Semmler. The school still has 450 students and very impressive Higher School Certificate results. The school is in danger of being sold; it is scheduled for closure because the Government wants to sell it. It was used as part of the Olympics; the school's capital budget was run down and the money was spent on the Olympics. So the Olympics were paid for, but there was a deficit in school funding. That deficit will be addressed by selling some high schools. This is a comprehensive high school, and there is nothing like it in the area. Students from a wide area attend the school. Of course, massive high-rise development is happening all over the area.

The Hon. Jan Burnswoods: Point of order: The House carried the motion moved by Reverend the Hon. Fred Nile that the inquiry of General Purpose Standing Committee No. 1, on which the committee is due to report on 27 June, be extended to 4 July. That committee has been sitting during meal breaks for the past couple of days. All of the matters it is inquiring into relate to the matter that the honourable member is speaking about. Indeed, the committee is currently discussing chapter 5 of the report—which probably is confidential—which is entitled "Hunters Hill High School". The honourable member may not discuss matters which are currently, and obviously, proceeding before a committee of this House.

The PRESIDENT: Order! I warn the honourable member that his remarks must not stray into the area of the committee's report, which has not yet been reported to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The area around Hunters Hill is undergoing a large amount of high-rise—

The Hon. Jan Burnswoods: Point of order: These matters are quite specific terms of reference of the committee. Those terms of reference include, among other things, the adequacy or otherwise of demographic planning, the population and possible population growth of a number of schools included in the Building the Future plan, and so on. The honourable member is flouting the ruling of the Chair. He knows perfectly well that the committee inquiry is proceeding at the moment. The honourable members knows full well that what he is saying is almost in its entirety a matter that is part of the current proceedings of the committee.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: To the point of order: This school is having a reunion, which I intent to speak about. The fact that the school is under threat is an important matter for the local school community. I am trying to put that on the record.

The Hon. Jan Burnswoods: You voted to refer the matter to a committee. You want your cake and you want to eat it too.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: And you want to talk and take up the time allocated to me. Your rudeness is characteristic.

The PRESIDENT: Order! I remind honourable members that interjections are disorderly at all times. However, I warn the Hon. Dr Arthur Chesterfield-Evans that his remarks must not stray into an area that is the subject of a committee report, because that would be anticipating debate. The honourable member must speak entirely about the school reunion.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I, of course, live in this area. Indeed I was a student of the Woolwich Primary School, which has closed and been sold. I hope my son will go to Hunters Hill Public School, which is sadly overcrowded—a matter of some concern. It has very little playground space for children who are trying to have a normal school life with some sort of exercise. Obviously, this is a matter of concern to me as a parent, as it would be for education in our suburb, which seems to be treated with inverted snobbery at all times—because we silvertails are supposed to go to private schools.

PARLIAMENT HOUSE LIFT REFURBISHMENT

The Hon. IAN COHEN [6.15 a.m.]: I would like to finish the absurd last few hours of Parliament with perhaps an equally absurd speech on a transcendently ascending experience that I have had in Parliament House in recent times. Sometimes one gets the rare opportunity to stop, meditate, take on a new experience and relax a little, even though the bells might be ringing for a division in the House. But no, at these times one has to stop and contemplate other realms and aspects of life and spirituality, because the lifts are not working effectively. Many a time I have stood at the lifts on level 11 and found an absolute dearth of lifts. It sounds like our public transport system. While waiting for the lifts to come, far from the madding rush of this place, one contemplates the opening of the doors like the opening of one's mind. Eventually it does happen, somewhere along the line. The bells are ringing and down one goes.

Tonight I entered a lift and went from level 11 down to level 8. The doors opened, but no-one was there. The division bells were not ringing, no passengers entered, and the lift proceeded on. I am told there is a conflict in the computer system. One looks into the heart of this experience and sees inside the brand new lifts. The interior of the lifts, which are supposed to be utilitarian, are smaller than the previous lifts. I suppose the reduced interior space is to cater for the lovely décor. The mirrors are split and do not give a proper reflection, the wooden panels are already becoming scratched, the carpet has started to wear, and the switches are starting to break down. In short, it seems to me that the lift refurbishment has been an absolute waste of taxpayers' money.

Motion agreed to.

**The House adjourned at 6.17 a.m., Friday, until
Tuesday 27 August 2002 at 2.30 p.m.**
