

LEGISLATIVE ASSEMBLY

Monday, 1 December, 1986

Mr Speaker (The Hon. Lawrence Borthwick Kelly) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

DISTINGUISHED VISITORS

Mr SPEAKER: Order! I draw the attention of honourable members to the presence in the Speaker's Gallery of Mr and Mrs Sanjana, leaders of the Parsee community in India.

ELECTORAL DISTRICT OF BANKSTOWN

Resignation of Richard Charles Mochalski

Mr SPEAKER: I have to inform the House that I have this day received a letter from Richard Charles Mochalski resigning his seat as member for the electoral district of Bankstown.

Vacant Seat

Motion by **Mr Unsworth** agreed to:

That the seat of Richard Charles Mochalski, Member for the Electoral District of Bankstown, hath become, and is now, vacant by reason of the resignation thereof by the said Richard Charles Mochalski.

STATE FORESTS

Message

Mr Speaker announced the receipt of a message from His Excellency the Governor recommending the revocation of the dedication of certain State Forests.

Ordered to be printed.

[*Interruption*]

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

ASSENT TO BILLS

Royal assent to the following bills reported:

Community Service Orders (Amendment) Bill

Constitution (Local Government) Amendment Bill

Co-operation (Amendment) Bill
 Public Accountants Registration (Co-operation) Amendment Bill
 Permanent Building Societies (Co-operation) Amendment Bill
 Evidence (Amendment) Bill
 Exhibited Animals Protection Bill
 Search Warrants (Exhibited Animals) Amendment Bill.
 Zoological Parks Board (Exhibited Animals) Amendment Bill
 Farm Water Supplies (Transfer of Functions) Amendment Bill
 Soil Conservation (Amendment) Bill
 Gore Hill Memorial Cemetery Bill
 Justices (Amendment) Bill
 Local Government (Inspectors' Reports) Amendment Bill
 Motor Traffic (Sale of Vehicles) Amendment Bill
 Periodic Detention of Prisoners (Amendment) Bill
 Poultry Meat Industry Bill
 Search Warrants (Poultry Meat Industry) Amendment Bill
 Prisons (Amendment) Bill
 Railway Construction (East Hills to Campbelltown) Amendment Bill
 Sale of Goods (Vienna Convention) Bill
 Stock Foods and Medicines (Amendment) Bill
 Therapeutic Goods and Cosmetics (Amendment) Bill
 Traffic Authority (Amendment) Bill
 Trustee Companies (Amendment) Bill

PETITIONS

The Clerk announced that the following petitions had been lodged for presentation:

Offences Against Children

The Petition of citizens of New South Wales respectfully sheweth:

That the disappearance of Samantha Knight and the increase in brutality and violent crime towards children, including that committed by persons convicted previously of violent crime and who have been released into the community before the completion of their sentences, has caused deep concern for the safety and well-being of children in our community in New South Wales.

Your Petitioners therefore humbly pray:

That your honourable House will reappraise the punishments that may be imposed, under the law, upon those found guilty of offences in relation to children and, in particular, the enforcement of those punishments by increasing or abolishing non-parole periods, and will more closely supervise discretionary action taken by bodies administering parole, to ensure that persons convicted of offences in relation to children are not able to commit any further violent offence.

And your Petitioners, as in duty bound, will ever pray.

Petitions, lodged by **Mr K. G. Booth**, **Mr Bowman** and **Mr Face**, received.

Legislative Assembly

The Petition of supporters of small business enterprises in New South Wales respectfully sheweth:

That there is no justification for the proposal to increase the size of the New South Wales Legislative Assembly to 109 members. With the increased facilities provided to members of the Legislative Assembly during the last decade, namely individual electorate officers, a full-time secretary and, more recently, a second staff member, there is every justification for reducing the size of the Legislative Assembly to ninety members. Smaller, busier Parliaments would make for smarter, brighter politicians.

That your honourable House will indicate to the Government that it should urgently prepare and introduce legislation that will reduce the number of electorates in New South Wales, to take effect with the next election, due in 1988.

And your Petitioners, as in duty bound, will ever pray.

Petitions, lodged by Mr J. D. Booth and Mr Schipp, received.

Heavy Motor Vehicles

The Petition of citizens of New South Wales respectfully sheweth:

That there is opposition to the proposals by the National Association of Australian State Road Authorities for an increase in mass and dimension limits for heavy road vehicles. If the existing limits for heavy road vehicles are raised, the total costs to other road users and local communities throughout Australia will be intolerable. The resources of local councils are already strained by the costs of road maintenance which are imposed by the passage of heavy road vehicles. We note with greatest concern the proposal for the introduction of B-double combination road trains. These vehicles would create grave safety problems for other road users and would have the effect of diverting even more of the nations freight task away from the railways and on to our already overcrowded roads.

Your Petitioners therefore humbly pray:

That your honourable House will oppose any increase in road vehicle limits; will legislate for the full recovery of costs imposed by heavy road vehicles on New South Wales roads, and will convey our opposition to increased road vehicle limits to the federal Minister for Transport.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by Mr Knowles, received.

Common Law Damages Rights

The Petition of citizens of New South Wales, concerned that their common law rights may be removed, respectfully sheweth:

That the Government intends to make changes to the law relating to compensation for injuries suffered in motor vehicle accidents.

Your Petitioners therefore humbly pray:

That your honourable House will not remove the right of persons injured in motor vehicle accidents to sue for damages at common law.

And your Petitioners, as in duty bound, will ever pray.

Petitions, lodged by Mr Anderson, Mr Beck, Mr Kerr, Mr Langton, Mr Mair and Mr Page, received.

Animal Experiments

The Petition of citizens of New South Wales respectfully sheweth:

That the Animal Research Bill, 1985, fails to stipulate, within its terms, basic guidelines, and therefore will not provide effective protection for laboratory animals.

Your Petitioners therefore humbly pray:

That your honourable House will amend the Animal Research Bill, 1985, to incorporate the following essential points: the compulsory use of anaesthetics at all times; the development and use of alternatives to laboratory animals; the elimination of repetition and duplication of experiments; the banning of all psychological experiments using animals and the replacement of commercial testing by more scientifically valid tests; a more equitable balance of membership of all committees concerned with the use of animals in laboratories; and that the animals' fundamental behavioural needs be met at all times.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Rozzoli**, received.

Industrial Arbitration Legislation

The Petition of citizens of New South Wales respectfully sheweth:

That there is total opposition to the repugnant legislation consisting of the Industrial Arbitration (Industrial Torts) Amendment Bill, 1986, the Industrial Arbitration (Employment Protection) Amendment Bill, 1986, and the Industrial Arbitration (Miscellaneous Provisions) Amendment Bill, 1986. There is objection to our civil rights being curtailed by an Act of Parliament, and to the Government placing unions and union officials above the law. The Government has demonstrated a cynical lack of concern for the economic prosperity and employment opportunities of this State. We therefore most earnestly petition the New South Wales Parliament to repeal the industrial arbitration amending legislation of 1986.

And your Petitioners, as in duty bound, will every pray.

Petitions, lodged by **Mr Armstrong, Mr Baird, Mr Beck, Mr J. D. Booth, Mr Caterson, Mr J. A. Clough, Mr Collins, Mr Cruickshank, Mr Dowd, Mr Fahey, Mr Fisher, Mr Greiner, Mr Hay, Mr Jeffery, Mr Longley, Miss Machin, Dr Metherell, Mr T. J. Moore, Mr W. T. J. Murray, Mr Owen, Mr Park, Mr Peacocke, Mr Phillips, Mr Pickard, Mr Schipp, Mr Small, Mr Smiles, Mr Webster, Mr West, Mr Wotton, Mr Yabsley, Mr Yeomans and Mr Zammit**, received.

PARLIAMENTARY PRIVILEGE

Mr SPEAKER: Order! On Friday, 21st November, I advised honourable members that following upon the receipt of a subpoena by the Minister for Youth and Community Services and Assistant Minister for Ethnic Affairs to attend and give evidence in the Land and Environment Court of New South Wales on Monday, 17th November, and from day to day thereafter until otherwise excused, I had written to the Chief Judge of the court requesting that the Minister be exempted from attendance as a witness before the court, whilstsoever the House was sitting. I further advised honourable members that I had subsequently received an acknowledgment from the Chief Judge stating that he had informed Mr Justice Stein that the court was not to enforce compliance with the subpoena, if enforcement were requested, while the House was sitting. I have now to advise honourable members that I have been informed by the Chief Judge that the parties have indicated to His Honour, Mr Justice Stein, that the Minister will not be called at all in the proceedings. The Chief Judge has again confirmed that the court would not, in any event, have enforced compliance with the subpoena while the House was sitting.

DONALD MACKAY INQUIRY**Ministerial Statement**

Mr UNSWORTH: I lay upon the table of the House the report of the special commission of inquiry into the police investigation of the death of Donald Bruce Mackay. Honourable members will recall that on 30th April, 1986, letters patent were issued to the Hon. John F. Nagle, Q.C., under the Special Commissions of Inquiry Act, 1983, to inquire into and report to the Government on the investigation by members and former members of the New South Wales police force into the death of Donald Bruce Mackay and, in particular, by the officer in charge of that investigation, Executive Chief Superintendent Parrington.

The commission has found that there is evidence that, if accepted by a jury, could result in a conviction against Chief Superintendent Parrington for attempting to pervert the course of justice. The commission has also found that Mr Parrington's motives were not to shield a wrongdoer but rather to gain credit for himself as an investigating officer, and for the New South Wales police force, by a successful prosecution of Bazley in this State. The commission concluded also that a criminal charge against Parrington would involve possible prejudice to criminal proceedings still on foot, and to others that the Crown may think fit to launch. It states that an alternative course of action to the prosecution of Parrington, which may well receive the consideration of the Government, is the laying of departmental charges alleging misconduct or failure to perform his duties in accordance with the particular requirements of the Police Regulation Act and the police rules.

The report has been forwarded to the Commissioner of Police and the Crown law authorities for advice. I wish to advise the House, without prejudice to the possibility of criminal action, that the Commissioner of Police has advised that disciplinary action will be taken against Chief Superintendent Parrington, but the precise nature of that action will be determined by the Commissioner of Police following an examination by him of the full transcript of the hearing before the special commission. A decision in relation to criminal charges will be taken in the light of such advice as the Attorney General may receive from the Crown law authorities.

Commissioner Nagle also made adverse comments concerning Mr A. J. Grassby, although he has not recommended any particular action being taken. The House will recall that on 25th September I said that matters raised in the proceedings before Mr Nagle concerning Mr Grassby would be referred to the National Crime Authority. I said also that if the report reflected adversely on Mr Grassby, I would take action. The special commission of inquiry's report has been dispatched to the National Crime Authority today. I informed Mr Grassby of the terms of the report last Thursday night and on Friday he submitted his resignation from the position of special adviser on community relations.

Mr GREINER: The report of Mr Nagle completely vindicates the Opposition's efforts over some ten years to point out that the pursuit of the murderer of Donald Mackay was one of the greatest scandals in the administration of justice in this State. Without the persistent efforts of members on this side of the House, and might I say particularly those of the honourable member for Lane Cove, we would never have reached this situation. Let me say briefly that it ought to be to the eternal embarrassment of the Minister for Health, and the eternal embarrassment of the Attorney General—who in April

of this year fulsomely, vigorously, and without equivocation, defended Mr Parrington—and likewise it should be to the eternal shame of the Government, that it continued for one moment to employ Mr Grassby after the perfectly clear open-and-shut case that indicated he is not a fit person to serve in any government, not even the Labor Government in New South Wales.

Speaking last night in Adelaide, the Hon. E. G. Whitlam, who is in and around this House today, said, "We will not have four governments of the same colour for much longer". He was referring to the Labor Party. "I am not confident about New South Wales." He added, "No party gets far by distancing itself from former governments of the same persuasion." This mob opposite are stuck with ten years of maladministration of justice and the police force in this State, and they cannot escape from that no matter how hard they try. The people of New South Wales will know that they have been dragged screaming and kicking first to the creation of the Nagle inquiry and now to the resignation, to avoid sacking, of Mr Grassby.

Mr SPEAKER: Order! The Leader of the Opposition has exhausted his time.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Ninth Report

Mr Langton, as Chairman, brought up the ninth report of the Joint Standing Committee upon Road Safety, entitled "Safe speed and overtaking on 100-kph roads: discussion paper distributed for public comment".

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

STORAGE AND HANDLING OF HAZARDOUS GOODS

Mr GREINER: My question without notice is directed to the Minister for Industrial Relations and Minister for Employment. Following the weekend's tragic explosion at Rhodes, will the Minister agree to an open public inquiry into the storage, handling and transportation of dangerous chemicals, liquids and gases in the Sydney metropolitan region? If not, why not? In the meantime, what urgent steps are being taken by the Minister's departmental inspectors to examine all storage vessels similar to those at the Rhodes plant as an interim safety measure?

Mr HILLS: I might say at the outset that the New South Wales manager, Mr Higginson, Mr John Blamey, who is special projects manager, specialty and organic chemicals, and Mr Tweedale of ICI at Botany have just left my office.

[Interruption]

Mr HILLS: I am sure the Leader of the Opposition is as anxious as everyone else to know what the views were of this company, ICI, which is a very big—

[Interruption]

Mr HILLS: I was just waiting until the Leader of the Opposition and his deputy concluded their conversation.

[*Interruption*]

Mr SPEAKER: Order! The Leader of the Opposition should show courtesy to the Minister. He did ask the question. He should at least listen to the answer.

Mr HILLS: ICI is a respected company, not only in Australia and in Sydney but, indeed, throughout the world. Recently it took over the control of this plant of which the majority shareholders were originally CSR. The company, with its subcontractors, were carrying out certain maintenance work in the plant. Inspectors from the Department of Industrial Relations, including the Chief Inspector of Boilers and Pressure Vessels, the Chief Inspector of Dangerous Goods and other officers, have been constantly on the site since last weekend when the accident happened. A full inquiry is being undertaken by the officers, who are experienced men, efficient engineers, in this field, in conjunction with police officers and the like. Obviously there will be a coronial inquiry into the accident. I am sure all of us here present are very saddened by the fact that five men lost their lives and other workers who were on the site were in serious danger of losing their lives as well. I do not propose to go into the details that have been communicated to me both by the officials of ICI and by officers of my department because investigations are still proceeding.

The Leader of the Opposition raises the question of possible danger in this plant and in other plants located in this great metropolitan area and throughout the State of New South Wales. Quite obviously, the findings that will be made about this serious accident will be, let me say, of some advantage in the future in ensuring that this sort of accident does not occur again. At this time I do not propose to indicate whether some worker was not working in accordance with the certificates that were issued as to the method of working and the place of working at the plant, or whether certain equipment was in place, or whether the design of the tank was appropriate in all the circumstances. However, as soon as the information is available to me, I shall make it known to the House, if the House is sitting at the time, or, of necessity, to the public, because the important issue raised here is the protection of the workers on the site and the people living in the vicinity of plants such as this.

DAMS SAFETY

Mr WALSH: I direct a question without notice to the Minister for Local Government and Minister for Water Resources. Following the recently tabled report on the safety of dams in New South Wales, will the Minister indicate what action the Government is taking in relation to dams within her area of responsibility.

Mrs CROSIO: The report to which the honourable member refers is from the Dams Safety Committee a committee set up by our Labor Government in 1978 to investigate and report on the safety aspects of the State's dams. The report contains a number of important recommendations to which our Government is paying close attention. However, though the Government values the work and findings of the committee, it should be recognized that the various authorities in New South Wales responsible for dams and their safety have been working towards meeting new safety standards for some years. The committee's report acknowledges this by referring to the responsible attitude taken by the owners of major dams. Engineering techniques for ensuring the safety of large water supply dams have been improved significantly in recent years, as have

the abilities of meteorologists and hydrologists to predict rainfall patterns and to estimate the size of floods that might affect the future safety of our dams.

The Dams Safety Committee has identified the upgrading of spillways on a number of the State's dams—some of which has a high priority in view of the latest rainfall information and figures available. The Government has recognized this area also as one of priority. Over recent years it has prepared detailed reports on the extent of work required and has taken action to meet the new safety standards. It should be emphasized that these new works will bring the State's major dams up to a safety standard equal to any in the world. Dams will cater for floods estimated to occur not just once in a thousand years but once in 10 000 years.

In my own area of responsibility the Government has taken major steps to improve safety standards and upgrade spillways on dams operated by the Water Resources Commission, the Sydney Water Board, and the Hunter District Water Board. The Burrinjuck Dam, named by the Dams Safety Committee as needing urgent attention, is already the subject of extensive investigations to determine what works are required. Detailed proposals, expected to cost in the order of \$20 million, will be finalized next year. In the meantime, drill testing is being undertaken at the dam and I have directed funds available to the commission this year to be used to advance that design work. A flood warning system, prepared in conjunction with the State Emergency Services, is being investigated, as is the installation of an electronic inflow forecasting system.

Top priority has already been given by the commission to ensuring that dams now under construction meet the new safety standards. The Glenbawn Dam enlargement—now in its final stages—and the new Split Rock Dam will both cope safely with the new design floods. A number of other dams operated by the commission have been identified as requiring upgrading works and reports are being prepared on those proposed improvements. These works especially relate to the Chaffey, Glennies Creek and Pindari dams. Last week, I visited Albury to help commemorate the fiftieth anniversary of the opening of the Hume Dam. Remedial measures costing almost \$13 million will be complete at that dam midway through next year. The Sydney water board has helped pioneer new safety techniques, such as new methods of post-tensioning to strengthen old dams, that have been adopted around the world. The Dams Safety Committee has endorsed all of the water board's programmes, which have been announced publicly on various occasions in line with this Government's policy of keeping the community informed.

In recent years the water board has carried out a safety first programme of scientific and engineering reviews of all fifteen of its water supply dams. As a result, several of the older dams have been or are being modified and strengthened to comply with present-day safety standards and scientific knowledge. For example, Avon Dam has been strengthened with rock buttressing of its downstream face and its spillway has been modified. The dam at Prospect Reservoir has been buttressed with rock fill, and its drainage upgraded. The foundation and wall drains of Cordeaux Dam have been upgraded. New monitoring equipment will be installed to measure any movement affecting the dam. Work has begun on upgrading drainage of the galleries and drains of Woronora Dam. Cataract Dam is being post-tensioned using techniques pioneered at Manly Dam. That work began in 1982 and is expected to be completed in 1988. Post-tensioning and other modifications to Nepean Dam are under investigation. At Warragamba Dam, which is the most pressing job ahead for this Government, initial work expected to start early next

year will involve protecting the top of the dam and the valve house and water supply pipelines below. An environmental impact study on proposed new spillway options is expected to be completed next year—it will focus on what will be, by far, the major part of the work ahead. Design work is well advanced and the estimated total cost is \$97 million.

In relation to the Hunter District Water Board, no major expenditure is required to its dams to ensure their safety. Last year major upgrading works involving the spillway of the Chichester Dam were completed along with works on the dam's structural stability. In light of the revised and much increased storm rainfall predictions, investigations are now underway on the board's other dams. I have clearly outlined to the House in answering the question asked by the honourable member for Maitland that this Government has a firm commitment to ensuring the safety of the State's dams. As new information on rainfall figures and flood frequency comes to hand, the Government has moved quickly to take the appropriate action. The work to which I have referred has cost and will cost many millions of dollars, money that would not and could not be expended if the Opposition were to impose its ridiculous spending freeze policies. This is one of the areas in which this Government will continue to spend money. God help the people of this State if the Opposition should ever come to office.

ROADS FUNDING

Mr W. T. J. MURRAY: My question without notice is addressed to the Minister for Public Works and Ports and Minister for Roads. Is it a fact that the New South Wales motorist now pays 2.5c a litre in Australian Bicentennial Road Development charges and 3.53c a litre in State petrol tax and that only 2c of the total 6.03c is directed back to road maintenance and construction? Has the Minister recently given an indication that he favours the extension of the ABRD beyond 1988? Will the Minister ensure continued State pressure on the federal Government to continue the ABRD, or a similar scheme, and ensure that all State and federal funds collected from ABRD and State petrol tax are spent on roads?

Mr BRERETON: Inherent in the question asked by the Leader of the National Party is the suggestion that this Government's commitment to roads is not all that it could be. It is timely that I remind the House that the Government is in the middle of the biggest roads building programme ever undertaken in the history of the State. The sum of \$5 billion will be expended during a period of five years. I shall refer honourable members to the results that are already flowing as a result of that record programme.

[Interruption]

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

Mr BRERETON: The F4 freeway has been completed one year ahead of time. A total of 215 kilometres of freeways around New South Wales have been completed. Also massive improvements have been carried out to the Hume Highway, the F6 southern freeway, the Sydney to Newcastle expressway, the Pacific Highway, and the Great Western Highway to the Blue Mountains. This year the Government is spending \$1,007 million on roads in this State. The Leader of the National Party refers to the ABRD levy and the amount of money that goes to roads. I make it clear that this Government's financial commitment

to roads has increased each and every year as part of this State's record roads building programme.

[*Interruption*]

Mr SPEAKER: Order! It is of little use the Leader of the National Party asking the Minister a question if he already knows the answer. The Minister should be heard in silence.

Mr BRERETON: I have said often in this House that the federal Government, which five years ago was contributing 45 per cent of the total funds for the roads programme in this State with the State Government contributing 55 per cent, has actually now reduced its contribution. At present the federal Government is contributing 38 per cent and the State Government 62 per cent. Those percentages of contribution are separate from the ABRD and the Australian land transport programme and all the other efforts of the federal Government. They are financial facts. What I said last week about the ABRD programme was a most constructive approach to look at future priorities to determine how money could be made available to be spent in the areas of major need. I identified the Pacific Highway because it is a sad fact that the most popular road, the busiest road, the greatest tourist road between Newcastle and the Queensland border is not classified as a national highway. Despite all my efforts to have the federal Government accept responsibility for this highway, it is clear that the New England Highway is a priority road of the federal Government and will be totally funded. That will be to the detriment of the Pacific Highway.

The point that I made last week and the point that I will be making at the end of this week, when the various Ministers for Roads from the States of Australia meet, is that come 1988, when the ABRD programme is due to end, the programme should be continued. Surveys carried out by the Government have revealed that motorists are quite happy to pay the present levy, provided the moneys are ploughed back into roads. At the moment the levy raises \$130 million a year. Rather than see the programme cut out in 1988, the New South Wales Government will propose that it be continued with the support of the motorists and that the money collected should be devoted principally to the Pacific Highway. It will take money of that magnitude to overcome the difficult problems experienced on that busy, curving section of road.

I hope that at the conference of Ministers for Roads at the end of this week, that call from New South Wales will have the support of all the States. We all know of the State's roads needs and we all know that it would be far preferable for the Commonwealth Government to continue collecting that money after 1988 rather than cutting it out, as it is due to do at the moment, or, alternatively, being rearranged and diverted to Commonwealth revenue purposes. I have discussed the matter with the Premier of New South Wales, who has expressed a great deal of support for this approach. He told me also that, in the event of the Commonwealth not proceeding along those lines, New South Wales should consider continuing the imposition of the 2c levy and directing that money into road funding for dedicated road building purposes in New South Wales to improve the Pacific Highway and other roads of our State.

COAL ACQUISITION COMPENSATION

Mr NEILLY: My question without notice is directed to the Minister for Mineral Resources and Minister for Aboriginal Affairs. Is it a fact that last Friday the Opposition spokesman for mineral resources claimed that only \$2.2 million had been paid out by the Coal Compensation Board as interim compensation payments? Will the Minister advise the House of the facts?

Mr GABB: I am aware of a media release issued by the honourable member for Hornsby, the Opposition spokesperson on mineral resources, claiming that only \$2.2 million had been paid out by the Coal Compensation Board in the form of interim compensation payments. As so often occurs with statements by Opposition members, the claim is both outdated and inaccurate. The true position is that more than \$11 million has so far been paid out by the Coal Compensation Board. That media release caused me to have a closer look at the Opposition's policy in relation to this matter. That policy should strike terror into the hearts of every New South Wales taxpayer. Under the programme established by this State Government, compensation at the rate of 50c per tonne will be paid to former holders of private coal. That amount is then calculated at a discount rate of 17 per cent to 23 per cent, to which attractive market rates of interest will then apply.

In another media release dated 6th June, 1986, the honourable member added his support and the support of the Opposition to the Freehold Rights Association, and again acknowledged support for that association. Indeed, in his media release he stated, "We have supported their cause since the Wran Government introduced its plan six years ago". The compensation scheme put forward by the Freehold Rights Association, a compensation scheme acknowledged to be supported by the Opposition, involves a compensation rate of 82c a tonne with a discount rate of no more than 3.7 per cent. That sounds quite innocent in itself, but when I asked the Coal Compensation Board to add up the cost to the New South Wales taxpayer of that throw away policy of the Opposition, I found that the cost of the Opposition's largesse is \$800 million.

Mr Pickard: The Government stole \$800 million worth of the people's assets.

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

Mr GABB: This Opposition is promising the taxpayers of New South Wales that if ever it comes to office, it will transfer at least \$800 million of taxpayers' funds to a small number of companies and wealthy individuals. The honourable member for Hornsby went even further in his media release of 6th June, becoming quite carried away with Opposition largesse. He said that the Government was offering only 10 per cent of the true value of coal rights. The Government anticipates that the compensation to be paid will be in the realm of \$150 million. Multiply that by ten, as the honourable member for Hornsby would, and the pay-out figure would be \$1,500 million. I do not want to dwell too much on that figure; instead I shall concentrate on the \$800 million. The reason for that is simple.

Since the Government has commenced a consideration of Opposition policy and the economic incompetence of the Opposition, the Leader of the Opposition has constantly ducked for cover. The two defence lines he has put up are, first, to say, "Well, the promise was made only by a shadow minister,

and you should never believe a shadow minister. Only believe the promise"—the Leader of the Opposition says—"if I make it". The second defence that the Leader of the Opposition makes is to say, "Well, Opposition promises are good for only a short period of time. We may have made a promise at the last election, but that is too far away. Only believe us if we have made a promise recently". Let me put before the House a couple of additional matters to ensure that the Leader of the Opposition does not squirm his way out of this.

I have here a copy of a document rather ludicrously called "Scroll of Justice", signed and sealed by one Nick Greiner for and on behalf of the New South Wales Liberal Party, a document circulated by none other than the Freehold Rights Association, which states, "Nick Greiner hereby pledges to the people that upon their return to Government they will reverse the Coal Acquisition Act or wherever applicable provide prompt and just compensation to the dispossessed owners", et cetera. The Leader of the Opposition, therefore, has tied himself in with the largesse of the honourable member for Hornsby. Not only that, but as recently as May he reiterated that support. What the taxpayers of New South Wales and the people who will fill the public gallery of this place each day to pass judgment on both the Government and the Opposition must ask the Opposition is: where will that \$800 million come from in order for you to pay out that amount of—

[*Interruption*]

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

Mr GABB: —to pay out that amount of money to the small number of companies and private individuals who are to receive Opposition largesse? How many hospitals will have to close, how many roads will never be built, in order that the Opposition can look after their friends once again?

HOLYROOD HOTEL

Mr YABSLEY: I direct my question without notice to the Minister for Public Works and Ports and Minister for Roads. Has the Department of Main Roads completed negotiations to pay a convicted drug trafficker and his partners approximately \$450,000 for the resumption of a former brothel and rooming house known as the Holyrood Hotel in East Sydney? If not, what stage have negotiations reached? Will the Minister now refer this matter to the Attorney General to see if it falls within the provisions of the Crimes (Confiscation of Profits) Act as a tainted property in order to stop the proceeds of the resumption being paid to the convicted drug trafficker?

Mr BRERETON: It will become clear from my answer that I do not know anywhere near as much about brothels as does the honourable member.

[*Interruption*]

Mr SPEAKER: Order!

Mr BRERETON: When the Department of Main Roads is seeking to build a great road such as the eastern distributor, which will carry traffic from Woolloomooloo, beneath William Street and Oxford Street, all the way to Anzac Parade and South Dowling Street, it is its habit in accordance with the provisions of the Public Works Act to pay compensation to the property-owners whose properties are being taken. Having said that, I indicate that work on that project is well advanced. I have no knowledge of the property to which the

honourable member has referred. Given that the honourable member lives in a brothel, I am sure that he knows the addresses of all the brothels.

[*Interruption*]

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

Mr BRERETON: The honourable member probably has a great deal of knowledge about how much was paid for them, by whom and to whom. I do not have that knowledge. I shall ascertain from the Commissioner for Main Roads the present status of the acquisition process in the East Sydney area. If there is any matter that should be referred to any of my colleagues, certainly it will be. However, those inquiries will have to await a report from the Commissioner for Main Roads.

DEPARTMENT OF CORRECTIVE SERVICES INTERNAL INVESTIGATION UNIT

Mr AMERY: Will the Minister for Corrective Services inform me and the House of the details of any increase in the size of the internal investigation unit of the Department of Corrective Services? Has this increase in staff had any effect on the strengthening of the department's resources in the fight against drugs and corruption in the State's gaols? Further, will the Minister advise the House of any action taken last week by that unit that resulted in the charging of prisoners allegedly involved in a major heroin importing operation?

Mr AKISTER: I commend the honourable member for Riverstone for the great interest that he has shown in corrective services and in particular—this stems from his previous experience—the suppression of crime in New South Wales gaols. Originally the internal investigation unit consisted of two officers. Some eighteen months ago I sought from the former Premier an increase in the size of the unit from two to thirteen, and subsequently fifteen, officers. The unit, which is made up of male and female prison officers, investigates criminal matters both in gaol and outside gaol in terms of corruption among departmental staff. In the drugs area, it liaises with the specialized State and federal drug law enforcement agencies.

In eighteen months, investigations by the highly professional members of the internal investigation unit have resulted in forty-two prison officers being charged, resigning or waiting to be charged. The unit has searched more than 1 000 prisoners' cells, at the order of the chairman of the Corrective Services Commission. It conducts special investigations referred to it by me or by the commission and mounts, on a full-time basis, a special telephone service which operates on the 008 number throughout Australia so that we might get information from prisoners, former prisoners, relatives of prisoners and so forth about corruption in gaols.

In answer to the second part of the honourable member's question, a prisoner was charged with being involved in an alleged heroin importation scheme. That matter is now before the court, so little can be said about the charges laid. However, staff of the Department of Corrective Services alerted police to certain information while that person was still in Hong Kong. He was placed under surveillance from his first day in the New South Wales prison system as a prisoner. Following requests from police, the internal investigation unit conducted a lengthy and sophisticated intelligence operation into the alleged illegal activities and, in doing so, provided valuable information to both

State and federal police. As a result of the co-operation of the internal investigation unit, decisive information came to light about the alleged illegal activities. The internal investigation unit is to be commended for its part in that operation, despite the fact that the news media made little mention of its role. In general, the internal investigation unit has gathered highly effective intelligence about illegal activities in gaols and has ended, or is in the process of ending, many of those criminal activities.

RURAL ASSISTANCE

Mr ARMSTRONG: I address my question without notice to the Treasurer. Are the Treasurer and the Government aware of the financial crisis being experienced by many farmers in New South Wales? Is the Minister aware of the considerable assistance provided by the Rural Bank of New Zealand to that country's farm community and the general economy through the New Zealand Rural Bank discount scheme? Will the Minister investigate the practicability of such a scheme being administered by the State Bank of New South Wales, with the object of ensuring that New South Wales farmers are at least competitive with New Zealand farmers in their continuing fight against the high interest rates that at present are afflicting farm profitability and viability?

Mr K. G. BOOTH: I am not aware of the position in relation to New Zealand and the Rural Bank of New Zealand. However, I certainly am aware of the position in New South Wales and the role that the Government has played in trying to assist the rural industry of New South Wales. I refer in particular to the State interest subsidy scheme that the Government introduced last financial year. The initial allocation to that scheme of \$5 million was to help those engaged in rural industry with interest payments. Because of the number of applications received, the Government in its wisdom increased the allocation from \$5 million to \$8 million. That is an indication of the interest of the New South Wales Government in rural industry and in ensuring that the impact of overseas commodity prices and other cost increases is relieved as much as possible. The scheme introduced by the Government was unique. No other State in Australia has introduced a similar scheme, and no other scheme has been anywhere near as successful as ours. The Queensland scheme has been an abject failure. The provision made in our Budget for the scheme was nowhere near matched by the allocation made by the Queensland Government for its scheme. As at 15th October last year, New South Wales had received 3 294 applications for assistance under the scheme. To that date 71.8 per cent of those applications had been dealt with; 557 had been refused. Under the community youth support scheme 1 341 applications had been approved and under the rural assistance scheme 469 had been approved.

I could give a great deal of detail about the scheme operated by the Rural Adjustment Board. That scheme is supplementary to the State interest subsidy scheme. No other Government has been as mindful as this Government of the problems associated with rural industry. Even the State's natural disaster scheme is the finest of any State in Australia. The Government's interest in rural industry has always been demonstrated by its readiness to allocate hard, cold cash. The \$8 million allocated in the past financial year is firm evidence of the Government's recognition of the needs of rural industry. I shall certainly examine the scheme that operates in New Zealand. However, the Government will be using as its model the State interest subsidy scheme if and when further assistance is provided in the Budget.

INVESTMENT IN NEW SOUTH WALES

Mr KNIGHT: I address my question to the Minister for Industry and Small Business and Minister for Energy and Technology. With less than two months to the final of the America's Cup, will the Minister outline the Government's success in attracting investment to New South Wales through the office established by his department in Fremantle?

Mr COX: Honourable members recall that last week the Leader of the National Party moved a motion in which he sought to criticize the Government for its presence at Fremantle and also for distributing brochures that sought to assist in the development of this State. The Department of Industry and Small Business has on hand at present twenty-nine documented inquiries pertaining to investment opportunities. An Italian company has put forward a proposal to build a second international airport in Sydney and ultimately lease this airport back to the federal Government. I am making arrangements for the proposal of that company to be submitted to the federal Government and to the State Minister for Transport. Three top-class hotel developers have expressed an interest in building hotels in Sydney. One is extremely interested in building a Japanese-style hotel complex in Sydney and the other two are interested in building five-star hotels in the Sydney area. Another developer is seeking information with a view to building a golf resort within a distance of 100 kilometres of Sydney. Negotiations are proceeding on the sale of up to 12 hectares of land in the Macarthur growth area. We have received a letter of intent from a company which is planning to establish in the Macarthur growth area a \$7 million heavy engineering plant which will employ up to 300 people.

Our consultants, Price Waterhouse, who assist us with migrant business applications, have informed us that they have received more than 700 applications from Korean citizens interested in settling in Australia and starting businesses here. Honourable members will recall that under the business migration scheme those migrants need at least half a million dollars before they are allowed to start business in New South Wales. An Italian company is holding talks with the department on its proposals for the construction of high speed coastal vessels, and electronics. A firm from San Francisco in the United States of America is seeking firm prospects for the provision of venture capital in New South Wales.

[Interruption]

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

Mr COX: At the recent major business exhibition in Fremantle, attended by more than 135 000 people, the New South Wales Government was the only State government represented. Products were exhibited from more than twenty-five New South Wales companies. Business investment kits have been circulated overseas. The Los Angeles office received one hundred kits and now seeks a further 2 000. Mr Kevin Stewart, the New South Wales Agent-General in London, telexed, seeking a distribution of 2 500 kits. The kits also have been translated into Japanese and are highly sought in Tokyo by Japanese investors.

After the Leader of the National Party moved the urgency motion in this House his office staff rang my office and said that the Leader of the National Party wanted four complete kits to give to some of his friends who were going overseas. The honourable member for Lane Cove also rang for some kits. I am pleased that the Leader of the National Party sees a lot of merit in our proposals

to have an office in Fremantle, and in the distribution of brochures informing businessmen of opportunities in New South Wales. If honourable members had watched television last night they would have seen and heard Sir Peter Abeles talking about the great tourist potential of this State. New South Wales has that potential indeed; there is clear evidence of it. The director of the submarine task force, Mr Hargraves, wrote to Mr Maddocks of my department and said:

Thank you very much for your letter and information kits regarding the New South Wales promotion in association with the America's Cup. I believe it is the best New South Wales Government promotional publication I have ever seen. I am making arrangements with the Department of Industrial Development and Decentralisation to forward copies to seniors of overseas companies involved in the submarine project, as I believe it provides an excellent introduction to the capabilities of New South Wales.

Mr M. S. Raine of Raine and Horne, leading real estate agents and auctioneers, wrote to Mr Maddocks of my department and said:

In my absence overseas I received your recent productions. Firstly, thank you for sending them to me. Secondly, and more importantly, congratulations on the presentation, which is considered to be nothing short of brilliant.

That unsolicited testimony came from Raine and Horne. Mr Raine simply wrote to us. He added:

Please pass on my congratulations to those who are responsible for the state of the nation.

I have had a dozen of these, all indicating how smart the Government was to get over to Perth. We are the only State Government exhibiting over there. But the Leader of the National Party has been saying, "Do not tell anyone about tourist development in New South Wales, do not say anything about the opportunities on the North Coast. Do not do anything to promote tourism." He moved a motion criticizing the Government in this House. That shows the extent of thinking in the National Party. The day we get something positive from the Opposition will be a matter of conjecture. They operate on the theme of "We of the Never Never". They never never have anything. The Opposition has nothing. We have been waiting, anxious to hear what the Opposition might put forward, and all we have heard is criticism from the Leader of the National Party, criticizing a Government activity which has been well received in Perth, by overseas investors and by other State governments.

Industrial development departments of all other States have admitted that New South Wales has stolen a march on the rest of Australia because of its presence in Fremantle during the America's Cup. How can the Leader of the National Party have the hide to criticize the Government and yet, when some of his friends go overseas, seek publications about business opportunities, just to big-note himself. I have said that as a result of the Government's business presence in Perth we would get \$1.5 billion worth of investment in New South Wales, and I guarantee that will happen in New South Wales, for our expenditure of \$1.5 million.

WARRINGAH SHIRE COUNCIL

Mr LONGLEY: My question without notice is addressed to the Minister for Local Government. Has the Minister executed, or is she aware of, any further, proposed or current inquiries concerning Warringah shire council, councillors or staff? If so, what is the nature of these inquiries? Why have they not been disclosed before now? When are they, and the Solicitor General's report due to be completed? Will the Minister give an undertaking that these inquiries—

Mr SPEAKER: Order! I ask the honourable member for Pittwater, before he asks any questions in future, to obtain assistance in their framing. The question is too prolix.

[*Interruption*]

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

SUSPENSION OF STANDING AND SESSIONAL ORDERS

Mr SHEAHAN (Burrinjuck), Attorney General and Minister Assisting the Premier [3.17]: I move:

That so much of the standing and sessional orders be suspended as would preclude the Business Franchise Licences (Tobacco) (Application and Enforcement) Amendment Bill, Business Franchise Licenses (Petroleum Products) (Application and Enforcement) Amendment Bill, Darling Harbour Authority (Amendment) Bill, Director of Public Prosecutions Bill, Crown Prosecutors Bill, Criminal Procedure Bill, District Court (Amendment) Bill, Criminal Appeal (Amendment) Bill, and Miscellaneous Acts (Public Prosecutions) Amendment Bill, being brought in and proceeded with up to and including the Minister's second reading speech.

Mr DOWD (Lane Cove) [3.18]: Despite the courtesy extended to the Opposition, advising it of this course of action, and extended to me particularly in providing assistance concerning the Director of Public Prosecutions Bill, nonetheless the Opposition cannot condone this cynical treatment of Parliament. We oppose this procedure. It is not the proper way to deal with these matters. If we are to have these bills this week, notice could have been given last week. Even if that is the way the Government conducts its business, it is no way to run the Parliament.

Mr SINGLETON (Coffs Harbour) [3.19]: I endorse what has been said by the honourable member for Lane Cove. During the last sitting week some important legislation passed through this House. Members of the Opposition faced the alternative of having the legislation pass through as a matter of urgency, having five minutes to deal with it, forgoing the Committee stage, or missing out altogether. That is not good government. The National Party takes umbrage at the way the Labor Government is running this Parliament. The people of New South Wales are not being properly represented in this Parliament in relation to the legislation coming before Parliament. The Attorney General and the Government stand condemned for the way they are failing to allow freedom of speech in debate and for not allowing honourable members to make the points that are expected of them by the people in their constituencies. We oppose the motion.

Question—That standing and sessional orders be suspended—put.

The House divided.

Ayes, 49

Mr Akister	Mr Face	Mr Newman
Mr Amery	Mr Ferguson	Mr Paciullo
Mr Anderson	Mr Gabb	Mr Page
Mr Aquilina	Mr Hills	Mr Petersen
Mr K. G. Booth	Mr Hunter	Mr Price
Mr Bowman	Mr Irwin	Mr Quinn
Mr Brereton	Mr Knight	Mr Rogan
Mr Carr	Mr Knowles	Mr Sheahan
Mr Cavalier	Mr Langton	Mr Unsworth
Mr Christie	Mr McGowan	Mr Walker
Mr Cleary	Mr McIlwaine	Mr Walsh
Mr Cox	Mr Mair	Mr Whelan
Mr Crawford	Mr H. F. Moore	Mr Wilde
Mrs Crosio	Mr Moss	<i>Tellers,</i>
Mr Davoren	Mr Mulock	Mr Beckroge
Mr Debus	Mr J. H. Murray	Mr Wade
Mr Doyle	Mr Neilly	

Noes, 38

Mr Armstrong	Mr Hatton	Mr Rozzoli
Dr Aston	Mr Hay	Mr Schipp
Mr Baird	Mr Jeffery	Mr Singleton
Mr Beck	Mr Longley	Mr Small
Mr J. D. Booth	Miss Machin	Mr Smiles
Mr Caterson	Mr Mack	Mr Webster
Mr J. A. Clough	Dr Metherell	Mr Wotton
Mr Collins	Mr W. T. J. Murray	Mr Yabsley
Mr Cruickshank	Mr Owen	Mr Yeomans
Mr Dowd	Mr Park	Mr Zammit
Mr Fahey	Mr Peacocke	<i>Tellers,</i>
Mr Fisher	Mr Phillips	Mr T. J. Moore
Mr Greiner	Mr Pickard	Mr West

Question so resolved in the affirmative.

Motion for suspension of standing and sessional orders agreed to.

DIRECTOR OF PUBLIC PROSECUTIONS BILL

CROWN PROSECUTORS BILL

CRIMINAL PROCEDURE BILL

DISTRICT COURT (AMENDMENT) BILL

CRIMINAL APPEAL (AMENDMENT) BILL

MISCELLANEOUS ACTS (PUBLIC PROSECUTIONS) AMENDMENT BILL

Bills introduced and read a first time.

Second Reading

Mr SHEAHAN (Burrinjuck), Attorney General and Minister Assisting the Premier [3.28]: I move:

That these bills be now read a second time.

Before this session of Parliament began, I announced a series of far-reaching reforms to the administration of justice in this State. One of those reforms has already entered into the statute books. This is the Judicial Officers Act, which deals with judicial education, accountability and sentencing. The package of bills I now bring forward makes the other fundamental changes to the criminal justice system that I foreshadowed. Its principal features are first, the office of the Director of Public Prosecutions is to be established. This will mean that the general responsibility for the prosecution of serious criminal offences in this State will be vested in a single person, who is politically independent.

Second, the office of Clerk of the Peace is to be abolished and the general registry functions of that office given to the Supreme and District Courts. Third, the function of listing criminal matters in the Supreme and District Courts, which is presently exercised by the Clerk of the Peace, will be taken over by an authority, which is independent of the parties. The Government has moved to introduce these measures in order to promote efficiency in our criminal justice system, and also to allay any concern that may have arisen because of recent attacks upon that system, most of which were unfounded. It is crucial that the community has confidence in the way criminal justice is administered. It must not only be impartial, efficient and free from political and personal interference, but, as well, must be seen to be so. These bills are designed to ensure that all of those objectives are maintained.

Before describing the various provisions of the bills, it is important that I take some time to outline briefly the history of the office of the Attorney General, which is significantly affected by these reforms. It will assist honourable members in understanding the most important features of the package if they have some appreciation of the historical development of the office of Attorney General and its position in the criminal justice system. The office has a very long history dating back to the thirteenth century, when the King's Attorney had responsibility for protecting the Sovereign's interests before the Royal Courts of England. Thus in 1243, one Lawrence de Brok, a professional attorney, was prosecuting pleas of particular concern to the King. The first formal appointment of a specially designated King's Attorney occurred in 1315, and in 1461 the title of Attorney General was first used to designate the officer who had power to act for the King in all courts. For the past four or five hundred years the Attorney General has been performing substantially the same duties on behalf of the Crown.

Though the Attorney General's duties as first law officer for the State developed a long time ago, the parliamentary duties of the office came much later and were originally confined to giving advice and assistance to Parliament. It was not until 1670 that the Attorney General was permitted to sit as a member of the House of Commons. Although throughout the seventeenth and eighteenth centuries the Attorney General appeared for the Crown in prosecutions, mainly for sedition and criminal libel, his role in England steadily evolved from principal legal representative of the Crown, to the ministerial head of a government department. In the early colonial days of New South Wales, the Attorney General was given additional functions which differed from his English counterpart. Because the population was largely convict, it was

determined that the grand jury system, whose members would have been drawn from the population, was an inappropriate means of determining whether a person should face a trial by jury.

Therefore, by the Imperial statute 9 George IV chapter 83, called the Australian Courts Act, it was provided that the responsibility for the decision to prosecute serious criminal offences should lie with the Attorney General, and certain individuals appointed by the Governor for this purpose. These individuals eventually evolved into the office of Crown Prosecutor as it exists today. The provision for individuals to prosecute on behalf of the Crown in their own right, was intended to be temporary. It was never envisaged that it would flourish into the system of independent prosecutors that presently exists. Since the time the provision was passed by the Imperial Parliament, the whole nature of the criminal prosecution process has dramatically changed. The provision is anachronistic and will be repealed by this legislation.

The Attorney General derives from the common law a number of important functions and powers in the criminal prosecution system. He has the power to determine that there be no bill of indictment found against a person committed for trial. Where a bill has been found, he can direct that there be no further proceedings against the person. The exercise of these powers will terminate criminal prosecutions for serious offences in the Supreme or District Courts, and the Attorney General is answerable only to Parliament for their use. Also, the Attorney General may commence proceedings for indictable offences in these courts, even though the person proceeded against has not been committed for trial by a magistrate. This is done by way of the *ex officio* indictment. Although this power is also derived from the provision of the Australian Courts Act, to which I have referred, it has been specifically retained.

More recently, other statutory powers have been given to the Attorney General. One such power is the right to appeal to the Court of Criminal Appeal against the leniency of a sentence passed in the Supreme or District Courts. All these powers reside in the Attorney General because of his present position as the first law officer in the State. They derive from his historic function as the Crown's Attorney in England and later as the infant colony's grand jury. The measures in the Director of Public Prosecutions Bill will preserve the Attorney General's traditional role and the powers that go with it, but at the same time create an important new office to share responsibility for criminal prosecutions. It would defy the principles of responsible, democratic government if the Attorney General were to abdicate totally his responsibility for such an important area of government, in favour of a person who is not elected, and thus not answerable to Parliament or the community.

However, it is proper, in order to facilitate a more efficient and consistent prosecution policy, and to provide for what is perceived as a more independent decision-making process, that the Government should give authority to a person to exercise these powers on a day-to-day basis. This is what is done by the provisions of the Director of Public Prosecutions Bill. In other jurisdictions, which have legislated to establish the office of Director of Public Prosecutions, the situation is more or less the same. The Attorney General retains some measure of control, and immediate responsibility, for the prosecution of serious criminal offences. Although the bill does not take away any of the Attorney General's functions or powers, it does ensure that the Attorney General is accountable to Parliament if, and when, he exercises them.

I have already mentioned that the Attorney General has the power to terminate prosecutions for indictable offences. Accused persons, or their representatives, frequently make submissions seeking to have proceedings terminated. Dealing with such submissions is an essential and important part of the prosecution process. However, because the power is exercised by a person who has a position of political significance, it is easy to assert that on some occasions it might be exercised improperly for political reasons. The power to terminate proceedings, presently exercised exclusively by the Attorney General, will, under this bill, normally be exercised by the Director of Public Prosecutions. Although the Attorney General will retain the power, as he does in every other jurisdiction, it would be rarely, if ever, used. If, however, it appears to the Attorney General that it is necessary in the public interest that he exercise these or any other of the powers to which I have referred, then it will be readily apparent that he has done so.

Clause 27 of the bill requires that the Attorney General notify the Director of Public Prosecutions when he uses any of these powers. The director is, in turn, required to notify Parliament of this fact in the director's annual report. During this session, Parliament has been much concerned with accountability in the administration of justice. This bill ensures that the Attorney General is accountable to Parliament, not only in the general sense of a Minister responsible for what occurs within his administration, but also in a more direct sense through the Director's report. As I have explained, the Attorney General, as first law officer of the Crown, is ultimately responsible for the prosecution of serious criminal offences. Therefore, if he exercises the powers available to him in a particular matter, his decision should bind the Director of Public Prosecutions. This is really a matter of common sense, but clause 28 (1) makes it perfectly clear.

If before the establishment of the office of the Director of Public Prosecutions, an Attorney General has terminated proceedings in a particular matter, then, for the same reason, the director as a general rule is bound by that decision and cannot review it. Once more, this is a matter of common sense. If it were otherwise, the director could be inundated with applications to review decisions reaching back over very many years. Also, it is a fundamental matter of justice that people who have been told that proceedings against them will not be continued, should be spared the anxiety and uncertainty that would ensue if matters could be re-opened at will. Of course, cases may arise where in the interests of justice it is desirable to review an earlier decision not to proceed. Clause 28 (2) sets out the criteria that must be satisfied before those decisions can be reviewed.

Matters may be re-opened where it appears to the director that the decision of the Attorney General was obtained by fraud, or there is significant fresh evidence, which was unavailable at the time the original decision was made. Of course, in either case, the director must be satisfied that it is in the interests of justice to re-open the matter. Honourable members will be interested to know that clause 28 (2) puts in statutory form the policy followed in those other Australian jurisdictions where the office of Director of Public Prosecutions has been established. This provision is included in the bill because it is the Government's view that such an important aspect should be placed directly before Parliament, and not left to be dealt with as a matter of administrative detail at some later stage.

The bill provides also that the Attorney General can give general guidelines to the director. This is another area in which the traditional responsibility of the Attorney General for the State's prosecution policy is preserved, but it is important to note that this power is also limited. It cannot be exercised with respect to specific cases, and any guidelines must be published and tabled in the Parliament. A major consequence of the provisions for publication of the guidelines is that Parliament and the community will become better informed of the prosecution policy followed in the more serious class of offences. Finally, on the relationship between the Attorney General and the Director of Public Prosecutions, I should explain clause 29. This provision will allow the director to request that the Attorney General exercise his functions in a particular matter. This is simply to save the director from potential ethical embarrassment when, for example, the director may have previously represented some person, about whom the director is called upon to make a decision.

I have spoken at length on one small part of the Director of Public Prosecutions Bill because of the importance of the provisions concerned with the relationship of the director and the Attorney General. It should be obvious that there is nothing in those provisions that encroaches upon the independence of the director. Rather, that independence is assured by reason of the fact that the Attorney General's involvement in the prosecution process will be readily apparent, and, thus, he can be called upon to account for it. I shall mention briefly some other matters in this bill before passing to the other legislation in the package. Part 3 of the bill sets out the director's functions. Principally the director is concerned with the prosecution of indictable offences in the District and Supreme Courts. This is the area of criminal prosecutions in which, at present, the Attorney General and the Crown Prosecutors are mainly involved.

The director, however, may become concerned in the prosecution of indictable offences in the Local Court and also in the prosecution of certain summary matters. Those summary offences, which are generally considered as criminal, will be prescribed so that they can come within the ambit of the director's authority. They would include summary offences found in the Crimes Act, the Drug Misuse and Trafficking Act and the Firearms and Dangerous Weapons Act, to name but a few examples. This does not mean that the role of the police, or the police prosecutors, in the institution and conduct of criminal prosecutions will be substantially affected. At present, the Solicitor for Public Prosecutions is involved in prosecutions in the Local Courts in certain classes of offences, and in more complex and lengthy cases. For example, offences involving police officers, and offences of child sexual assault, are routinely referred to the Solicitor for Public Prosecutions for that office to conduct proceedings.

Although these matters may be dealt with by the Director of Public Prosecutions, in the overwhelming number of criminal prosecutions before magistrates, the director will not be involved. In relation to summary prosecutions, the director will have powers not available to the Attorney General or any other person in this State. However, by the exercise of these powers, either by direct intervention or by the issuing of guidelines, the director can bring about a more uniform prosecution policy throughout the various prosecuting agencies in this State. By clause 11 the director will be able to authorize or consent to the institution of prosecutions for various offences. There are, in many varied statutes, offences that require the consent of the Attorney General, or another Minister, before a prosecution can be commenced. The person given such an authority under a specific statute will be able to

delegate it to the director. In most cases where the Attorney General's consent is required at present, that function will be performed by the director.

One power the Attorney General presently exercises, and which is not to be given to the director, is the power to indemnify a person against prosecution for a specified offence, or in relation to specified acts, or omissions, committed by the person. At present, the Attorney General can give an undertaking not to prosecute a person where, for example, that person is willing to give evidence against some other person. By clauses 13 and 14 of the Criminal Procedure Bill, the power to grant an indemnity is now codified, and is extended to prohibit all prosecutions by any person. At present indemnities are rarely given. That is a power that should be exercised with extreme caution, and only when it is in the public interest to do so. The interest of the prosecution in securing a conviction is only one of the matters that should be considered and, therefore, the power is to reside in the Attorney General. The director can, however, request that the Attorney General exercise this power.

Before leaving the Director of Public Prosecutions Bill, I wish to mention the conditions upon which the appointment of the director will be made. To ensure that the community will be confident that the decisions of the director will be independent from political considerations, it is provided that the director will be appointed until the age of 65 years, with similar pension entitlements as those enjoyed by judges of this State. It is intended also that the director will be paid the same salary and allowances as a Supreme Court judge. The high status of the director's position, and the security of tenure provided, will ensure that the director is freed from any suggestion or appearance that he or she is open to political pressure. There will be no reason to fear that the director may make decisions to curry favour with the Government of the day, in order to secure reappointment or advancement.

As a consequence of the decision to establish a Director of Public Prosecutions, it has been necessary to review the position of Crown prosecutors. As I have already said, they hold a somewhat anomalous position at present, and it would be completely at odds with the concept of a Director of Public Prosecutions if the prosecutors were to remain with their present prosecutorial powers. This is not to say that those persons, who will continue to prosecute the most serious of criminal offences, should be reduced in status or importance. The Crown Prosecutors Bill does little to alter the powers and functions currently exercised by the Crown prosecutors, in any practical sense. Crown prosecutors will be separate and distinct from the Director of Public Prosecutions and his or her officers. They will continue to perform their present functions of finding bills of indictment, appearing as counsel in the prosecution of matters in the Supreme Court and District Court and providing expert advice on criminal matters. The only major change is that they will perform these functions on behalf of the Director of Public Prosecutions.

As the present Crown prosecutors will be deemed to have been appointed under the Crown Prosecutors Bill, not only is their status as independent barristers preserved, but they gain a security of tenure not provided by the present system of appointment by commission. The third bill in the package, the Criminal Procedure Bill, will eventually become one of the most important statutes dealing with the criminal law of this State. At present it contains three sets of provisions. The first are those concerned with the general law relating to the procedure for indictable offences. These provisions are found in parts 2 and 5 of the bill. These clauses, to a large measure, re-enact the present law relating to the jurisdiction of the Supreme Court and District Court

and the formal requirements of indictments. It is necessary for me to refer to only one of these clauses at this time.

Clause 5 (2) provides that the District Court will have jurisdiction for all offences, except those specifically excluded by regulation. At present, to ascertain the jurisdiction of the District Court in relation to indictable offences, one is forced to try to find out what offences carried the death penalty prior to its abolition in 1955. This is an unnecessarily complicated procedure. As well as having the merit of simplicity, the clause in the bill also has the benefit of allowing flexibility in defining the jurisdiction of the court at any particular time. Part 3 of the bill contains the provisions relating to the Criminal Listing Director. This person will be responsible for the listing of trial and sentence matters in the Supreme Court and District Court, and appeals from magistrates to the District Court in its criminal jurisdiction.

At present, listing is a function of the Clerk of the Peace and, therefore, the administrative responsibility of the person who is also the Solicitor for Public Prosecutions. The role of the prosecuting authority in listing matters in which it is a party, is obviously unsatisfactory. With the abolition of the Clerk of the Peace, by clause 17 of this bill, the general functions performed by that office go to the separate court registries. However, as the listing of matters is a time-consuming administrative act, which requires considerable expertise, it has been decided that this function should not reside with the registries. They will gain a host of other administrative functions to perform in the criminal justice process. The listing director will have no other function than to list matters as efficiently as possible. A listing authority, very similar to the one proposed in the bill, has existed in Victoria for some time, and by all accounts has been remarkably successful.

It should be noted that, although the listing authority is separate from the court, once a matter is listed before the court it is completely within the court's control. The existing authority of a court to adjourn matters, or to fix further dates for hearing, is unaffected. The great advantage of the listing director over the present system is that, because it is independent of the parties, it will have more freedom to consult with all persons concerned in any matter. It can, therefore, at any time ascertain the position of the matter, and the intentions of the parties, and thereby make arrangements that will ensure maximum use of the court's sitting time. One important provision that I should highlight is clause 9 of this bill. This provision requires the listing director to bring before the relevant court any matter in which there has been undue delay since the date of committal. This will be so regardless of whether the prosecution, or the defence, is ready to proceed.

The listing of the matter before the court is on a mention basis only, and it will not force either party to proceed with the hearing. However, it will bring delays to the notice of the court and inquiries can then be made to ascertain the reason for the delay and, if possible, steps taken to remedy the situation. At this time, it is intended that the periods to be prescribed, for the purposes of this provision, will be 3 months from the date of committal, if the person is in custody; 9 months, if the person is on bail; and 2 months, if the person is in custody and is a child or juvenile. This provision will be an important safeguard against undue delays in the courts in serious criminal matters. At present there is no power to force a matter to be brought before a court if the prosecution is not ready to proceed.

The bill amending the Criminal Appeal Act is largely cognate with the Director of Public Prosecutions Bill. It gives certain appeal rights to the director that are presently exercised by the Attorney General. However, the opportunity has been taken to make one other amendment to section 5C of the Act. That section presently provides for appeals by the Attorney General where an indictment is quashed by a judge at trial. There is, however, no provision for an appeal where the indictment is stayed. This anomaly is corrected by item 2 of the schedule to the bill. I mentioned earlier that with the abolition of the office of Clerk of the Peace the registry functions in criminal matters would be exercised by the registries of the Supreme Court and District Court. The bill to amend the District Court Act makes provision for the setting up of criminal registries throughout the State.

The provision relating to the Supreme Court is found in the amendment to the Supreme Court Act contained in the fifth bill presently being introduced, the Miscellaneous Acts (Public Prosecutions) Amendment Bill. As the name implies, this bill amends a large number of Acts consequent upon the establishment of the Director of Public Prosecutions and the abolition of the office of Clerk of the Peace. I do not wish to take up any further time by taking honourable members through the provisions of the bill. To a great extent, the amendments are of a procedural nature only and do not affect the substance of the present law. I shall table material that explains each provision. When the Government announced that it intended to legislate for the proposals contained in these bills there was, I believe, general approbation from both the legal profession and the community at large. The actual provisions of the bills show clearly that the Government is genuine in its desire to improve the efficiency of the criminal justice system and strengthen the confidence of the public in its integrity. I commend the bills and table summaries of the bills for the assistance of all honourable members.

Director of Public Prosecutions Bill

Part 1—Preliminary

Clause 1. Short Title.

Clause 2. Commencement—the individual sections of the Act can be commenced by proclamation.

Clause 3. Interpretation—certain words and phrases are defined.

Part 2—Senior Officers

Clause 4. The Governor may appoint a Director of Public Prosecutions, responsible to the Attorney General, but with independence in respect of the conduct of proceedings.

Clause 5. The Governor may appoint one or more Deputy Directors of Public Prosecutions, responsible to the Director.

Clause 6. The Governor may appoint a Solicitor for Public Prosecutions, responsible to the Director.

Part 3—Functions

Clause 7 (1). The principal functions of the Director are the conduct, on behalf of the Crown, of prosecutions in the Supreme and District Courts for indictable offences, and representing the Crown in appeals in relation to such prosecutions.

(2). The Director has, concurrently with the Attorney General, powers with respect to finding a bill of indictment against a person committed for trial, directing that no proceedings be taken against a person committed for trial or sentence, and finding a bill of indictment against a person who has not been committed for trial (an *ex officio* indictment).

Clause 8. The Director may institute and conduct summary and committal proceedings for indictable offences, and proceedings for certain summary offences, and may institute and conduct, on behalf of the prosecution, appeals in relation to those proceedings.

Clause 9. The Director may take over the prosecution of indictable and certain summary offences and institute and conduct appeals in relation to those matters. Having taken over a prosecution, the Director may decline to proceed further with it.

Clause 10. Where the Director takes over a prosecution, the Director shall inform the person responsible for the prosecution, or, where the matter is before a court, inform the Court.

Clause 11. A person who has power to consent to prosecutions for offences of a particular kind may authorise the Director to grant such consent and the Director shall notify that person of the giving or declining of consent in individual cases.

Clause 12. With the consent of the coroner, the Director may assist in any coronial inquest or inquiry.

Clause 13. The Director may furnish guidelines with respect to the prosecution of offences to the Deputy Directors, the Solicitor for Public Prosecutions and Crown prosecutors but not in relation to a particular case.

Clause 14 (1) The Director may recommend, to the Commissioner of Police or persons who investigate or conduct prosecutions for offences, that proceedings be instituted in respect of any offence.

(2) The Director may furnish guidelines with respect to the prosecution of certain offences to any such person.

Clause 15. The Director shall provide the Attorney General with a copy of each guideline and include in the Director's annual report copies of guidelines furnished during the period to which such report relates.

Clause 16. The Director may give to persons who conduct prosecutions, directions specifying that certain matters or types of offences be referred to the Director for the institution or carrying on of prosecutions.

Clause 17. Where the Director takes over a prosecution, or is considering doing so, or the person who instituted a prosecution considers the Director should take over a prosecution, the person responsible for the prosecution is required to furnish to the Director specified relevant material.

Clause 18. Where the Director is considering instituting or taking over, or has instituted or taken over, a prosecution, he may request investigation of matters associated with the matter being prosecuted.

Clause 19 (1). The Director may request the Attorney General to grant an indemnity from prosecution or to give an undertaking that certain evidence will not be used.

(2). The Director does not have either of these powers.

Clause 20 (1). The Director can carry out functions incidental to the exercise of the Director's functions.

(2). The Director may advise and assist any Crown Prosecutor or police officer, or on the direction of the Attorney General, any other person, in respect to the conduct of proceedings.

Clause 21. The Director may appear in person or by counsel or solicitor in proceedings where the Director is a party or in coronial inquests or inquiries.

Clause 22. A Deputy Director has the same functions as a Crown Prosecutor and shall assist the Director as required.

Clause 23. The Solicitor for Public Prosecutions is to act as solicitor for the Director and instruct Crown Prosecutors.

Clause 24. An officer may prosecute Commonwealth offences where, with the consent of the Attorney General, the officer has a commission to do so.

Part 4—The Attorney General

Clause 25. The Director and the Attorney General shall consult with one another

concerning the exercise of the Director's functions where either one requests the other to do so.

Clause 26. The Director is subject to any guidelines issued by the Attorney General after consultation with the Director. Such guidelines cannot be in respect to a particular case and are to be published in the Gazette and laid before Parliament.

Clause 27. The Attorney General shall notify the Director whenever the Attorney General: finds a bill of indictment, or determines that no bill be found or that there be no further proceedings following committal for trial; finds a bill of indictment where there has been no committal for trial; or appeals against a sentence to the Court of Criminal Appeal.

Clause 28 (1). Where, after the commencement of the Act, the Attorney General exercises a function in relation to a matter, the Director shall not act inconsistently in respect of the same matter.

(2). Where, before commencement of this clause, the Attorney General has determined not to find an indictment or that no further proceedings be taken, the Director shall not act inconsistently in respect of the same matter unless fresh evidence has been produced or the Attorney General's decision was obtained by fraud, and it is in the interests of justice for the matter to be reopened.

Clause 29. The Director may request the Attorney General to exercise his functions rather than the Director exercising his.

Clause 30. Nothing in the Act affects any existing functions of the Attorney General.

Part 5—Miscellaneous

Clause 31. Gives effect to Schedule 1.

Clause 32. Provides for appointment of staff for the Director and the Solicitor under the Public Service Act 1979, secondment of staff from other Departments and the employment of casual staff.

Clause 33. Provides for the delegation of the Director's functions to certain persons. The power to determine that no bill be found or that there shall be no further proceedings, finding an indictment where there has been no committal, and appeals against sentence to the Court of Criminal Appeal, can only be delegated to a Deputy Director.

Clause 34. Requires the Director to prepare an annual report to be laid before Parliament.

Clause 35 Provides for protection from personal liability and indemnity for costs in relation to the exercise of an officer's functions.

Clause 36 (1) The Act applies to offences committed both before and after commencement of this Clause.

(2) The Act does not affect anything done in the name of the Attorney General before commencement of this Clause.

(3) The Solicitor for Public Prosecutions upon commencement of Clause 7 shall be deemed to have been appointed under the Act.

Clause 37: The Governor may make regulations.

Schedule 1

Item 1 Interpretation—defines certain words and phrases including:

"Senior Officer" means the Director, Deputy Directors and the Solicitor for Public Prosecutions.

Item 2 Sets out conditions of eligibility for appointment of Senior Officers.

Item 3 Senior Officers are entitled to remuneration in accordance with the Statutory and Other Officers Remuneration Act and to allowances determined by the Attorney General.

Item 4 (1) Sets out circumstances whereupon a Senior Officer shall be deemed to have vacated office, including the attainment of sixty-five years of age.

(2) Sets out circumstances whereupon a Senior Officer shall be removed by the Governor.

(3) Grants power to the Governor to remove a Senior Officer for incapacity, incompetence or misbehaviour, or if the Officer is convicted of certain offences.

Item 5 Requires disclosure to the Attorney General of all business interests of a Senior Officer.

Item 6 Prevents a Senior Officer from engaging in paid employment outside the duties of the office without the consent of the Attorney General.

Item 7 Declares that a Senior Officer is not subject to the Public Service Act 1979.

Item 8 Provides for the appointment of Acting Senior Officers for a period of no more than one year at a time, deems an Acting Senior Officer to be the relevant Senior Officer and protects the validity of acts done by such officers.

Item 9 Where a Senior Officer has previously been a contributor to a superannuation scheme, rights in regard to that scheme are retained and the Senior Officer may continue to contribute, but is not entitled to claim benefits under this Act as well as another Act.

Item 10 Provides for the application of the Judges Pensions Act 1953 to the office of the Director, requires minimum terms of service for eligibility for a judge's pension upon retirement, and provides that on appointment as a judge, the term served as Director shall count in respect of an application for a judge's pension.

Item 11 Provides for re-appointment within the Public Service of a Senior Officer who resigns and who was previously an officer in the Public Service.

Item 12 The Governor may prescribe statutory bodies for the purposes of the schedule.

Crown Prosecutors Bill

Part 1—Preliminary

Clause 1. Short title.

Clause 2. Commencement—the individual sections of the Act shall commence on proclamation.

Clause 3. Interpretation—various words and phrases are defined.

Part 2—The Crown Prosecutors

Clause 4. The Governor may appoint barristers to be Crown Prosecutors, who will be responsible to the Director of Public Prosecutions for the exercise of their functions.

Part 3—Functions

Clause 5 (1). The Crown Prosecutors are to: (a) act as counsel for the Director; (b) find bills of indictment; (c) advise the Attorney General or the Director; and (d) carry out other functions as counsel as the Attorney General or the Director may approve.

(2). The functions in 1 (a) and (b) are exercised in the name and on behalf of the Director.

(3). The Crown Prosecutors cannot determine that there be no bill found or that there be no further proceedings.

Clause 6. The Director can make arrangements or give directions with regard to the disposition of the work of the Crown Prosecutors.

Clause 7. A Crown Prosecutor can act in accordance with any authority to prosecute issued by the Commonwealth.

Part 4—Miscellaneous

Clause 8. A person of or above the age of 65 years cannot be appointed as a Crown Prosecutor.

Clause 9 (1). A Crown Prosecutor is deemed to have vacated his office if certain things occur or if he is removed from office by the Governor.

(2) Sets out circumstances whereupon a Crown Prosecutor shall be removed by the Governor.

(3) The Governor may remove a Crown Prosecutor for incompetence, incapacity or misbehaviour, or if the Crown Prosecutor is convicted of a certain class of offences.

(4) Anything done by a Crown Prosecutor after reaching the age of 65 years is not invalid.

Clause 10. A Crown Prosecutor cannot, without the consent of the Attorney General, engage in other employment.

Clause 11. The Public Service Act 1979 does not apply to a Crown Prosecutor.

Clause 12. Provision is made for remuneration in accord with the Statutory and Other Offices Remuneration Act, and expenses and allowances for Crown Prosecutors.

Clause 13. The Attorney General may appoint Acting Crown Prosecutors for no more than 12 months at a time.

Clause 14. Savings and transitional provisions are made. Revokes all appointments under section 5 of the Australian Courts Act 1828. Persons currently paid a salary as Crown Prosecutors are deemed to have been appointed under this Act as Crown Prosecutors.

Schedule 1. Certain Rights of Crown Prosecutors

Item 1. Definition of "statutory body".

Item 2. Where a person who is a contributor to a superannuation scheme is appointed as a Crown Prosecutor, his or her rights to that scheme are preserved.

Item 3. A Crown Prosecutor who resigns, and who was a public servant or an employee of a statutory body, is entitled to be reappointed as a public servant or in that statutory body.

Item 4. The Governor may declare a body to be a statutory body for the purposes of this Schedule.

Criminal Procedure Bill

Part 1—Preliminary

Clause 1. Short title.

Clause 2. Commencement—on a date to be proclaimed.

Clause 3. Interpretation—provides definitions of certain words and phrases.

Part 2—Indictable offences generally

Clause 4. All offences are punishable on indictment in the Supreme or District Court in the name of the Attorney General or the Director of Public Prosecutions. This clause does not apply to summary offences or indictable offences which may only be dealt with summarily.

Clause 5 (1). The Supreme Court has jurisdiction in respect of all indictable offences.

(2). The District Court has jurisdiction in respect of all indictable offences except those which are prescribed.

Clause 6. Current law and practice relating to laying informations, and committal proceedings are preserved.

Part 3—Listing

Clause 7. Definitions include—"criminal proceedings" means proceedings relating to trials and sentences before the District and Supreme Courts and appeals under the Justices Act heard in the District Court's criminal jurisdiction.

Clause 8. The Criminal Listing Director is responsible for the listing of criminal proceedings. Procedures can be provided for by regulations which will prevail over any rules or orders of a court.

Clause 9. The Director is to list a trial for mention where certain prescribed periods have passed since the accused was committed for trial.

Clause 10. It is the duty of persons connected with criminal proceedings to comply with the arrangements made by the Director as far as practicable.

Clause 11. The Director may liaise with persons involved in criminal proceedings in order to exercise his functions.

Clause 12 (1). The Director has no authority to change the venue of proceedings, without the consent of the parties, or to determine when and where a court will exercise its jurisdiction.

(2). The provisions in this Part do not affect the powers of a court to regulate or adjourn proceedings before it, or matters in the Court of Criminal Appeal, the summary jurisdiction of the Supreme Court, bail proceedings or the Attorney General's right to fix venue.

Part 4—Indemnities and undertakings

Clause 13. The Attorney General can, after consultation with relevant Ministers, give an indemnity with or without conditions against any prosecution, either for a specified offence or in respect of specified acts or omissions of a person.

Clause 14. The Attorney General can give undertakings with or without conditions that a statement or other information will not be used in evidence against the person giving that statement or information. Such an undertaking will prohibit the use of that material as evidence in any court.

Part 5—Miscellaneous

Clause 15. Indictments shall be signed by the Attorney General, Solicitor General or the Director of Public Prosecutions or on their behalf by a Crown Prosecutor or another authorised person.

Clause 16. Prosecutions instituted by the Attorney General or the Director of Public Prosecutions may be instituted either in their personal or official names.

Clause 17. The office of Clerk of the Peace is abolished and its functions generally go to the registrar of the Supreme or District Court.

Clause 18. The Governor may make regulations.

District Court (Amendment) Bill

Clause 1. Short Title.

Clause 2. Commencement—Sections 1 and 2 to commence on the date of assent to the Bill, the remainder of the Bill to commence on a date to be proclaimed.

Clause 3. The District Court Act 1973 is amended as set forth in Schedule 1.

Clause 4. Gives effect to Schedule 2.

Schedule 1

Item 1. Section 4: Interpretation—inserts a new definition of “proclaimed place”.

Item 2. Inserts a new Division 4—Proclaimed Places:

Section 18F: The Governor may proclaim places at which the Court may sit.

Inserts new Division 5—Registrars

Section 18G: Each proclaimed place shall have a registrar, who in respect of proclaimed places specified by the Governor is appointed under the Public Service Act 1979, and in respect of other proclaimed places shall be the Clerk of the Local Court for that place or some other place as specified by order in the Gazette.

Section 18H: The functions of a registrar are as prescribed by the civil procedure rules and the criminal procedure rules.

Section 18I: Provides for the appointment of assistant registrars for proclaimed places and allows the Governor by proclamation to direct that a Clerk of a Local Court be an assistant registrar.

Section 18J: Provides that an assistant registrar has such of the functions of a registrar as are specified in the civil procedure rules or the criminal procedure rules.

Item 3. Consequential amendments.

Item 4. Consequential amendments.

Item 5. Consequential amendment.

Item 6. Deletes the unnecessary definition of “appointed place”.

Item 7. Inserts new section 166 to accord with the Criminal Procedure Act 1986.

Item 8. Omission of section 170—removes powers previously granted to Clerks of the Peace.

Item 9. Amendment of section 171 (2) (a)—allows for rules to be made prescribing the duties of registrars instead of the duties of Clerks of the Peace.

Item 10. Omission consequential to item 2.

Item 11. Amendment consequential to item 2.

Item 12. Amendment consequential to item 2.

Item 13. Inserts a replacement section 175: provides for the hearing of appeals at proclaimed places.

Item 14. Omits section 185 (1) and (6): provisions concerned with deemed appointment of registrars and assistant registrars prior to the commencement of the District Court Act 1973.

Schedule 2

Item 1. Savings provisions in relation to proclamations specifying proclaimed places and appointed places under the principal Act in force prior to the commencement of this Act.

Item 2. Savings provisions in relation to the appointment of Registrars under the principal Act in force prior to the commencement of this Act.

Item 3. Savings provisions in relation to the appointment of Assistant Registrars under the principal Act in force prior to the commencement of this Act.

Criminal Appeal (Amendment) Bill

Clause 1. Short Title.

Clause 2. Commencement—Sections 1 and 2 commence on the date of assent to the Bill. The remainder of the Bill is to commence on a date to be proclaimed.

Clause 3. The Criminal Appeal Act 1912 is amended as set forth in Schedule 1.

Clause 4. Transitional provision which provides that appeals against the staying of an indictment apply only to orders staying indictments made after the commencement of the amendment.

Schedule 1

Item 1. S.5A The Attorney General or the Director of Public Prosecutions can state a point of law for the determination of the Court.

Item 2. S.5c Provision is made for an appeal to the Court where an indictment is stayed.

Item 3. S.5c The Attorney General or the Director of Public Prosecutions can appeal to the Court where an indictment is quashed or stayed.

Item 4. S.5d The Attorney General or the Director of Public Prosecutions can appeal to the Court against a sentence.

Miscellaneous Acts (Public Prosecutions) Amendment Bill

Clause 1. Short Title.

Clause 2. Commencement—Sections 1 and 2 and items 1 and 2 of Schedule 1 commence on the date of assent to the Bill. Otherwise the sections and provisions of the schedule commence on such day or days as are proclaimed.

Clause 3. Schedule 1 amends the Acts specified therein in the manner set forth in the Schedule.

Clause 4. Repeals section 5 of the Australian Courts Act 1828 (9 Geo IV c.83 of the Imperial Parliament) so far as it applies to New South Wales.

Clause 5. Savings provisions in respect of things done under Acts amended by Schedule 1. Grants power to the Governor to make regulations of a savings or transitional nature consequent on the enactment of any of the cognate Acts.

Schedule 1

The following Acts are amended as indicated:

Bail Act 1978

- (1) S.48 Power is granted to both the Attorney General and the Director of Public Prosecutions to request a review of a decision as to a grant of bail.
- (2) S.60 A certificate as to non-appearance of a person before a court may be signed (inter alia) by a "Registrar or other officer of the Supreme Court, Registrar or Assistant Registrar of the District Court or Clerk of a Local Court".

Coroners Act 1980

- (1) S.19 Where a Coroner terminates an inquest or inquiry after finding a prima facie case for an indictable offence he shall forward depositions and a statement to the Director of Public Prosecutions who should notify the Attorney General of his decision whether to find a bill.
- (2) Section 20. After termination of an inquest or inquiry where a prima facie case has been found, the Coroner shall not hold a fresh inquest or inquiry until the Attorney General or the Director of Public Prosecutions directs that no further proceedings be taken.
- (3) Section 40. A recognizance in relation to a person who does not appear as appointed must be sent to the Registrar of the District Court for the nearest proclaimed place.

Crimes Act

- (1) Section 358. Where a case is not to be proceeded with, the Attorney General or Director of Public Prosecutions can advise the Judges of the Supreme Court, who may direct the gaoler to release the prisoner.
- (2) Section 405A. A notice of alibi must be given to the Director of Public Prosecutions.
- (3) Section 406. The Attorney General is to give a copy of a deposition taken from a dangerously ill person to the Director of Public Prosecutions.
- (4) Section 414B. An affidavit by the Director of Public Prosecutions or a member of his staff or the Solicitor for Public Prosecutions is sufficient evidence of service of a notice to produce.
- (5) Section 428K. Copies of notifications of determinations by the Mental Health Review Tribunal concerning a person's fitness to plead are to be furnished to the Director of Public Prosecutions.
- (6) Section 428M—
 - (a) The Attorney General is to consult with the Director of Public Prosecutions prior to exercising his powers following determinations of the Mental Health Review Tribunal.
 - (b) The Court which referred the person to the Mental Health Review Tribunal, and the Minister for Police may be notified that neither the Attorney General nor the Director of Public Prosecutions intends to proceed further against the person.
- (7) Section 428S—
 - (a) The Attorney General is to consult with the Director of Public Prosecutions prior to exercising his powers after being notified that a person has become fit to be tried.
 - (b) The Attorney General is to notify the Minister for Health where a person is not to be proceeded against by either the Attorney General or the Director of Public Prosecutions.
 - (c) A person is to be released following notification by the Attorney General that the person will not be proceeded against.
- (8) Section 437. Sums by way of compensation to be paid to aggrieved persons are

to be paid to the Registrar of the Criminal Division of the Supreme Court or an authorised officer or the Registrar of the appropriate District Court.

- (9) Section 457. A registrar, officer, or clerk of a court shall issue a certificate to an aggrieved person specifying the direction of the court in relation to compensation and thereafter shall not accept payments from the offender.
- (10) Section 457A.
 - (a) The Attorney General or Director of Public Prosecutions may take matters referred to in the Tenth Schedule of the Crimes Act before the Supreme Court in its summary jurisdiction.
 - (b) A reference to the Attorney General or Director of Public Prosecutions in Section 475A (1) includes authorised officers.
 - (c) A document purporting to be signed by the Attorney General or Director of Public Prosecutions giving authorisation is prima facie evidence of the authorisation.
 - (d) A document purporting to be signed by the Attorney General or Director of Public Prosecutions is prima facie evidence that the Attorney General or Director of Public Prosecutions signed the document.
- (11) Section 572. The power of the Governor to appoint persons to prosecute matters in the District Court is removed.
- (12) Third Schedule. The various forms of the Crimes Act are amended to include a reference to the Director of Public Prosecutions wherever a reference to the Attorney General currently appears.

Crimes (Confiscation of Profits) Act 1985.

- (1) Section 3. The Director of Public Prosecutions is an appropriate officer for the purposes of the Act.
- (2) Section 38. The Attorney General or the Director of Public Prosecutions may appeal to the Court of Criminal Appeal against a refusal by a court to make an order.

Criminal Injuries Compensation Act 1967

- (1) (a) Section 7 (1) (a). The "appropriate officer" may do those things previously done by the Clerk of the Peace or the Clerk of the Supreme Court or District Court.
- (b) Section 7 (1) (b). An "appropriate officer" may do those things previously done by the Clerk of the Peace or the Clerk of the Supreme Court or District Court.
- (c) Section 7 (4). Defines "appropriate officer".

Crown Advocate Act 1979

Section 9. The duties of the Crown Advocate are amended by removing the duty to advise and assist the Crown Prosecutors and members of the Police Force and substituting instead a duty to advise and conduct proceedings on behalf of the Director of Public Prosecutions.

Evidence Act

Section 24A. Judicial notice may be taken of the signature of the Director of Public Prosecutions.

Fines and forfeited Recognizances Act 1954

- (1) Section 3. A definition of "appropriate registrar" is inserted.
- (2) Section 4. A forfeited recognizance is to be transmitted to the appropriate registrar who may proceed according to law.
- (3) Section 4A. Forfeited bail money is to be transmitted to the appropriate registrar who may proceed according to law.
- (4) Section 5. Where any Act does not make provision for the transmission of a forfeited recognizance to a Registrar of a District Court it shall be transmitted to the appropriate registrar.

- (5) Section 6. Certain recognizances and bail moneys are to be paid into consolidated revenue rather than being transmitted to a Registrar of the District Court.
- (6) S.7 Each Registrar of the District Court is to prepare an Estreat Roll.
- (7) S.8 Each Registrar of the District Court is to send a copy of the Estreat Roll to the Sheriff with the appropriate writ.
- (8) S.11 Amends the reference to the estreat Roll being sent by the Clerk of the Peace to take account of the amendment requiring each Registrar of the District Court to transmit the Estreat Roll.
- (9) S.12 Amends the reference to the Estreat Roll being prepared by the Clerk of the Peace to take account of the amendment requiring the Estreat Roll to be prepared by the Registrar of the District Court.
- (10) (a) S.13 (2) Orders to be signed by the Registrar of the District Court.
- (b) S.13 (4) Amends the reference to the Estreat Roll being prepared by the Clerk of the Peace to take account of the amendment which requires the Estreat Roll to be prepared by a registrar of the District Court.
- (11) S.15 (1) Amends the reference to the Estreat Roll being prepared by the Clerk of the Peace to take account of the amendment which requires the Estreat Roll to be transmitted to the Sheriff by the Registrar of the District Court.
- (12) Third and Fourth Schedules. Amends the references to Clerk of the Peace to take account of the amendment which requires the functions previously performed by that officer to be performed by the Registrar of the District Court.

Habitual Criminals Act 1957

- (1) S.4 (2) A magistrate may direct that a Registrar of the District Court make an application that a person be declared an habitual criminal.
- (2) S.8 The functions in relation to habitual criminals previously performed by the Clerk of the Peace are to be performed by a Registrar of the District Court.

Jury Act

- (1) (a) Section 23 (2) (a). The criminal listing Director is included as an authorised officer for the purpose of issuing a general jury precept in the case of trials in the Supreme Court.
- (b) Section 23 (2) (c). The criminal listing Director is substituted for the Clerk of the Peace or Deputy Clerk of the Peace as a person who may issue a general jury precept for trials in the District Court in its criminal jurisdiction.
- (2) Schedule 2. The Director of Public Prosecutions, Deputy Director of Public Prosecutions, the Solicitor for Public Prosecutions and their spouses are ineligible for jury service.

Justices Act 1902

- (1) Section 25 (1)—
 - (a) The section is expanded to cover indictments filed by any person.
 - (b) The proper officer is to grant a certificate that the indictment has been filed upon payment of a fee.
- (2) Section 38. Where a witness has been committed to prison, if the Attorney General or Director of Public Prosecutions decline to find an indictment against the defendant, the witness shall forthwith be discharged.
- (3) Section 39. The functions previously performed by the Attorney General and the Solicitor General following committal for trial are now to be performed by the Director of Public Prosecutions.
- (4) Section 40. A person charged and committed for trial may obtain a copy of the depositions free of charge from the Director of Public Prosecutions.
- (5) Section 50. Where a person does not appear in accordance with a recognizance

or a bail undertaking, then the recognizance or the bail undertaking shall be transmitted to the Registrar of the District Court or the nearest proclaimed place.

- (6) S.51A. The reference to indictments filed by the Attorney General is expanded to include indictments filed by the Attorney General and the Director of Public Prosecutions. The Attorney General or the Director of Public Prosecutions may direct that no further proceedings be taken against a person who has pleaded guilty in committal proceedings.
- (7) S.97. Where a person does not appear in accordance with a recognizance, the recognizance shall be transmitted to the Registrar of the District Court for the nearest proclaimed place.
- (8) S.110. Where a condition in a recognizance has not been complied with, the recognizance may be transmitted to the Registrar of the District Court for the nearest proclaimed place. Also where a person does not appear in accordance with a bail undertaking, the bail undertaking may be transmitted to the Registrar of the District Court for the nearest proclaimed place.
- (9) S.121A. Definitions of "proclaimed place" and "Registrar" are inserted.
- (10) S.122. Various amendments are made to take account of the amendment allowing Registrars to perform the duties previously performed by Clerks of the Peace.
- (11) S.129. Where a conviction or order is quashed or set aside the Registrar of the District Court for the nearest proclaimed place shall endorse a memorandum to that effect on the conviction or order.

Mental Health Act.

- (1) S.117.
 - (a) A notification that the Mental Health Review Tribunal is of the opinion that a person has become fit to be tried for an offence shall be given to the Director of Public Prosecutions as well as the Attorney General.
 - (b) The Minister shall notify the Attorney General and the Director of Public Prosecutions of a recommendation made by the Mental Health Review Tribunal that a person be released.
 - (c) The Director of Public Prosecutions shall indicate to the Attorney General whether criminal charges will be proceeded with within 21 days after the notification by the Minister, the Attorney General may indicate that the Attorney General or the Director of Public Prosecutions intends to proceed with criminal charges within 30 days of the Minister's notification and the person may not then be released.
 - (d) Consequential amendment.
- (2) S.127.
 - (a) A person ceases to be a forensic patient upon release following advice by the Attorney General that the person will not be further proceeded against by the Attorney General or the Director of Public Prosecutions.
 - (b) A person also ceases to be a forensic patient where he or she has become fit to be tried for an offence and the Attorney General advises that the person will not be further proceeded against by the Attorney General or the Director of Public Prosecutions.
 - (c) A person on remand who has been transferred to hospital ceases to be a forensic patient following advice from the Attorney General that the person will not be further proceeded against by the Attorney General or the Director of Public Prosecutions.

Monopolies Act 1923.

S.14. The Attorney General may institute civil proceedings where proceedings by way of indictment are not instituted. This then acts as a bar to proceedings by way of indictment.

Ombudsman Act 1974

Schedule 1. A person may not complain to the Ombudsman about the conduct of the Director of Public Prosecutions.

Pre-trial Diversion of Offenders Act 1985

S.8. All proceedings under the Act are to be conducted by the Director of Public Prosecutions.

Prices Regulation Act 1948

Section 7. Although persons holding official positions under the Act may not usually divulge matters which come to their attention as a consequence of their official positions, there is no prohibition on the Commission communicating any information to the Director of Public Prosecutions.

Public Health Act

Section 63. An appeal from an order of a local authority or the Commission must be sent to the local authority or Commission, who shall immediately send the notice to a Registrar of the District Court.

State Drug Crime Commission Act 1985

- (1) Section 6. The Director of Public Prosecutions is substituted for "special prosecutor" (as defined) in the principal functions of the Commission. The definition of "special prosecutor" is omitted as a result.
- (2) Section 12. The State Drug Crime Commission may deliver a thing seized pursuant to a search warrant to either the Attorney General or the Director of Public Prosecutions.

Statutory and Other Officers Remuneration Act 1975

- (1) Schedule 1. The Director of Public Prosecutions is an office holder for the purposes of Schedule 1.
- (2) Schedule 2, Part 1. The Deputy Director of Public Prosecutions and the Solicitor for Public Prosecutions hold public offices for the purposes of Part I Schedule 2.

Supreme Court Act 1970

Section 17. Rules may be made prescribing the duties of the Registrar of the criminal division and other officers of the Court.

Witnesses Examination Act 1900

Section 6 (1). In any criminal proceedings, evidence may be taken on commission with the consent of the Attorney General or the Director of Public Prosecutions or the Crown Prosecutor.

Debate adjourned on motion by **Mr Dowd**.

DARLING HARBOUR AUTHORITY (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr BRERETON (Heffron), Minister for Public Works and Ports and Minister for Roads [3.51]: I move:

That this bill be now read a second time.

The Government has been forced to initiate this legislation because of the bloody-minded and hypocritical attitude of Sydney city council and the opponents of the monorail. It has always been the Government's objective, where possible, that city monorail stations would be placed within buildings. This is by far the most environmentally sound and most aesthetically pleasing method for their construction. It is obvious to even the fiercest monorail critics

that it is far more preferable to have the monorail stations off city streets and within buildings. This view was supported by Professor John Haskell, head of the graduate school of the built environment, University of New South Wales, in his submission to the commission of inquiry. Even city Alderman Jack Mundey, the most vocal critic of the monorail, said that having stations in the streets would be more of an eyesore. The Government does not intend to tolerate the hypocritical tactics of the city council any longer. The Government was delighted when the Pacific Counties Corporation expressed the desire to include a monorail station within its proposed 30-storey redevelopment on the corner of Pitt Street and Market Street. The proposed design included provision for a monorail station on the mezzanine level of the building. Naturally, the Government was enthusiastic about the many advantages this proposal offered. Construction of the station within the building will remove the need for support columns at a busy city intersection; provide direct and easy access, removing the need for entry and exit provisions on the footpath; eliminate the tight turn at the corner of Pitt Street and Market Street; and eliminate the possibility of street congestion.

As this proposed development contains a public transport facility, Pacific Counties in its development application requested an additional floor space ratio allowance, in lieu of commercial floor space lost by placing the station within the building. The developer was quite within his rights to make this application for compensation, as he was losing prime commercial floor space in the heart of the central business district. But, in typical narrow-minded and short-sighted fashion, the city council refused the application and forced a public inquiry. Despite Commissioner Woodward's opening remarks that he was not holding a public inquiry into the monorail, the city council and opponents of the monorail tried to turn the inquiry into one. The opponents of the monorail tried to use every legal tactic they could to delay the construction of the station, even indicating that they would go as far as the Supreme Court. As a result of the actions of the council and the monorail opponents the developer reluctantly withdrew his application. In doing so, he indicated to the Government and Thomas Nationwide Transport Limited, the builders of the monorail, that he would much prefer to have the monorail station situated within the building.

Because of the deliberate frustrating tactics of the city council and the monorail opponents, the Government has been forced to legislate to take control of the Pitt and Market streets development. The amendment will make the Darling Harbour Authority, with the advice of the Minister for Planning and Environment, responsible for determining development applications of those buildings which will house the monorail station—on the corner of Pitt and Market streets. This legislation is also designed to put the city council on notice. If it attempts to frustrate the monorail stations proposed in buildings at other city sites, namely the Waltons Bond redevelopment on the corner of Park and Pitt streets and the Ipoh Gardens redevelopment in Liverpool street, these areas will also be included within Darling Harbour Authority development control. The amending legislation makes provision for such areas to come under the authority's development control by gazettal, but only with the agreement and support of the Minister for Environment and Planning.

In the light of the city council's attitude towards Darling Harbour and the monorail, there is little doubt that council will try to further frustrate the future development of the monorail and indeed Darling Harbour. To prevent further frustration—or retaliation against the magnificent Darling Harbour

redevelopment—the Government has strengthened and clarified the Act. First, the Darling Harbour Authority development area will be excluded from the jurisdiction of the city council in respect of development licences for the erection and or operation of public parking stations. Second, in respect of those seeking liquor licences in the Darling Harbour Authority development area, the Darling Harbour Authority will exercise power normally given to the local council. The Government has been forced to take this action because it is not willing to allow the petty-minded city council to frustrate the future of Darling Harbour and the monorail. The city council has acted with utter irresponsibility in trying to block the monorail stations. The Government will not tolerate that situation any longer. I commend this bill.

Debate adjourned on motion by **Mr West**.

NEW SOUTH WALES STATE CONSERVATORIUM OF MUSIC (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr CAVALIER (Gladesville), Minister for Education [3.56]: I move:

That this bill be now read a second time.

The principal purpose of this bill to amend the New South Wales State Conservatorium of Music Act, 1965, is to enhance the role of the Board of Governors in its responsibility for the State Conservatorium of Music. Since its beginnings in 1915, the conservatorium has established its position as the finest conservatorium in Australia and a major music institution of the world. During the past seventy years many distinguished musicians have been members of its staff. Internationally famous conductors such as Henri Verbrugghen, Eugene Goossens, Bernard Heinze and Joseph Post have been among its directors and the teaching staff has included many now legendary names, such as Madame Marianne Mathy, Alexander Sverjensky, Lindley Evans, Frank Hutchens and Robert Pikler. The current staff includes a number of the conservatorium's finest graduates. This tradition of outstanding staff has resulted in large numbers of conservatorium students who have gained a high level of professional attainment both in Australia and overseas—names such as Charles Mackerras, Joan Sutherland, Richard Bonyngé, Roger Woodward and Barry Tuckwell are but a few of the many distinguished performers to have attended the conservatorium as students.

For many years the conservatorium has served a broad cross-section of the community. Its annual academic programme includes the performers and music education diplomas, degrees and post-graduate courses for about 460 full-time students and a comprehensive extension study programme for 700 part-time students, including the music tuition in the conservatorium high school and the Saturday morning primary level activities. Apart from this formal provision, each year the conservatorium arranges hundreds of public concerts, lecture-recitals, and master classes by international and Australian musicians. All of these activities are open to the public and are well supported and patronized. This is a very rich resource. It is achieved and maintained through the dedication of staff, students and the Board of Governors. My main purpose in the provisions of this bill is to facilitate this tradition of excellence by

providing the board with more direct and substantial powers. In large measure the proposals derive from the functions and powers established in the legislation governing the operations of the universities and colleges of advanced education.

The New South Wales State Conservatorium of Music Act, 1965, provided for the establishment of the Board of Governors as the body charged with the administration, care, control, management and maintenance of the conservatorium. The board was also given a wider responsibility of ministering to the needs of the community in music and in promoting, advancing and encouraging musical appreciation, taste and achievement. Originally, the conservatorium had been within the administration of the Department of Education. The powers granted to the board were then limited. The experience of the past twenty years has shown the need for some amendments to be made to the constitution of the Board of Governors and to its functions. The 1977 amendments to the Act moved some of the way towards providing greater authority and independence to the board. The present bill more clearly defines the powers of the board in the areas of employment, financial investment and governance of the conservatorium. It provides a membership for the board appropriate for these responsibilities.

I turn now to a more detailed description of the major aspects of the bill. The changes I propose to the membership of the board of governors will make that body more effective in the management of a premier educational institution. In recognition of the development of the Newcastle branch of the Conservatorium since its establishment in 1952 and the status of the branch in the Hunter region, the bill will provide for the principal, Newcastle branch, to become an *ex-officio* member of the board of governors. The Newcastle branch is developing an even greater influence on the cultural life of its region through the recent establishment of a board of management responsible to the board of governors and through the construction of a new performance hall and associated facilities on land immediately adjacent to its present premises. Funding for this \$4 million project has come from the State Government's bicentenary capital works programme. I believe it is essential that the Newcastle branch be directly represented on the board.

The bill will also provide for the establishment of a convocation and the subsequent election of a graduate of the Conservatorium to the board of governors. This change is long overdue. It recognizes the important role that graduates can play in the life of an educational institution. Other changes to the membership of the board of governors involve the deletion of the public servant position appointed after nomination by the Premier and the deletion of the position of the co-opted member, to be replaced by an additional appointee by the Minister for Education. The more recent appointees to the board of governors have been distinguished and eminent persons from the community and business. There is no longer a necessity to preserve a position for a public servant nominated by the Premier, though there would be no reason that a public servant, or any member of the public service, would not continue to serve on the board in the same way that Mr Ken Hatton has served the board, with such distinction for so many years. In removing the co-opted member I adhere to the principle I have enunciated in the changes to the governing bodies of each of the six New South Wales universities. The Minister, along with the staff and student electorates, is responsible for appointing a balanced and experienced governing body.

The powers of the board of governors are to be clarified and increased in certain areas. The bill redefines the employment powers of the board of governors rather than altering those powers to any significant degree. The board will be able to employ, under terms and conditions determined from time to time by the board after consultation with the Public Service Board, teachers, musicians and other persons by way of contract. This provision will enable the board to attract teachers of international standing from overseas and within Australia for periods at the Conservatorium. It is only through exposure to teachers and musicians of excellence that students can reach the full potential of their abilities. As I have stated, the board of governors already has this power but the legislation before the House more clearly defines that provision. In similar fashion, the bill will provide the board of governors with the power to temporarily employ staff under section 80 of the Public Service Act, 1979. The board currently has this power but only under delegation. This redefinition of the employment of officers and staff associated with the Conservatorium improves the management responsibility of the board of governors in the administration of this institution.

The bill will also make a substantial change to the investment powers of the board of governors. In May 1984 I introduced bills to the House providing for changes to the investment powers of the universities. This bill is in accordance with those proposals. It stipulates the kinds of investments in which the board may invest its funds. It enables the establishment of investment pools and provides for the distribution of income arising from such pools. Funds which are provided for specific purposes are designated as class A funds. These are specific purpose funds such as government grants and private bequests which may be expended only in certain ways. Class A funds may be invested in accordance with the Trustee Act, 1925. Other funds, referred to as class B funds, may be invested in accordance with the wider powers specified in the bill. Class B funds will be able to be invested either in accordance with the Trustee Act, 1925, or essentially in the same manner as the State Superannuation Board is empowered to invest its funds in shares and securities with a minor restriction, loans to local government authorities, and loans to permanent building societies.

The board of governors may also invest class B funds in mortgages over land, subject to the approval of the Minister and concurrence of the Treasurer, in the same manner as the State Superannuation Board is empowered, again with one minor exception. It may also invest class B funds in the wide-ranging modes of investment made available to the State Superannuation Board following amendments to the Superannuation Act in 1978. Finally, the board will be able to invest any funds in other forms of investment which have the approval of the Minister and the concurrence of the Treasurer. This is predicated on the board's satisfying the Minister that it would suffer loss or hardship or be otherwise disadvantaged if the funds in question were to be invested in accordance with the prescribed methods.

In accordance with my desire to strengthen the responsibility of the board of governors for the overall management of the Conservatorium, the opportunity has been taken to redefine the objects of the board of governors. In addition to the existing provisions, the principle objects have been stated as fostering the achievement of excellence in the teaching of music and in the provision of the highest standard of practical musical education for those who have exceptional musical talent and an aptitude for the profession of music. It is through the pursuit of excellence at this level that the musical awareness and appreciation of the community at large is nurtured and enriched.

The bill will provide for the amplification of the powers of the board of governors to make by-laws and will include a power of the board or the director to make rules and regulations consistent with the by-laws. These provisions are substantially in accordance with the existing powers of the universities and colleges of advanced education in this area. The bill will provide also for the prohibition of a political or religious test being administered to students or office holders which, once again, is a standard provision for the higher education institutions. I table for incorporation in *Hansard* an outline of the provisions of the bill to assist honourable members. I commend the bill.

New South Wales State Conservatorium of Music (Amendment) Bill

The Bill provides as follows

Clause 1. Short title

Clause 2. Commencement

Clause 3. Reference to principal Act

Clause 4. Amendments to the principal Act as set out in Schedules 1 and 2

Clause 5. Savings and Transitional provisions are set out in Schedule 3

Schedule 1. Section 4 setting out the constitution of the Board of Governors is redrafted. It provides

(1) The overall membership of the Board of Governors is increased by one (1) to seventeen (17).

The official members are increased by one (1) with the inclusion of the Principal of the Newcastle Branch.

The elected members are increased by one (1) with the inclusion of a member elected by the graduates.

The members appointed by the Minister after consultation with such persons as he thinks fit are increased from between six (6) and eight (8) to nine (9).

The positions for the co-opted member and the Public Servant nominated by the Premier are deleted.

The elected members hold office by virtue of their election.

The term of office of an elected member continues to be the period, not exceeding four years, prescribed in the by-laws for that member.

The term of office for appointed members is a specified period of up to four years, thus enabling staggered appointments.

A person of or above the age of 70 years continues to be ineligible for appointment.

As previously the provisions of the Public Service Act do not apply to the appointment of a member and a member is not, as a member, subject to those provisions.

Provision is added for the by-laws to determine whether or not a person is to be treated as a student or graduate for the purposes of this section.

(2) Provision is made for consequential amendments to the section of the principal Act dealing with casual vacancies.

(3) Provision for a quorum amended consequentially.

Schedule 2: Miscellaneous amendments relating to the principal Act.

(1) Definitions and other interpretative matter mainly relating to powers of investment.

(2) Consequential amendments relating to interpretation.

(3) Updating provisions for the use of the Common Seal and enabling by-laws to be made on this.

(4) The employment of a Director and staff of the Conservatorium in terms of the Public Service Act, 1979.

The employment of staff being teachers, musicians and other persons by the Board of Governors under terms and conditions (including remuneration) determined in consultation with the Public Service Board.

The validity of contracts for such persons.

The Public Service Act, 1979, not to apply to such persons.

The temporary employment of persons by the Board of Governors under section 80 of the Public Service Act, 1979.

(5) Updating the definition of the objections of the Board of Governors.

(6) Introducing the prohibition of a political or religious test being administered to students or office holders.

(7) Inserts into the Principal Act the following proposed sections:

Section 14 which declares that conditions imposed by the donor on the Board with respect to its dealing with trust funds shall have effect regardless of the additional powers to be conferred on the Board by the proposed amendments.

Section 14A which empowers the Board to invest certain of its trust funds otherwise than as provided by the Trustee Act 1925.

Section 14B which enables the Board to establish investment pools for the collective investment of property (including trust funds) held by the Board.

Section 14C which requires the Board to distribute the income from an investment pool annually.

Section 14D which makes consequential provisions relating to the use of investment pools.

(8) Consequential amendment prohibiting the Board from delegating its power to employ temporary staff.

(9) Amplifying the provisions for the Board to make by-laws, provision for the Board and Director to make rules and regulations consistent with those by-laws, but not to create offences.

By-laws to be able to create offences punishable by a penalty not exceeding \$500.
Schedule 3: Savings and Transitional Provisions.

(1) Interpretation.

(2) Save elections held in 1986 for staff and student members of the Board.

(3) Require completion of the Board's reconstitution as soon as practicable.

(4) Declare that changes to the Board's power to employ staff will not affect the employment of any person appointed before the commencement of those changes.

Debate adjourned on motion by **Dr Metherell**.

URANIUM MINING AND NUCLEAR FACILITIES (PROHIBITIONS) BILL

Bill introduced and read a first time.

Second Reading

Mr COX (Auburn), Minister for Industry and Small Business and Minister for Energy and Technology [4.8]: I move:

That this bill be now read a second time.

In recent years the world has become increasingly aware of the dangers associated with the nuclear fuel cycle, not only in terms of the overt destructiveness of nuclear weapons but also with the covert risks which arise from many so-called peaceful aspects of the nuclear fuel cycle. The clear

objective of this bill, which I now commend to the House, is the protection of the health, safety and welfare of the people of New South Wales and the environment in which we live. This will be achieved through the prohibition against prospecting or mining for uranium or the construction or operation of nuclear reactors and other facilities in the nuclear fuel cycle. The specific purposes of this bill are, first, to prohibit exploration for mining of uranium; second, to prohibit the construction and operation of certain facilities in plants, fuel fabrication plants, reprocessing plants for spent fuel and the like for nuclear materials and wastes; third, to prohibit the construction and operation of nuclear reactors for the generation of electricity and, fourth, to allow arrangements for enforcement and regulations. These provisions will not affect valid peaceful uses such as research, medicine and other purposes. The facilities of the Australian Atomic Energy Commission and nuclear powered vessels also will be exempt; otherwise the proposed Act would bind the Crown.

I shall deal now briefly with each of the principal clauses. Clause 7 prohibits prospecting for or mining of uranium and provides a maximum penalty of \$100,000. An exemption is provided for the recovery of minor amounts of uranium in the course of mining for other minerals. Clause 8 prohibits the construction or operation of certain facilities in plants, fuel fabrication plants, reprocessing plants for spent fuel and separate storage or disposal installations for nuclear materials and wastes—maximum penalty \$100,000. Nuclear facilities of the Australian Atomic Energy Commission, facilities for the storage or disposal of nuclear waste materials resulting from research, medical and other uses and nuclear powered vessels are exempted from the prohibition.

Clause 9 confirms that the Electricity Commission and other authorities of the State are not authorized to construct or operate nuclear reactors for the generation of electricity. Clause 10 authorizes the Land and Environment Court—at the suit of any person—to restrain or remedy breaches or threatened breaches of the proposed Act. This allows access by all citizens to the powers of the legislation. Clause 11 enables the directors and other persons concerned in the management of a corporation that contravenes the proposed Act to be prosecuted in certain circumstances. Clause 12 provides that proceedings for an offence against the proposed Act are to be taken before the Land and Environment Court. Clause 13 authorizes the Governor to make regulations for the purposes of the proposed Act. Clause 14 contains amendments to the Land and Environment Court Act, 1979, which are consequential on the jurisdiction conferred on the Land and Environment Court by the proposed Act. Under the amendments, the jurisdiction of the Supreme Court in relation to judicial review arising under the proposed Act is transferred to the Land and Environment Court. Clause 15 amends the Mining Act, 1973, to exclude uranium from the minerals to which that Act applies.

I would emphasize from the outset that this legislation is not based on the level of coal reserves existing in this State and the consequent optimistic outlook for energy generation. Rather, it is a clear and positive statement of the New South Wales Government's attitude to the nuclear fuel cycle. In conjunction with a similar approach taken in Victoria, this legislation constitutes a major part of an important role for Australia in the South-East Asian region. As both these States represent a significant proportion of this country's population, economic activity and wealth, their rejection of uranium mining and nuclear power stations is of undeniable consequence. As expressed in the objects of the bill, construction or operation of new nuclear reactors is

to be banned. Those who would argue that such a ban on, for example, nuclear power generation, is unwarranted would do well to heed the statement issued by three senior and highly paid nuclear engineers explaining their resignation from the General Electric Corporation in 1976. Dale Bridenbaugh, Richard Hubbard and Gregory Minor—men with fifty-six years of combined work experience at all levels of the nuclear industry behind them—said:

When we first joined the General Electric Nuclear Energy Division, we were very excited about the idea of this new technology—atomic power—and the promise of a virtually limitless source of safe, clean and economic energy for this and future generations. But now . . . the promise is still unfulfilled. The nuclear industry has developed to become an industry of narrow specialists, each promoting and refining a fragment of the technology, with little comprehension of the total impact on our world system . . .

We resigned because we could no longer justify devoting our life energies to the continued development and expansion of nuclear fission power—a system we believe to be so dangerous that it now threatens the very existence of life on this planet.

We could no longer rationalize the fact that our daily labour would result in a radioactive legacy for our children and grandchildren for hundreds of thousands of years. We could no longer resolve our continued participation in an industry which will depend upon the production of vast amounts of plutonium, a material known to cause cancer and produce genetic defects, and which facilitates the continued proliferation of atomic weapons throughout the world.

During their long testimony, these men claimed, among other things, that the defects and deficiencies in just the design of nuclear reactors alone created severe safety hazards, and that the combined deficiencies “in the design, construction and operation of nuclear power plants makes a nuclear power plant accident, in our opinion, a certain event. The only question is when, and where.”

What makes an accident in a nuclear power station uniquely dangerous is the potential release into the environment of highly poisonous radioactive elements which can contaminate large areas of land and make them uninhabitable for thousands of years. What makes an accident seem inevitable is the human factor. The most advanced plant is still at the mercy of the fallible human beings who design, build, and operate it. Millions of parts are needed to construct a nuclear reactor, and each must be made, assembled, and operated with little room for error. While some might argue that only the most highly qualified and experienced persons would be employed in a nuclear power plant, I doubt that the victims of Chernobyl, a disaster for which the full ramifications are still not known, or any of those threatened by the Three Mile Island incident, would be consoled by such claims. In 1955 Albert Einstein and Bertrand Russell declared:

The scientists who know most are the most gloomy. It is now no longer enough for people to say: ‘something must be done’. We must all actually do something.

The *Australian* of 20th June reports Sir Mark Oliphant as having said:

The greatest living species of all time is in danger of committing suicide because of the social and political organisation of the nations.

Sir Mark said the recent disaster at Chernobyl was evidence that Murphy’s law was still applicable to every aspect of human technology, including the nuclear industry. Another issue of great concern is what happens at the end of the lives of these nuclear plants. How are they to be decommissioned? What do we do with reactors and plant that remains radioactive for thousands of years? In my recent travels overseas the answer at every nuclear power station I visited was

the same: We do not know how much it is going to cost to shut the plants down and what we are going to do with the waste.

Additionally, it is worth while to remember that, in any event, the economics of construction of nuclear power stations is becoming increasingly poorer due to the recognition of the need for tighter, highly expensive, safety standards. Testimony to this is the fact that no new nuclear plants have been ordered in the United States since 1978 and some which had been ordered prior to that are being mothballed due to the greatly escalating costs. Indeed, even in Sweden, a country with a good record of nuclear safety and high safety standards, it was decided in 1980 to phase out nuclear power by the year 2010. What has the Opposition said about nuclear power? The *Daily Telegraph* of 24th May, 1986, reports on the attitude of the Leader of the Opposition and the honourable member for Lane Cove in the following terms:

Despite his attempts to ridicule the Government plans, the Opposition Leader Nick Greiner gave no guarantee that a future coalition government would not dabble with nuclear reactors.

... it is only a few short years since his predecessor John Dowd returned from his overseas trip expounding the "need" for New South Wales to consider the nuclear alternative to coal-fired power.

Prime Minister Gorton pushed hard in the late 1960s for the establishment of a nuclear reactor at Jervis Bay on the south coast of New South Wales.

Mr Greiner might find it easy to use phrases like "you would have to be a total idiot and an economic fool" to consider nuclear energy in coal-rich New South Wales—but it is his side which has long pushed that very idea.

The legislation does not affect the removal, transportation and disposal of nuclear materials and waste from research and medical uses and other activities as prescribed under the various other pieces of State legislation. Also, existing safe uses of nuclear materials, which are important to medical and industrial applications, are exempted. Visits to New South Wales ports by nuclear powered ships will not be affected. This will include civilian vessels in this category. It is the case, however, that in any event very few of these exist and that the continued construction of such vessels in terms of economics seems even less favourable than the costs of constructing nuclear power stations, and in any event, this matter is covered by Commonwealth legislation. The Commonwealth Government's research activities, which are currently being carried out at Lucas Heights, are seen as a necessary exemption, given the great importance of that institution's role in the production of radioisotopes for medical applications. The production of radioisotopes in cyclotrons, proposed for medical and research purposes, will not be affected. However, the Government is not unaware of the many concerns held in the community over the operations at Lucas Heights. The *Illawarra Mercury* of 7th June, 1986, under the headline, "Catholic group declares Lucas Heights a risk", reported:

The Catholic Commission for Justice and Peace has declared the Lucas Heights reactor a risk and called for an urgent inquiry into its operations.

The commission's national secretary Mr Sidoti said:

"In the light of the Chernobyl disaster, the history of leaks and incidents at Lucas Heights and the lack of information from the Australian Atomic Energy Commission raises serious questions about the continued existence of the 28-year-old highly enriched reactor".

This was supported by the Bishop of Wollongong, Bishop Bill Murray. This does not bind the Catholic bishops, but it is an expression of their views, supported by the Bishop of Wollongong and other bishops. A recent conference of the Australian Labor Party resolved:

The conference recognizes:

1. The unique national and international role of the Lucas Heights establishment in the research and development of nuclear science for peaceful purposes.
2. The need for the establishment to continue its work in the area of nuclear medicine and other related fields.
3. The commitment by the workers and unions to maintaining the establishment at Lucas Heights with the highest level of technical expertise and safety standards.

To ensure the most appropriate placement of this establishment, the conference recommends that a joint federal and State ministerial working party be set up to report on the most appropriate siting of a nuclear establishment dedicated to peaceful research and development work.

I have already spoken to our executive to get that inquiry under way. As regards the exploration for and mining of uranium, the policy of the New South Wales Labor Government has been quite clear and in place for many years. This policy is that there will be no exploration for uranium in New South Wales. This policy also means, of course, that there can be no mining of uranium in New South Wales. The present policy had its beginnings in 1978 when a new category of minerals, group 7, was established in the Mining Act. This grouping comprised uranium and its ores and removed uranium from the group 1 metallic minerals, where it was included with a wide range of other minerals. At the same time, a review of policy was commenced and the grant of exploration licences and prospecting licences for group 7 minerals—that is uranium—was frozen pending completion of the review. In 1979 the then Minister for Mineral Resources, the Hon. R. J. Mulock, announced a total ban on uranium exploration in New South Wales. At that time more than twenty companies that had recent applications pending were advised of their refusal.

I might add—and this is contrary to popular belief—that New South Wales actually contains some very promising prospects for uranium. When the ban was placed it was definitely not a case of banning a commodity that did not exist. In the mid-1970's new geological concepts for the discovery of major uranium deposits emerged. Secondary concentrations of uranium contained in undeformed sedimentary rocks became an exploration target over much of New South Wales including the Clarence-Moreton Basin, the Sydney Basin, the Great Australian Basin, the Murray Basin and the Mundi Mundi Plains west of Broken Hill. A large number of group 1 licences were granted for uranium exploration in the early to mid-1970's and exploration activity was quite intense. In many areas of the State results were negative; however, results of the exploration in sediments underlying the Mundi Mundi Plains west and north-west of Broken Hill were very encouraging, and showed a number of significant and exciting results.

Though in 1978 the completed exploration had generally been of a reconnaissance nature only, at that time there was considered to be a high potential for the discovery of economic uranium mineralisation under the Mundi Mundi Plains. The geological sequence in question bears close similarities to South Australian deposits just over the border where the Beverley and Honeymoon economic uranium deposit resources were discovered. There is little doubt that, if unrestricted, exploration for uranium in the Mundi Mundi Basin area would have continued for many years with a good chance that an economic deposit may have been found. Also, it was considered at the time that the potential of the Murray Basin and the Darling depression been had nowhere near adequately assessed. The total ban of 1979 terminated uranium

exploration in New South Wales before the opportunity for detailed assessment of the promising initial discoveries could be completed. Up to now the policy of totally banning uranium exploration has been implemented by the mechanism of successive Ministers for Mineral Resources refusing to grant licences for uranium exploration. This bill will, of course, provide greatly enhanced protection in the future against the uranium mining and exploration lobby. If uranium mining is ever considered, the legislation will have to be amended. A proper public debate on the issue will have to take place. This is the real purpose of this legislation.

The great promise of 500 000 jobs and \$20 billion in foreign earnings from uranium mining has failed to materialize. Job opportunities in mining fluctuate along with metal prices. The new mines, like Roxby Downs, and the existing ones, Ranger and Nabarlek, are all looking for new contracts when the market is shrinking and prices are falling. In 1979 uranium was worth \$45 a pound. Now it has fallen below \$20 a pound, and as more nuclear reactors are cancelled and go out of service worldwide, the price will drop further. Mining is capital-intensive, which means more money is spent to provide each job than, say, in manufacturing. For example, the Ranger mine employs 300 workers at a cost of \$800,000 a job. In manufacturing, it is about \$50,000 a job. The mining industry provides about 3 per cent only of the job market, despite the enormous investment. Even fewer jobs are created in industries that serve mining because uranium companies import most of their heavy earth-moving equipment and their ore milling and refining plants. This equipment makes up a large portion of their investment in mining.

The mining industry has always had generous government support, including tax concessions and infrastructure, like roads, railways, energy and water supplies to serve mines. For instance, the South Australian Government has agreed to spend an initial \$50 million on infrastructure at Roxby Downs. Because mining companies are mainly owned by foreign corporations, most of the profits go overseas. Sometimes more money goes out of Australia in loan and interest repayments, profits and equipment purchases than is received in royalties and jobs. The federal Government's Fitzgerald report found that during the mining boom of the late 1960's the Government paid out \$55 million more in tax concessions and subsidies than it received in royalties.

Who buys Australia's uranium? The information to which I shall refer was published recently in the Greenpeace magazine, and has not been refuted. West Germany is contracted to receive 18 479 tonnes of Australian uranium between 1982 and 1996. It supplies nuclear technology and equipment to Argentina. Argentina is not a signatory to the non-proliferation treaty and consequently not all its nuclear facilities are inspected by the International Atomic Energy Agency. Japan is contracted to receive 17 102 tonnes of Australian uranium between 1975 and 1996. Enrichment is carried out in the United States of America. When uranium is enriched it loses its identity and can easily be diverted without trace into nuclear weapons. South Korea is contracted to receive 3 629 tonnes of Australian uranium between 1983 and 1992. South Korea is seen to be moving towards nuclear weapon capability. In June 1977 Korean Foreign Minister Park Tong Jim testified before Parliament affirming that, "In order to secure the survival of our country, I dare say we have the freedom to take whatever means are necessary and within our capability, including the production of nuclear weapons". In 1978 Korea test launched its first missile developed by its own resources.

The United States of America is contracted to receive 2 043 tonnes of Australian uranium between 1982 and 1990. In 1982 Energy Secretary James Edwards argued in Congress that spent fuel rods from civilian reactors should be reprocessed to provide plutonium warheads for the 17 000 new nuclear weapons earmarked for construction in the next decade. After public opposition the proposal, supported by Ronald Reagan, was finally defeated in Congress in 1983. Meanwhile a \$US200 million new process that would be used to separate out the plutonium—the atomic vapour laser isotope separation process—continues on towards its target of becoming fully operational by 1989. Finland is contracted to receive 815 tonnes of Australian uranium. It reprocesses its uranium in Russia where no IAEA inspectors are allowed. Given the above information it is clear that to be content with the pro-uranium argument that safeguards actually work is to be naive in the extreme. By clearly rejecting the safeguards myth and not exporting our uranium, Australia can play a vital role in encouraging people in many countries to do likewise. In Australia, as elsewhere, concerns and actions of ordinary people will ultimately determine what sort of future, if any, our children will have. What do Australians think about uranium mining? The *Sun* of 26th September reported:

According to the latest Gallup poll, almost 80 per cent of Australians said they approved of the idea of a "Nuclear Free Pacific", while only 13 per cent disapproved.

The people polled were split almost evenly over the question of mining and exporting of uranium, with 44 per cent approving and 45 per cent disapproving.

What do the churches have to say? The *Anglican Church in Australia* reported:

A resolution of the Church Synod in October 1984 called "on the Australian Government to recognize its responsibility with regard to uranium mining and realise that it has the opportunity of bringing a sign of hope for peace which is best shown at present by permitting no new contracts or extending existing contracts for uranium supply, and prohibiting uranium enrichment facilities in Australia".

A resolution of the Church's First National Youth Synod in 1985 called for: an immediate embargo on the presence of nuclear weapons on Australian territory, and an end to the export of uranium to countries which manufacture nuclear weapons and a cessation of French nuclear testing in the Pacific.

A report on the sale of uranium to France in the *Sun* of 25th September read:

The latest Gallup poll shows 57 per cent of Australians disapprove of uranium sales to France.

Only 32 per cent of those interviewed approved.

In June 1983 Pope John Paul II in his message to the United Nations said:

Currently, the fear and preoccupation of so many groups in various parts of the world reveals that people are more frightened about what would happen if irresponsible parties unleash some nuclear war.

During his pilgrimage to Hiroshima, Pope John Paul II captured the essence of the problem when he said:

In the past, it was possible to destroy a village, a town, a region, even a country. Now it is the whole planet that has come under threat.

The conclusion of the Pontifical Academy of Sciences on a study commissioned by Pope John Paul II was:

Recent talk about winning, or even surviving a nuclear war must reflect a failure to appreciate a medical reality: any nuclear war would inevitably cause death, disease and suffering of pandemic proportions and without the possibility of effective medical intervention.

That reality leads to the same conclusion physicians have reached for life controlling epidemics throughout history. Prevention is essential for control.

In May 1983 the National Conference of Catholic Bishops concluded:

Why do we address these matters fraught with such complexity, controversy and passion? We speak as pastors, not politicians. We are teachers, not technicians.

We cannot avoid our responsibility to lift up the moral dimensions of the choices before our world and nation.

The nuclear age is an era of moral as well as physical danger.

We are the first generation since Genesis with the power to virtually destroy God's creation.

We cannot remain silent in the face of such danger.

Why do we address these issues?

We are simply trying to live up to the call of Jesus to be peacemakers in our time and situation.

This is legislation for the people of New South Wales. Let it be clear that this is not legislation designed to serve the interests of government only, or of particular interest groups. This is legislation for the people. First, the Crown is bound by the legislation and, second, under its provisions any person may bring proceedings in the Land and Environment Court for an order to remedy or restrain any breaches, whether or not any right of that person has been or may be infringed by that breach. This will give any concerned citizen the necessary legal standing to approach the court without the necessity to approach the Attorney General for his intervention. Though, as reflected in the legislation, the Government is determined to ensure the well-being of all citizens, it has been realistic and responsible in its framing and a number of activities have been exempted from its coverage. The uranium industry in Australia does not offer security or economic prosperity. It is a shameful exercise in short-term greed at a time when the future of humanity is in jeopardy.

This bill will ensure that New South Wales takes a responsible and moral position on this vital issue. If positive steps are not taken to relieve the tension and to bring about proposals for world disarmament between the United States of America and the Union of Soviet Socialist Republics, this nation in this decade will be debating the policy of American bases in this country. I am a father of five young people. I am aware of their thinking. Young people today will not accept the situation of world leaders not facing up to the responsibility of the enormous problem that faces this world, and that problem is clearly identified today. It is identified with the impasse that exists between President Reagan and President Gorbachev not being able to get together and do something in a serious way towards disarmament. More recently young people, and people generally, were amazed at the decision to supply arms to Iran and the money then floating off somewhere else. Young people in the world today will not tolerate that.

My grandfather sent five sons to the first world war. His only brother, who was 46, also went. Three of his sons were killed and he lost his only brother. I went away to the last war with my brother, but my two sons will not go away to war because they recognize that there must be a better solution. I hope that the bill will be accepted by the Opposition as an indication that in New South Wales we have a feeling about these issues, a feeling about no nuclear power stations and a policy of no mining of uranium, because our near neighbours want Australia to take a positive stand in this nuclear age. They want Australia to be a beacon in this area. Australia has not become a beacon, and

that is a great tragedy. Australia could play an important role. Our near neighbours want Australia to play that role, but it is not.

This is, in a small sense, a State government bringing in legislation. We are only a State government. The major powers rest with the Commonwealth, but the State Government has the power to stop the nuclear power stations and the mining of uranium in New South Wales. Victoria already has this legislation. The two biggest States in Australia will say to the world, "There will be no nuclear power stations built in our States and there will be no mining or exploring for uranium". That will be of great importance to people, because a little light has shone. We much need that today for the major worry of the world today is the threat of a nuclear war. I have a daughter who is a high school teacher. She comes home repeatedly and tells me how the children in her class worry about the world in which they live. They worry about nuclear war. It is a worry to them because they can see that happening. They can see failure on the part of world leaders to do anything about it and distrust between world leaders.

The children cannot accept that, but they can accept that young people in the United States of America and young people in the Soviet Union want peace. They are right on that count. But the way the matter is publicized today one would think that the people in the Soviet Union and the people in the United States of America want nuclear war. People do not want war; they have had wars. They want peace. This legislation has been brought forward on that basis—an expression of opinion from the Labor Government in New South Wales. Make no mistake that it is an expression from the Government about its nuclear policy. Doubtless it will be claimed that this matter should be raised at a federal level. I shall deal with that in my reply. But, members should make no mistake about this legislation; it is a clear statement of the attitude and policy of the Labor Government in New South Wales. It cannot be any clearer. I commend this measure to the House.

Uranium Mining and Nuclear Facilities (Prohibitions) Bill

The objects of this Bill are—

- (a) to prohibit prospecting or mining for uranium; and
- (b) to prohibit the construction or operation of nuclear reactors and other facilities in the nuclear fuel cycle, in order to protect the health, safety and welfare of the people of New South Wales and the environment in which they live.

Part 1—Preliminary

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 specifies the objects of the proposed Act.

Clause 4 is an interpretation provision. Under the clause:

- (a) "mine" is defined to include the production of uranium ore concentrates;
- (b) "nuclear reactor" is defined to mean a nuclear fission reactor.

Clause 5 provides that the proposed Act binds the Crown.

Clause 6 ensures that the prohibitions in the proposed Act have effect notwithstanding any Act or law to the contrary. However, the clause makes it clear that the Radioactive Substances Act 1957 and the Occupational Health and Safety Act 1983 are not affected.

Part 2—Prohibition of Uranium Mining and certain Nuclear facilities

Clause 7 prohibits a person from prospecting or mining for uranium (maximum penalty—\$100,000). An exemption is provided for the recovery of minor amounts of uranium in the course of mining for any mineral other than uranium.

Clause 8 prohibits the construction or operation of certain facilities in plants, fuel fabrication plants, reprocessing plants for spent fuel and separate storage or disposal installations for nuclear materials and wastes (maximum penalty—\$100,000). Nuclear facilities of the Australian Atomic Energy Commission, facilities for the storage or disposal of nuclear waste materials resulting from research, medical and other uses and nuclear powered vessels are exempted from the prohibition.

Clause 9 confirms that the Electricity Commission and other authorities of the State are not authorized to construct or operate nuclear reactors for the generation of electricity.

Part 3—Enforcement

Clause 10 authorizes the Land and Environment Court (at the suit of any person) to restrain or remedy breaches or threatened breaches of the proposed Act.

Clause 11 enables the directors and other persons concerned in the management of a corporation that contravenes the proposed Act to be prosecuted in certain circumstances.

Clause 12 provides that proceedings for an offence against the proposed Act are to be taken before the Land and Environment Court.

Part 4—Miscellaneous

Clause 13 authorizes the Governor to make regulations for the purposes of the proposed Act.

Clause 14 contains amendments to the Land and Environment Court Act 1979 which are consequential on the jurisdiction conferred on the Land and Environment Court by the proposed Act. Under the amendments, the jurisdiction of the Supreme Court in relation to judicial review arising under the proposed Act is transferred to the Land and Environment Court.

Clause 15 amends the Mining Act 1973 to exclude uranium from the minerals to which that Act applies.

Debate adjourned on motion by **Mr Fisher**.

STAMP DUTIES (FURTHER AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains), Minister for Finance, Minister for Co-operative Societies and Assistant Minister for Education [4.40]: I move:

That this bill be now read a second time.

The bill includes a mixture of exemptions; reviews of avoidance practices and general updating of provisions; with only one increased rate of duty. We have all heard a lot about the problems of the Australian economy and of the need for every sector of the economy—workers, management and government—to show restraint. The Budget Speech delivered by my colleague the Treasurer on the opening day of Parliament is a clear statement of the Government's commitment to restraint and, more particularly, restraint with equity. I need not mention the areas of the Budget where spending has increased to improve the lot of the needier sections of our community and to improve education, health services and law enforcement.

The increased marginal rates for conveyance duty and the limitation of the present exemption for conveyances involving goods, wares or merchandise are the only budget proposals to expand stamp duty revenue. The increased rates for conveyances only affect properties worth more than \$300,000 and thus will not affect the average home purchaser. Also, the increased rates are designed to bring the New South Wales rates into line with the rates charged in Victoria. The removal of the exemption for the value of goods, wares or merchandise means that when such items are conveyed along with other property, stamp duty will be payable on the value of the property including the value of the goods, wares or merchandise. The exemption will, however, still be available in respect of stock-in-trade and goods, wares or merchandise used in relation to land employed for primary production. Again, the proposal will have little impact on the average home buyer as few home purchases will include the purchase of anything more than perhaps a fridge or a wardrobe.

Honourable members should note that the bill contains extensive anti-avoidance provisions to prevent contract splitting with or without the use of different parties. Where goods, wages or merchandise are concerned the possibility of avoidance is very real because a conveyance need not be in writing and there is no need for a registrable document. Rather than increase revenue by the widespread increasing of taxes or the creating of new taxes, the Government has sought to increase revenue by eliminating known avoidance practices and improving administrative efficiency. The Government has already dealt with the Darwin shuffle avoidance practice in the bill passed by this House earlier this session.

The anti-avoidance provisions contained in this bill clarify the maximum duty liability provision in relation to hiring arrangements, remove the surface allowance for hiring arrangements and review loan security duty provisions. The hiring arrangement duty maximum liability provision had the effect of limiting the duty on any one hiring arrangement to \$10,000. Unfortunately, this concession has been abused by some taxpayers by executing one relatively long-term hiring agreement where, before the concession was introduced, several shorter term agreements would have been executed. The result is that only one amount of \$10,000 is payable rather than several amounts of \$10,000. Shorter term agreements are the norm because they allow a periodic review of the conditions of the agreement each time an agreement lapses and a new agreement is negotiated. It is for this reason that the longer term agreements, which have developed principally to take advantage of the concession, provide for the hired goods to be replaced or exchanged or for the goods to be removed or added to the agreement over the life of the agreement. It is this feature which is employed by the bill as a means of limiting the concession to those agreements which were originally intended to benefit.

The service allowance provisions allow a hirer to deduct an amount attributable to the cost of servicing the hired goods from the amount upon which duty is payable. It is difficult and extremely costly for the Chief Commissioner to determine whether the service allowances claimed are reasonable and therefore most are accepted without question and this leaves the way open for avoidance. The third area of avoidance is in relation to loan securities. The loan security duty provisions were incorporated into the Act in 1974 and have not been reviewed in any major way since then. There was, of course, little change in financial markets up to the early 1980's but the deregulationist policies of the federal Government and of this Government have

stimulated an unprecedented development in those markets over the past few years.

The development in financial markets has led to increased complexity, variety and sophistication of commercial dealings. Accordingly, the package of amendments to the loan security duty provisions is designed to ensure that they will be more in keeping with the needs of today's financial markets. Briefly, the main anti-avoidance features of the amendments are the redefinition of loan security, the clarification of duty liability on unlimited loan securities, the removal of the right to use adhesive stamps on certain loan securities, clarifying the position in relation to securities, which include New South Wales property, only after execution and the bringing to duty of caveats which protect unregistered mortgages. The redefinition of loan security involves the omission of the words bond and covenant. This has been done because any deed relating to a loan will be caught by the loan security provisions and be liable to *ad valorem* duty even though the loan may be unsecured in every commercial sense. On the other hand, a guarantee or indemnity under hand will not attract *ad valorem* duty even though it is security for a loan, and this is why the words guarantee and indemnity have been added to the definition.

Unlimited loan securities are becoming increasingly popular because of the flexibility they provide to both borrowers and lenders. These securities provide for large sums of money to be loaned to the borrower but, because there is not a fixed and certain amount, the security is usually liable to duty of only \$5. The Act provides for additional duty to be paid when advances are made but the amendments clarify and strengthen these provisions to ensure that duty avoidance is minimized and that the provisions can be more effectively enforced. Under the Act as it presently stands a loan security which is executed outside New South Wales and which does not relate to New South Wales property will not be liable to duty even if the security subsequently encompasses New South Wales property. The amendments will ensure that such securities will become liable to duty if New South Wales property forms part of the security within twelve months of its execution, except where the security is a floating charge.

Mortgages are a form of loan security which are liable to *ad valorem* duty and some taxpayers have sought to avoid duty on mortgages by registering a caveat on the title. Caveats are not liable to duty and they are, for the most part, just as effective in protecting the mortgagee's interest in land as a registered mortgage. The provisions inserted by the bill ensure that duty is paid either on the caveat or the mortgage. The other aspects of the review of the loan security provisions are designed to provide greater certainty and clarity regarding the operation of existing provisions, which should encourage the transaction of business in New South Wales and facilitate the administration of the provisions.

The remaining provisions of the bill relate to concessions and exemptions. The fixed duty of \$200 on a variation to an approved deposit fund trust deed is along the lines of the fixed duty provided for variations to superannuation fund deeds. The fixed duty will allow approved deposit funds to alter the terms of the deed governing their operations in response to the needs of the day without the prohibitive duty impost of up to 5.5 per cent of the value of the assets in the fund. The exemption in favour of a prescribed nominee company is designed to avoid a double duty situation that would arise where a nominee company is used. Nominee companies are used extensively by overseas stock markets and the Australian stock exchanges propose to establish a

nominee system, called CENSAS, to bring the Australian system into line with its overseas competitors.

Honourable members will recall that I introduced legislation in 1984 and 1985 as part of the Government's commitment to foster the secondary mortgage market and this bill contains further important exemptions in relation to mortgage pool insurance and documentation associated with the creation and marketing of mortgage-backed securities. The profit margins in the secondary mortgage market are very fine and the exemptions will ensure that the market will be able to develop without the inhibition of stamp duty imposts.

Duty is also to be abolished on policies of insurance on the transport of goods and on the hulls of floating vessels used principally for commercial purposes. The most significant aspect of this exemption is that policies of marine insurance on hulls and cargo involved in international trade will no longer be liable to duty. This is an important concession which will allow New South Wales marine insurers to be more competitive in the international market-place where most countries charge nominal or no stamp duty. The major benefits of this concession are that Australia's balance of trade deficit should be reduced with insurance premiums remaining in Australia rather than going off-shore. Cash flow from premiums will be invested locally with flow-on benefits such as greater economic activity and employment. These concessions are further examples of the Government's commitment to fostering financial markets.

The exemption for the amalgamation of registered clubs is designed to facilitate rationalization within the club industry to achieve greater efficiency and profitability. The club industry makes significant contribution to the community in the form of entertainment and recreational facilities and through providing State revenue from poker machine receipts. The exemption will help to ensure that New South Wales residents will continue to enjoy the benefits provided by a large and healthy club industry. The exemption for conveyances of the principal residence between spouses recognizes that the legal title to the home often does not reflect the contribution made by both spouses to its acquisition, maintenance and improvement. The majority of couples would not be prepared to adjust their interests in the home because of the stamp duty cost and the exemption effectively removes this inhibiting factor.

The bill will extend the present scrip lending exemption to allow large scrip lending institutions to operate in New South Wales. The current exemption is limited in that a stockbroker must find a person willing to lend shares each time a client needs to borrow them. Under the proposed exemption lending institutions will be able to establish large pools of shares available for lending by brokers. Thus, brokers need not look around for a person willing and able to lend the required type and number of shares; he or she simply goes to a lending institution. Scrip lending will facilitate the speedy settlement of transactions which should lead to increased share turnovers and increased revenue from duty on those transactions. Also, the establishment of lending institutions in this State will create job opportunities directly and in support industries. Deregulation has led to the increasing internationalization of equities trading and the borrowing facilities will assist Australian stockbrokers to face the challenge of international competition.

The bill will amend division 14 of the Act to provide that the exemptions which currently apply to property settlements upon the dissolution of a marriage will apply equally to the breakdown of a *de facto* relationship.

The De Facto Relationships Act introduced provisions dealing with matters such as maintenance and property settlements on the breakdown of a *de facto* relationship and it is appropriate that *de facto* couples enjoy the same exemption that is available to married couples. The final exemptions relate to Aboriginal land councils and other Aboriginal organizations. The Government's commitment to fostering the acquisition, holding and use of land by Aborigines is well established and clearly evidenced by the Aboriginal Land Rights Act, 1983. The exemptions will go some way to assisting Aborigines in their efforts to improve their position in our society and, more important, to improve their links with traditional Aboriginal culture and values.

An important reform contained in the bill is the intermediate objection procedure where a taxpayer is dissatisfied with an assessment. Under the existing legislation the only course open to a taxpayer dissatisfied with an assessment is to request the chief commissioner to state a case for the opinion of the Supreme Court. This can be a costly exercise and, unless a large amount of duty is in dispute, many taxpayers would be reluctant to challenge an assessment. The bill will provide for a formal review by the chief commissioner of an assessment prior to the stated case procedure. This will give dissatisfied taxpayers a chance to have an assessment reviewed without cost and an opportunity to represent their views to the chief commissioner on why they feel an assessment is incorrect.

The 1985 amendments to section 38C were designed to facilitate the payment of duty by return where the person making the return is not the person liable for duty. An announcement was made that those amendments would commence on 1st December, 1985, but because of the busy parliamentary timetable the legislation was not passed as early as expected and Royal assent was not given until 11th December, 1985. On the basis of the announcement, some institutions commenced operating on the new system on 1st December, 1985. This bill will invalidate the stamping of documents stamped from 1st December to 11th December, 1985. The bill will extend the time within which a refund may be claimed under section 78B to twelve months and will remove the inflexible requirement under that section that documents must be produced before a refund may be given. The longer period to claim a refund is fairer for taxpayers who, for one reason or another, cannot make a claim within the present three-month period. With the increasing trend to reduce document storage costs by destroying documents after microfilming there has been an increased incidence of people being unable to produce the original stamped document.

The amendment of section 125 to remove the strict requirement for a Valuer-General's certificate is another reform that will greatly assist taxpayers. Under section 125 as it now stands if the chief commissioner considers that the value of land disclosed in a contract is an undervaluation, he or she has no option but to request the Valuer-General's valuation even though a valuation from a registered valuer is available. For a number of reasons, including the high workloads and fixed staff numbers at the Valuer-General's office, a valuation can be delayed and this delay is extremely frustrating for a person who wants to settle a contract quickly. The bill will provide that the chief commissioner may accept reasonable evidence of value wherever the value of land is in question.

The reform of the adhesive stamp provisions is a substantial relaxation of the present requirements which allow only a party to an agreement to cancel an adhesive stamp and this must be done at the time the agreement is first

executed. The bill makes it clear that any person may cancel an adhesive stamp and this will enable an agent, such as a solicitor or an estate agent, to cancel a stamp and will allow the stamp to be cancelled up to two months after the agreement is executed, without penalty. Members will recall that in 1985 provisions were inserted in the Act to facilitate the dealing in Australian securities on the London Stock Exchange. Several other States have passed similar legislation but that legislation differs in important respects from the New South Wales provisions. The bill will amend the provisions to bring them into line with the interstate provisions and thus facilitates the operation of the system on an Australia-wide basis.

The bill will provide that the duty on a lease under section 5A of the Landlord and Tenant (Amendment) Act will be a fixed \$10 which may be paid by adhesive stamp. The \$10 duty reflects the average duty paid on these leases, which are the principal type of residential lease, and is a fixed amount to facilitate the use of adhesive stamps. Under the existing provisions section 5A leases must be presented to the Stamp Duties Office for stamping and this imposes compliance costs which are an unreasonably high proportion of the duty. Also, the large number of leases and the relatively low duty collected mean that staff at the Stamp Duties Office are diverted away from more productive areas. The right to use adhesive stamps will greatly assist estate agents and other people involved in executing leases because it will no longer be necessary to present or mail leases for stamping and this will result in cost and time savings for taxpayers.

The bill will amend section 129A to make it clear that where the chief commissioner requires a person to produce documents or information, or to attend before the chief commissioner, conditions such as the time and place for compliance with the requirement may be imposed. These amendments will clarify the chief commissioner's power to impose such conditions and will define when a failure to comply with a requirement arises. Amendments are made to section 129B to ensure consistency with the amendments of section 129A, and to increase the penalty, where a corporation is the offender, to \$5,000. Importantly, the bill will remove the continuing offence provisions and will insert a power of the chief commissioner to apply for an injunction to restrain the continuation of the failure of a person to comply with a request to produce documents or information. This power will arise only after a person is convicted for failing to comply with a requirement, and the granting of an injunction would be entirely at the discretion of the court with the defendant having full opportunity to be represented at the injunction proceedings. These are important safeguards because they ensure that the injunction power may not be used before the more traditional enforcement step of prosecution is taken, and that ample opportunity is given for a person to challenge the validity of any requirement imposed by the chief commissioner.

The final matter I wish to mention is a minor housekeeping amendment. The bill makes it clear that the chief commissioner may institute legal proceedings to recover unpaid duty and this makes the Act consistent with the other Acts administered by the chief commissioner. I have covered a little of the background to each of the matters included in the bill and I now table a summary of the provisions of the bill for the further assistance of honourable members and seek its incorporation in *Hansard*. I commend the bill.

Stamp Duties (Further Amendment) Bill

Clause 1. Short title.

Clause 2. Commencement provision.

Clause 3. Interpretation provision.

Clause 4. Formal provision giving effect to the amendments contained in the various Schedules.

Clause 5. Repeals section 65 of the Valuation of Land Act 1916.

Clause 6. Validates certain technically invalid stampings effected by return under section 38c between 1 December 1985 and 11 December 1985.

Clause 7. Gives effect to the Schedule of transitional provisions.

Schedule 1

Item (1). Provides an exemption from duty for both married and de facto couples in relation to the adjustment of their interests in their principal place of residence.

Item (2). Extends the period, during which a broker may deal in shares on his or her own behalf without incurring share transfer duty, from 2 days to 10 days.

Item (3). Provides for the extension mentioned in Item (2) to be applicable to brokers dealing in Australian securities on the London Stock Exchange.

Item (4). Provides for the increased marginal rates for conveyances of property.

Item (5). Introduces an exemption from duty for policies of insurance covering the transportation of goods by land, air or sea. The exemption also applies to insurance policies covering the hull of a floating vessel used principally for commercial purposes.

Schedule 2

Items (1) to (4). Amends the Act to provide that duty will be payable on the value of goods, wares or merchandise conveyed with other property. Duty will not be payable on stock-in-trade of a business, goods, wares or merchandise used in relation to land used for primary production or prescribed goods.

Schedule 3

Item (1). Provides a specific exemption for a charge executed for the purpose of issuing mortgage-backed securities.

Item (2). Introduces a general exemption into Schedule 2 of the Act for documents that, in the opinion of the Chief Commissioner, were executed for the purpose of creating, issuing or marketing mortgage-backed securities.

Schedule 4

Items (1) (2) and (3). These amendments bring the London Stock Exchange provisions into line with those found in other States thus overcoming a double duty situation.

Schedule 5

Items (1) (2) and (3). Amends Division 14 to provide that the stamp duty exemption which already applies to property settlements on the dissolution of a marriage will apply equally to property settlements on the breakdown of a de facto relationship.

Schedule 6

Item (1). Amendment consequential to Item (3).

Item (2). Introduces an exemption for policies of insurance covering mortgages or pools of mortgages acquired for the purpose of issuing mortgage-backed securities.

Item (3). Extends the existing scrip lending exemption so that the borrowing limb of the lending process will also be exempt from duty.

Item (4). Provides an exemption for transfers to and from a prescribed nominee company. This will allow the CENSAS nominee, once prescribed, to commence operation.

Schedule 7

Item (1). Amends section 22 by removing the strict requirement that only a person who is a party to a document may cancel an adhesive stamp affixed to it.

Items (2) to (7) Consequential amendments to Item (1).

Item (8) Limits the right to use adhesive stamps on loan securities to debentures only.

Schedule 8

Item (1) Amends the definition of "mortgage" in section 3 (1).

Item (2) (a) (b) and (c) Introduces definitions of "advance", "bill facility", "debenture" and "financial accommodation". The definition of loan security is amended by deleting "bond" and "covenant" and inserting guarantees and indemnities to secure financial accommodation.

Item (2) (d) The new definition of loan security makes it clear that a loan security will be liable to duty only if it relates to New South Wales property at the date of execution (or within 12 months thereof, unless it is a floating charge) or if it is executed in New South Wales. A guarantee or an indemnity will be liable if the guarantor or person executing the indemnity is resident, if a person, or incorporated, if a company, in New South Wales.

Item (2) (e) Inserts a definition of "prescribed person", which expression is used in the definition of "debenture".

Item (3) Amends section 84 to ensure that duty is payable on loan securities which are varied after execution to provide for additional advances to be made. The unlimited securities provisions are amended by making it clear that duty is payable on every advance, and that the security is unenforceable unless duty has been so paid.

Item (4) Amends the collateral securities provisions in relation to securities which are collateral to a primary security which is liable to duty in another State or a Territory.

Item (5) Provides that caveats protecting unregistered mortgages on which duty has not been paid, will be liable to the same duty as the unregistered mortgage.

Item (6) Provides that the exemption for regulated contracts under the Credit Act does not extend to contracts which are regulated contracts by virtue only of section 73 of the Credit Act.

Item (7). Provides a credit for the duty paid or payable on a loan security in another State or Territory.

Item (8) and (9). Consequential amendments.

Schedule 9

Item (1). Amends section 5 in line with other revenue Acts to ensure that the Chief Commissioner has the power to recover unpaid duty.

Item (2). Removes the power to prescribe a daily penalty by regulation.

Item (3). Consequential amendment to Item (9).

Item (4). Amends section 74F (7B) to make it clear that the \$10,000 maximum duty applies only to hiring arrangements which do not allow goods to be exchanged, added or removed.

Item (5). Omits the provision which allows a service allowance to be claimed.

Item (6). Amends section 78B to allow a refund of duty on a cancelled lease to be made up to 12 months after cancellation. The Chief Commissioner is also empowered to allow a refund even though the lease cannot be found.

Item (7). Introduces a new section 78F which provides that leases under section 5A of the Landlord and Tenant (Amendment) Act 1948 will be liable to a fixed duty of \$10 which may be paid by adhesive stamp.

Item (8). Introduces a new section 124 in regard to objections and appeals to assessments.

Item (9). Amends section 125 to allow the Chief Commissioner to accept reasonable evidence of the value of land.

Item (10). Amends section 129A to make it clear that where the Chief Commissioner requests documents or information he or she may impose a time limit on that request, and where the Chief Commissioner requires a person to attend to provide information, a time and place for attendance may be specified.

Item (11). Amends section 129B to clarify its operation and increase the maximum penalty where a corporation commits an offence to \$5,000. The "continuing offence"

provisions are removed and replaced by a power for the Chief Commissioner to apply for an injunction requiring a person to provide documents or information where the person refuses to produce the documents even after being convicted for failing to do so.

Item (12). Omits the regulation making power in relation to continuing offences.

Item (13). Introduces a fixed duty of \$200 for a variation to a trust deed of an approved deposit fund.

Item (14). Extends exemption 24 (b) to organizations which have as their principal object the promotion of the interests of Aborigines.

Item (15). Introduces a wide-ranging exemption for the New South Wales Aboriginal Land Council, and a regional or local Aboriginal land council. A further exemption is inserted in relation to the amalgamation of registered clubs.

Schedule 10

Transitional provisions.

Debate adjourned on motion by **Mr Baird**.

BUSINESS FRANCHISE LICENCES (TOBACCO) (APPLICATION AND ENFORCEMENT) AMENDMENT BILL

BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS) (APPLICATION AND ENFORCEMENT) AMENDMENT BILL

Bills presented and read a first time.

Second Reading

Mr DEBUS (Blue Mountains), Minister for Finance, Minister for Co-operative Societies and Assistant Minister for Education [5.0]: I move:

That these bills be now read a second time.

The bills are a further landmark in the Government's continuing fight against tax evasion. During the debate earlier in this session on a bill to increase the tobacco licence fee, I foreshadowed amendments to further strengthen the business franchise legislation. These bills will do just that. There are three principal areas of concern raised by the present level of tax avoidance and evasion in regard to business franchise fees. The first is the cost to government revenue of tax evasion. This threatens the Government's budget strategy and reduces the funds available for essential expenditure, particularly in the areas of health, police, corrective services and welfare. The second area of concern is that those traders who evade licence fees by importing tobacco from Queensland are enjoying an unfair cost advantage over business people who are complying with the law. This grossly unfair advantage is threatening the very livelihood of honest business people. This factor alone provides sufficient justification for the Government to take decisive steps.

The final area of concern relates to the Government's health policies. The link between the consumption of tobacco and certain diseases is now accepted by everyone except the tobacco companies. The Drug and Alcohol Authority estimates that more than 16 000 people die in Australia each year as a direct result of smoking, from diseases such as cancer, heart disease, strokes, bronchitis and emphysema. Licence fees on tobacco are a legitimate means of recouping some of the costs of smoking to the health system. They are intended also to be a direct economic disincentive against smoking, particularly among young people.

It is a matter of continuing concern that the Queensland Government has fostered a tax evasion industry at the expense of every other State and Territory. Because the Queensland Government is alone among the States and Territories levying neither tobacco nor petroleum fees, every other Australian is forced to subsidize Queensland through the Commonwealth grants scheme. The principal bill attacks evasion head-on by amending the current Act to apply licence fees explicitly to interstate trade, in a totally non-discriminatory manner. That is, fees are to be imposed on sellers of tobacco and petroleum products uniformly and equally regardless of whether the seller is engaged in interstate or intrastate trade. During the debate on the bill to increase the tobacco licence fee I made the comment that the measures introduced last year to strengthen inspectors' powers and to increase penalties have had a substantial effect on the illicit interstate trade.

In bringing forward these bills, I do not resile from those previous remarks. However, since those amendments there has been a growth in direct importation by one operator in particular, Nelson's Tobacco Company Pty Limited. Though this particular operator may feel sheltered by the Australian Constitution, our view is that there is indeed no protection in section 92 for those who avoid and evade tobacco licence fees. A recent High Court case, *Miller v. TCN Channel 9* indicates that we are not alone in believing that far from ensuring free trade and open competition, earlier interpretations of section 92 of the Constitution have hurt local traders. We believe firmly that the real intention of the original authors of the Australian Constitution was to prevent discriminatory burdens being placed on interstate trade. Clearly this legislation does not do that. Exactly the same fee is levied on both the interstate and intrastate traders. To hold that section 92 allows fees to be levied only against the interstate trader is to turn it on its head. The section would then prejudice the local traders by ensuring their prices were uncompetitive with bootleggers across the border.

The ancillary measures included in the bills are intended to increase my department's capacity to trace tobacco and petroleum products through the distribution system, to ensure that licence fees are paid when they are due. Inspectors' powers will be strengthened so as to empower them to ask questions and require truthful answers of any person in relation to dealings in tobacco and petroleum products. This will overcome a loophole in the present legislation, which limits inspectors to asking questions only in relation to records. As the people involved in avoidance generally do not keep records, in order to protect their customers, this loophole severely hampers my department. The bills also require records of consignments to be delivered by a person consigning tobacco and petroleum products to the person transporting the goods into or within New South Wales. A record of consignments must specify the type and quantity of goods, as well as details of the consignor, the consignee and the destination of the goods. It will be an offence for a driver to fail to produce accurate records to an inspector on request, the penalty for which will be \$1,000 or imprisonment for three months.

The powers of seizure which may now be exercised only in relation to tobacco, are to be extended to petroleum products. The bills provide that if a person does not provide accurate information upon request from an inspector as to the owner and destination of goods and fails to convey the goods and the inspector to the specified destination, those goods may be seized. Petroleum products and tobacco may be forfeited where a person is convicted of unlicensed trading in relation to the goods. Where tobacco and petroleum

products are seized, inspectors will be empowered to take charge of the truck and to deliver the goods to a storage depot. In the case of tobacco, that will usually entail delivering the goods to a Public Works Department warehouse in Sydney. In the case of petroleum products, arrangements will be made with the oil companies to store the goods at the nearest available depot. If the driver of a truck refuses to co-operate in delivering seized goods to a place specified by an inspector, arrangements will be made to supply a driver, possibly a police driver if one is available. Inspectors will be required to issue receipts for seized goods.

Also included in the bills are amendments to the evidentiary provisions to provide that in any proceedings under the Act the production of a notice of assessment shall be conclusive evidence of the due making of the assessment, except in the case of an appeal, when it shall be prima facie evidence only. These are complemented by provisions which make it clear that the onus of proving that an assessment is incorrect lies with the person liable for the assessed fees. Restrictions on the use of information supplied by a person in issuing assessments and civil proceedings against that person will be removed. This will strengthen the anti-avoidance provisions while maintaining the principle that a person should not be forced to incriminate himself or herself in criminal proceedings. These evidentiary provisions are standard in practically all Commonwealth and State taxing legislation with the exception of the existing business franchise legislation.

The bills include also a general provision enabling the chief commissioner to provide a refund of fees in order to avoid double taxation on interstate trade where goods are sold by retail in another State or Territory and business franchise fees are paid in that other State or Territory as well as in New South Wales. I will be raising this issue with the other States and Territories in order to ensure a consistent policy is adopted throughout Australia. Finally, tobacco licence fees are to be imposed on the first wholesaler in the distribution chain instead of on the final wholesaler. This will bring the tobacco system into line with that operating for petroleum products. This means that a tobacco wholesaler buying from another wholesaler who has already paid the licence fee, will be exempt, thus avoiding double taxation. I commend the bills and table a summary of their provisions.

Business Franchise Licences (Tobacco) (Application and Enforcement) Amendment Bill

Clause 1. Specifies the short title of the proposed Act.

Clause 2. Provides for the commencement of the Schedule of amendments to the Principal Act, and of proposed section 3 in so far as it gives effect to those amendments, on 28 December 1986. The rest of the proposed Act will commence on assent.

Clause 3. Is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1). Amends section 3 of the Principal Act, which defines certain terms and contains other provisions in aid of the interpretation of the Principal Act, to insert a definition of "road vehicle" and to state, in one provision (proposed section 3 (4A)), rather than in several provisions, that the Principal Act applies to sales of tobacco in the course of intrastate trade.

Schedule 1 (2). Inserts proposed section 3AA into the Principal Act so as to state that the Principal Act also extends to apply to sales of tobacco otherwise than in the course of intrastate trade.

Schedule 1 (3). Amends section 3G of the Principal Act in consequence of the amendment made by Schedule 1 (1) (c).

Schedule 1 (4). Amends section 7 of the Principal Act so as to allow inspectors for the purposes of the Principal Act to require information, from any person capable of giving

it to them, concerning a business carried on by any person in connection with tobacco. (At present the inspectors' powers are limited to requiring information concerning financial and other records relating to such a business which are in the authority or under the control of the person from whom the information is required).

Schedule 1 (5). Amends sections 7(5) and 8(5) of the Principal Act so as to permit information furnished by a person in compliance with a requirement made by the Chief Commissioner or an inspector under the Principal Act to be used in evidence against the person in proceedings other than criminal proceedings.

Schedule 1 (6). Inserts proposed new section 8AA into the Principal Act, which requires transporters of tobacco to keep certain records relating to its nature, quantity, origin and destination and empowers inspectors to inspect the records and to stop and detain vehicles for that purpose.

Schedule 1 (7). Amends section 8A of the Principal Act to allow an inspector, having stopped a road vehicle which is transporting tobacco in respect of which appropriate records are not produced as required under proposed section 8AA, or in respect of which an offence is reasonably suspected of having been committed, to require the driver of the vehicle to convey the inspector to the vehicle's destination and, if the driver refuses, allows the inspector to take charge of the vehicle.

Schedule 1 (8). Amends section 10 of the Principal Act in consequence of the amendment made by Schedule 1(1) (c).

Schedule 1 (9). Amends section 11 of the Principal Act so as to specify the only grounds for refusal of a licence under the Principal Act, namely, that the Chief Commissioner under the Principal Act is satisfied—

- (a) that the intended licensee has not made a payment required to be made under the Principal Act; or
- (b) that the intended licensee, if issued with a licence, will not comply with the requirements of the Principal Act.

Schedule 1 (10). Amends section 12 of the Principal Act—

- (a) to shift the obligation to pay the licence fee in respect of the wholesale distribution chain from the ultimate wholesaler (as at present) to the initial wholesaler (Schedule 1 (9) (1), (b) and (d);
- (b) in consequence of the amendment made by Schedule 1 (1) (c) (Schedule 1 (9) (c)); and
- (c) to permit information furnished by a person in compliance with a requirement made by the Chief Commissioner under section 8 of the Principal Act to be taken into account when assessing a licence fee (Schedule 1 (10) (e)).

Schedule 1 (11). Inserts proposed section 15A into the Principal Act in order to enable the Chief Commissioner to refund or waive payment of a licence fee by a person in respect of tobacco sold by retail outside New South Wales if the person has paid or is liable to pay a fee under a law of another State or Territory of the Commonwealth which corresponds to the Principal Act.

Schedule 1 (12). Amends sections 21 and 28A of the Principal Act to provide that, in an appeal brought by a licensee against an assessment or reassessment of the licence fee, the licensee bears the burden of proving the assessment or reassessment made by the Chief Commissioner to be wrong.

Schedule 1 (13). Inserts proposed section 26A into the Principal Act, which provides that a notice of assessment or reassessment authenticated by the Chief Commissioner is evidence, in any appeal against the assessment or reassessment, that the assessment or reassessment was duly made and conclusive evidence of that fact in other proceedings.

Schedule 1 (14). Amends section 31 of the Principal Act to allow regulations to be made for or with respect to the stopping, detention and taking charge of road vehicles and the impounding and release of tobacco.

*Business Franchise Licences (Petroleum Products)**(Application and Enforcement) Amendment Bill*

Clause 1. Specifies the short title of the proposed Act.

Clause 2. Provides for the commencement of the Schedule of amendments to the Principal Act, and of proposed section 3 in so far as it gives effect to those amendments, on 1 January 1987. The rest of the proposed Act will commence on assent.

Clause 3. Is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1). Amends section 3 of the Principal Act, which defines certain terms and contains other provisions in aid of the interpretation of the Principal Act. The effect of the amendments is to state, in one provision (proposed section 3 (2A)), rather than in several provisions, that the Principal Act applies to sales of petroleum products in the course of intrastate trade.

Schedule 1 (2). Inserts proposed section 3A into the Principal Act so as to state that the Principal Act also extends to apply to sales of petroleum products otherwise than in the course of intrastate trade.

Schedule 1 (3) Amends section 13 of the Principal Act so as to allow inspectors for the purpose of the Principal Act to require information, from persons capable of providing the information, concerning a business carried on by any person in connection with petroleum products. (At present the inspectors' powers are limited to requiring information concerning financial and other records relating to such a business which are in the custody or under the control of the person from whom the information is required).

Schedule 1 (4) Amends section 13 (5) and 14 (4) of the Principal Act so as to permit information furnished by a person in compliance with a requirement made by the Chief Commissioner or an inspector under the Principal Act to be used in evidence against the person in proceedings other than criminal proceedings.

Schedule 1 (5). Inserts proposed new sections 13B and 13C into the Principal Act. Proposed section 13B requires transporters of petroleum products to be given, and to keep, certain records relating to the nature, quantity, origin and destination of the petroleum products and empowers inspectors to inspect the records and to stop and detain vehicles for that purpose. Proposed section 13C allows an inspector, having stopped a road vehicle which is transporting any petroleum products in respect of which appropriate records are not produced as required under proposed section 13B, or in respect of which an offence is reasonably suspected of having been committed, to require the driver of the vehicle to convey the inspector to the vehicle's destination and, if the driver refuses, allows the inspector to take charge of the vehicle. The proposed section goes on to provide for forfeiture to the Crown of the petroleum products if a court finds that they were intended for illicit sale.

Schedule 1 (6). Amends section 17 of the Principal Act so as to specify the only grounds for refusal of a licence under the Principal Act, namely, that the Chief Commissioner under the Principal Act is satisfied—

- (a) that the intended licensee has not made a payment required to be made under the Principal Act, or
- (b) that the intended licensee, if granted a licence, will not comply with the requirements of the Principal Act.

Schedule 1 (7). Amends section 18 of the Principal Act—

- (a) to permit information furnished by a person in compliance with a requirement made by the Chief Commissioner under section 14 of the Principal Act to be taken into account when assessing a licence fee (Schedule 1 (7) (a); and
- (b) in consequence of the amendment made by Schedule 1 (1) (b) (Schedule 1 (7) (b)).

Schedule 1 (8). Inserts proposed section 20A into the Principal Act in order to enable the Chief Commissioner to refund or waive payment of a licence fee by a person in respect of petroleum products sold outside New South Wales if the person has paid or

is liable to pay a fee under the law of another State or a Territory of the Commonwealth which corresponds with the Principal Act.

Schedule 1 (9). Amends sections 24 and 26 of the Principal Act to provide that, in an appeal brought by a licensee against an assessment or reassessment of the licence fee, the licensee bears the burden of proving the assessment or reassessment made by the Chief Commissioner to be wrong.

Schedule 1 (10). Inserts proposed section 31A into the Principal Act, which provides that a notice of assessment or reassessment authenticated by the Chief Commissioner is evidence, in any appeal against the assessment or reassessment, that the assessment or reassessment was duly made and conclusive evidence of that fact in other proceedings.

Schedule 1 (11). Effects a minor amendment to section 32 of the Principal Act by way of statute law revision.

Schedule 1 (12). Amends section 37 of the Principal Act to allow regulations to be made for or with respect to the stopping, detention and taking charge of road vehicles and the impounding and release of petroleum products.

Debate adjourned on motion by **Mr Baird**.

BILL RETURNED

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

Real Property (Caveats) Amendment Bill

STATE TRANSPORT (CO-ORDINATION) AMENDMENT BILL TRANSPORT (AMENDMENT) BILL TRANSFER OF PUBLIC VEHICLES (TAXATION) AMENDMENT BILL

Second Reading

Debate resumed from 20th November.

Mr BAIRD (Northcott) [5.10]: The Minister for Transport is proving to be full of surprises. Not long ago the Minister concluded debate on a bill about the private sales of motor vehicles with a fierce diatribe on the New Right and the dangers of deregulation. However, in recent weeks the Minister seems to have discovered that deregulation is all right after all. First we had limited deregulation of country bus routes, a move for which the Opposition had been calling for some years. Now in the Minister's second reading speech he referred to the need to question the value of tight controls over the taxi and hire car industry. These bills are about partial deregulation and letting market forces operate in the taxi industry. The Opposition welcomes the Minister's acceptance of the important principle that the Government should not interfere in the economic sphere unless absolutely necessary. It is good to see this road to Damascus approach to deregulation by the Minister.

The coalition welcomes the basic trends in policy about the taxi industry and the need to expand the number of services and the conditions under which they are provided. Any person who travels round Sydney would be aware of the shortage of taxis in the evening hours. One is well aware of the difficulty in obtaining a taxi in inclement weather. The existing system contains many unjustified restrictions on trade. For instance, there can be little justification for the Department of Motor Transport exercising control over taxi advertising.

The review carried out drew attention to this fact. Any suggestion that the Government should control taxi advertising is a nonsense. A further question raised by the review concerned the restriction on entry to the hire car industry, which did nothing to benefit the consumer. I notice that the transfer fee on hire cars of 2.5 per cent and upwards will be changed to a flat fee of \$500. Clearly there are many anomalies in the hire car industry and further regulations will be made to bring about changes in the industry.

The coalition recognizes that a change is needed in the industry and that greater flexibility must be introduced. We support the overall philosophy behind the bills and will be supporting the legislation. However, we do question the way the measures will be implemented so far as they concern the issue of plates. In their present form the measures in the principal bill will be unfair in their impact on drivers who have made a career in the industry. The measures will discriminate against the battlers, though they will benefit the industry as a whole. The driver who has been in the industry for many years and has been working towards obtaining his own taxi plate will be disadvantaged. The Government will now put that licence out of his reach. That is the Opposition's main concern about these bills.

Since World War II there has been a seniority list for the obtaining of taxi plates. Taxi plates were awarded free of charge by the Government to drivers who had served for a certain number of years in the industry or complied with certain other conditions. For instance, the RSL taxi service originated from plates given free of charge to returned servicemen. During the mid-1960's the system was formalized with a register of service and every driver who spent fifteen years in the industry became entitled to a free taxi plate. That would seem to be a fair system. The system had several advantages. The first was that it encouraged drivers to stay in the industry for a number of years, which meant that they acquired a thorough knowledge of the local roads and the traffic conditions in various areas. This was of advantage to the people who used the taxicabs and therefore of general consumer benefit throughout the State, but especially in the metropolitan area. Many complaints are received from people who say that a taxi driver has been unable to find his way around. Recently I caught a taxi from Kings Cross and the driver who had recently arrived from New Zealand; asked me where Parliament House was to be found.

Though there are advantages in the measure before the House, consideration should be given also to the disadvantages. The system of being placed on a seniority register worked well because it provided an incentive for people to work in an industry that was basically poorly paid. In many cases the wages received were little above subsistence level. Little overtime was available. Few benefits were available in the form of superannuation, sick leave and workers' compensation. The seniority register was an incentive for people to remain in the industry and gain a sound knowledge of the streets of Sydney. The drivers had no union and therefore did not have support in making salary claims. The system seemed to be working quite well because drivers had something to look forward to at the end of fifteen years' service. They were aware that at the end of the period they would be given a free taxi plate, which they would be able to sell at a later time for between \$80,000 and \$100,000. In this way they could provide for their retirement. In effect the plates provided a superannuation scheme to compensate them for the years they had spent in the industry, during which time they were paid less than a reasonable wage.

Many problems were associated with this type of owner-driver policy, to which the Minister referred in his speech. The Opposition recognizes those matters. We indicate our support for some of the changes to be made. The Government did forgo \$2.5 million in annual revenue by issuing free licences. This matter was highlighted in the Minister's second reading speech. It is obviously worth considering whether it is appropriate for owner-drivers who have worked in the industry for fifteen years to receive that benefit or whether the money should go to the Government. The coalition would say that this is a further extension of the Government's taxation attitude of more, more and more. For eight out of the ten years that this Government has been in office the people of New South Wales have been the highest taxed of all States. Though the Government may have lost \$2.5 million by not issuing the plates, the Minister has not informed the House how that matter will be compensated for. The Minister did not say that anybody who transfers a licence will have to pay to the Department of Motor Transport 25 per cent of the current market value as a transfer fee. If a licence were transferred up to six years from the time that it was issued free, the 25 per cent would have to be paid on a sliding scale down to 2.5 per cent if the transfer occurred fifteen years after the plate was issued free.

I note that a measure in the Transfer of Public Vehicles (Taxation) Amendment Bill will reduce this tax to 2.5 per cent of the current market value for all transfers, with certain exceptions. The Government has adopted a counter-balancing approach. Though in the past the Government has forgone \$2.5 million by the issue of free plates, the measures in this bill will not generate that amount of revenue. Though some revenue will be derived, it will not be \$2.5 million. A problem with the old system was that too few licences were being issued. The Minister had to reach a decision about total deregulation of the taxi industry or an in-between situation. The Minister has opted for something in between and the coalition supports him in that. To move to a total deregulation situation would not be appropriate at present.

Mr Mulock: The honourable member should withdraw his introductory comments.

Mr BAIRD: We have said that we support the Government in moving towards deregulation. In a previous bill the Minister laboured long and hard about the Opposition's statements on deregulation and said that there were always good reasons for regulation. The Minister should be consistent; if he is to move towards deregulation, he should be quite open about it and the Opposition would support him.

Mr Amery: The honourable member will never obtain the leadership by making those statements.

Mr BAIRD: The honourable member for Riverstone will not be a member of this House after the next elections, so honourable members will not see his bid for leadership. To some extent this was counter-balanced by this transfer payment, as has been mentioned. Another problem concerned too few licences being issued. In his second reading speech the Minister said that owner-drivers tended to provide a service inferior to that of other drivers, but he did not give his authority for that comment. I should have thought that owner-drivers would have provided a good service.

Mr Mulock: They do.

Mr BAIRD: It said that the survey has shown that the service provided by the owner-drivers is not up to the standard of the other services provided.

Mr Mulock: Because they all go for the same hours; the easier hours.

Mr BAIRD: Owner-drivers in an industry, whether it is the trucking industry or the taxi industry, make sure they maximize profits and that the standard of their taxis in terms of general cleanliness and safety of the vehicle is top rate. They also have an ongoing concern for the continuing operation of the cab itself. I am not sure just how this follows through. In some cases the casual drivers in the industry are students and people working at night doing a second job, but because they have no intention of making a career out of taxi driving and are often inexperienced, they do not know their way around the city streets and many problems will arise for that reason. Experienced drivers know the city streets like the backs of their hands, and they should be encouraged. They are the drivers who will be treated poorly by the proposed legislation. The Opposition is not opposed to the selling of licences at market rate rather than being issued free. The Opposition is opposed to the way the proposed legislation will deal with the problem of those drivers already on the seniority list.

The principal bill proposes that those drivers on the register will be offered licences at a fee discounted by their length of service to the industry—in other words, a *pro rata* system. For a taxidriver who has been in the industry for five years, a 25 per cent discount is available with an extra 7.5 per cent reduction for every year from then on up to 100 per cent discount for drivers with fifteen years' service. Superficially that would seem to have some degree of merit in terms of a *pro rata* system, but the question is, how reasonable is it for an individual to get the sum involved? For example, a driver who has been in the industry for five years, assuming that the 24-hour plate is worth \$95,000, would need to get together \$70,000. That is a large sum to ask a person who is on pretty average salary to undertake to put together. I understand from a number of drivers in the industry that that is seen as being out of the reach of most of the people involved. Doubtless many drivers in that position would simply leave the industry. The incentive for staying in the industry would be removed. That is a pity.

Take the example of a driver with ten years' experience. Under the new system he will receive a discount of between 50 per cent and 55 per cent. That still means that he will have to raise \$40,000. Most drivers will have difficulty in raising that sort of capital. What will happen? Will ten years' service to the industry be wasted? What can they expect out of it? The system looks fair on paper, as it is a *pro rata* system, but its real impact is quite different. The average driver on the city's roads will be severely disadvantaged. Career drivers will be forced out of the industry. They will be left without the incentive that brought them in in the first place. The Opposition suggests that a much fairer system could have been worked out. It would involve letting all the drivers who were placed on the register as at 14th October, 1985—a date when official final applications were called for—work out their years to obtain a free licence plate. That would mean that there would be some administrative inconvenience for fourteen years, but it would have shown some concern for the average taxidriver that this Government has pretended it is interested in. It is a great shame that all these people have been working for years in the expectation that they would receive a reward at the end of it, but it has been taken away.

The Minister may argue that if drivers cannot afford a 24-hour licence plate they could afford the nighttime plates. The department is intending to sell them at a market value of \$65,000. There is some scepticism in the industry about how viable that \$65,000 figure is because, as I understand it, the market acceptance of that among the taxi industry is not high. The trouble with the nighttime plates is that many of the older drivers do not have the physical stamina required and are not willing to take the risks as safety problems have increased exponentially over recent years, so that driving taxis at night is a young man's game. However, even the young are not expected to be attracted to it if the price is as high as at present. Some people in the industry suggest that the returns are significantly less for a night plate than for an unrestricted plate. I should be interested in the Minister's comments of the differential. The Opposition believes that the differential is high and that the \$65,000 figure cannot be sustained.

As a response to random breath testing, the introduction of the 9 200 series plates resulted, as honourable members know, in a number of those licence plates becoming unrestricted. Some people who were granted 9 200 series plates asked for them to be made into unrestricted plates. The question is how realistic the sum of \$65,000 is for evening plates. I understand that representatives of the taxi industry have said that they believe it is unrealistic. Many taxidriviers are saying that the figure is far too high and is unrealistic. It is unattractive to have just evening plates. When the differential between the two plates is of the order of \$30,000 no incentive is provided for taxis to make up the shortfall in the number of taxis that are available at that time to which the Minister adverted.

The Opposition cannot see any fair alternative other than to leave those at present on the seniority register to work out their years and obtain a free plate. The Opposition has little problem with the rest of the amendments. The greater controls given to the Commissioner for Motor Transport over taxi radio networks will produce some advantage. However, the clause that allows the commissioner to make regulations concerning the co-operative in schedule 1 (7) of the Act seems to be very wide of the powers given. It allows the commissioner to make such regulations as appear to him to be necessary in the public interest. I notice in the Minister's second reading speech that he talked about the problems in the industry and the need to prevent arbitrary expulsion of drivers. The Minister has been very short on details about how the radio network will be regulated and how it is necessary to add to the commissioner's already considerable powers.

The question of uneconomic bus routes was raised. The proposal is to licence taxis to operate on bus routes when it seems uneconomic to continue to operate a full size bus. That would seem to be appropriate. However, I understand from the taxi industry that there may be difficulties in getting taxi drivers to operate those routes because of the safety problems associated with waiting on taxi ranks and the fact that a taxidriver is more likely to be able to pick up troublemakers.

Another issue raised related to stand-by cars, for when the taxi is being repaired. The proposal is for a taxi licence to be used for a stand-by vehicle. That seems to be appropriate, but would also need to be watched carefully in case of abuse. The question of multiple hiring by regulation is clearly also to be supported. I understand that restrictions in operating will be dealt with later, but, in the mood of deregulation, that should also be supported. The Minister foreshadowed that the requirement for the maximum ownership of three taxis

by an existing owner-driver would be changed. Why should one driver own a maximum of three taxis? That is clearly a nonsense and moves to deregulate in that area would seem appropriate.

In general, the Opposition supports the rest of these amendments. The principal bill contains improvements to the taxi and hire car industry. The system of selling plates at market value rather than issuing them free must be brought in to boost the number of taxis on the road and make the industry more responsive to market forces. The Opposition is, however, concerned at the impact on those drivers who have waited long years to be on the seniority list and we would ask for fairer treatment for them. I ask that the Minister consider the possibility of extending the time so that those people may qualify for a plate after fifteen years. Except for that important issue, the Opposition does not have any major objections to the bills and supports them.

Mr AMERY (Riverstone) [5.30]: I thank the honourable member for Northcott for intimating the Opposition's support—in the main, anyway—for the bills. His comments about deregulation carry about as much credibility as Ian Sinclair's signature. Basically the honourable member's support for the bills was reasonable, and the Government thanks the Opposition for that. I commend the Minister for Transport, the Government and the Department of Motor Transport for their continuing review of the taxi and hire car industry. It would be fair to say, as the honourable member for Northcott said, that the taxi industry is a very competitive one. Owners of taxis invest substantial sums of money to be part of what is a heavily regulated profession. I point out to the honourable member for Northcott that although the bill contains some deregulation components, it contains numerous regulations in respect of the formula for the operation of taxis and hire cars.

In order to secure a reasonable return on their investment, taxi operators must extract the maximum from both their vehicles and the drivers they hire. Honourable members may not be aware that most of the taxi co-operatives operate their vehicles on a 12-hour shift which generally starts at 3 a.m. and finishes at 3 p.m. The next shift starts at 3 p.m. and finishes at 3 a.m. Those persons driving for an owner have to meet a set pay-in rate, as well as pay for fuel, before they start to earn a living. Although taxidriviers are often criticized by the community—they are accused of being aggressive drivers and of owning the road; I have heard them nicknamed hungry—the community should realize that they are under considerable pressure to meet these pay-in rates and also the cost of fuel, and that pressure affects their physical and mental well-being.

We should acknowledge that taxi driving is not an easy job. As I said, it involves starting work in the early hours of the morning. It is seasonal work, if I can use that term, in that drivers have their good days and their bad days. Irrespective of the type of area in which a driver is working, most co-operatives demand a set pay-in fee, and that affects the ability of drivers to make a reasonable income. I have been told by people in the industry that only reasonably good taxi drivers take home as much as \$100 a day; some may earn more. It should be remembered that they work a 12-hour shift. The majority of taxidriviers earn substantially less than \$100 a day. When account is taken of the fact that they receive no holidays and other similar benefits, one can understand that they operate under considerable stress.

The measure contains some interesting, novel provisions. I refer first to the provision that will allow stand-by taxis to be used when other taxis are temporarily out of action while undergoing repairs or maintenance work. The

use of stand-by taxis will ensure that the maximum number of vehicles are available to meet the needs of the public and also prevent taxi operators from incurring losses while their vehicles are off the road undergoing maintenance or repair work. This provision will be particularly important to operators in small country towns where perhaps only one taxi operates. When the owner of that taxi is required to take it off the road to undergo repairs following mechanical breakdown or an accident, that town would be without a taxi service for the period that the vehicle was off the road. Of course, the owner of the taxi is deprived of a return on his investment in the vehicle.

This provision should be most welcomed, as in such cases the owner will be able to use another vehicle, subject to complying with a number of regulations set out in the bill. It will be of benefit also to the large co-operatives, in particular those that employ a number of drivers. It has been brought to my attention that when a vehicle belonging to a co-operative is taken off the road, in many cases the services of the driver are not required while the vehicle is being repaired or having maintenance work carried out on it. Perhaps this provision will be of benefit to drivers in that when vehicles are off the road being repaired, they will not necessarily have to forgo a day's income.

Under the proposals it will be possible for a taxi and bus operator to enter into an agreement that will allow taxis to operate regular passenger services on bus routes. In such circumstances the taxi will use the same timetable as the bus, stopping at bus zones and charging the fare charged by the bus operator. Such an arrangement would be of benefit to some bus companies, in particular those in electorates such as mine. My electorate is serviced by two reputable bus companies, one being the Westbus operated by the Bosnjak group and the other being the Rowes bus service operating out of Plumpton. Both of these companies attract reasonable business during the peak periods, but in off-peak periods the buses carry only one or two passengers on some routes. I will be interested to hear the response of those bus operators to the provision in this legislation that will allow them to contract a taxi to operate on those routes in the off-peak periods.

Under the provisions of the bill the Commissioner for Motor Transport will have to approve the times and the routes that such taxi services will operate. That will ensure that taxis are not used on routes where their seating capacity would not be adequate to meet the demand, thus creating a situation of people being left at bus stops. I am sure that when application is made to the Commissioner for Motor Transport, the number of passengers using particular routes will be taken into account. I do not wish to take up any more of the time of the House. The provisions of the bill have been adequately explained by the Minister and by the honourable member for Northcott. I am pleased that the Opposition has intimated its support for the bills. I support the bills also.

Mr ZAMMIT (Burwood) [5.37]: As the honourable member for Northcott said, the Opposition will support these bills. However, we have certain reservations and we wish to raise certain matters for the Minister to consider. These three cognate bills that seek to amend the State Transport (Co-ordination) Act, the Transport Act and the Transfer of Public Vehicles (Taxation) Act are not opposed by the Opposition. The Opposition makes clear its support for any initiatives that are taken to eliminate or to lessen greatly the regulatory controls over the taxi and hire car industries. Indeed, we make clear our support for any initiatives that seek to reduce or lessen regulatory controls in any sphere.

The announcement that another inquiry was to be set up and another bill was to be introduced relating to the taxi industry sent shivers down the spines of many taxi owners, because they thought that yet another Minister for Transport wanted to inquire into the taxi industry. Every time a new Minister for Transport is appointed, a new inquiry into the taxi industry is announced. Indeed, a good friend of mine who has owned a taxi for several years told me that when the then Minister for Transport introduced random breath testing just before Christmas in 1982 an enormous strain was put on the taxi industry. Everyone who had had a drink wanted to travel by taxi because they did not want to risk driving their vehicles, but taxis were not available. Following the Christmas period nobody wanted taxis. That is the sort of situation with which the taxi industry has had to contend. The Government has not addressed in these bills the important matter of surcharges. The bills provide me with an opportunity to address this matter. I do not think it is fair to expect people to work on Christmas Day, New Year's Eve and other public holidays and not be paid additional money when they are putting themselves and their families at a great disadvantage.

Just before last Christmas I spent some days in Rome. From about 9 o'clock on New Year's Eve no taxi or transport of any sort was available. No one wanted to work. We found ourselves in a major foreign city with no transport. That should not happen in Sydney, when we so desperately need the tourists' dollar. The Opposition supports the concept of and emphasis placed on self-regulation for the taxi industry. This bill will go a long way towards achieving that goal. To its credit, the taxi industry has responded quite effectively. The latest figures from the Traffic Authority of New South Wales show there has been a reduction in the number of taxi crashes and casualties in this State between 1983 and 1985. Only five fatalities were recorded, tragic though they be to all concerned, in the whole of New South Wales during the twelve months preceding December 1985, and almost all of those were not the fault of the taxi drivers. The industry is really doing the right thing under self-regulation.

Additionally, the taxi industry has reduced its injury crashes by more than 10 per cent—all this despite the fact there are more cars on the road and the total of traffic deaths and injuries has been rising. Another comparison must be made with the driving of the average motorist, who avoids taking his car out in difficult weather conditions, unless it be imperative to do so. Cabbies drive at all hours, in good weather or bad, in rain, fog, extreme heat and cold, and often with strange people riding in their cabs. These commendably reduced crash figures in the taxi industry are attributable largely to the New South Wales Taxi Council, which introduced voluntary and ongoing safety measures. Steps were taken to remove drivers with poor driving records by easing them out through a system of monetary penalties. These are applied to the owner of a taxi insured with any one of the self-aid insurance schemes operating in the industry.

An extensive taxidriver training course, specializing in safe driving, is also available to them. Also, innovative measures have been introduced, such as the eye-level braking lights, which have reduced dramatically the incidence of rear-end collisions, resulting in monetary advantage, helping to keep down taxi fares. Yet the Government has not addressed an injustice which I believe still affects the industry, the cost of third party bodily injury insurance premiums, which will probably increase even more. They have an extraordinary amount to pay, despite the high safety record the taxi industry has

demonstrated, and bearing in mind that it must bear the cost of compulsory third party property damage. It is a pity this matter was not addressed by the Government.

The only other matter I wish to raise concerns stand-by taxis. This relates to a matter I raised earlier concerning the safety record of the industry. The Minister made no mention of the *pro rata* premiums that should apply to taxis which are not on the road all the time, vehicles used on a stand-by basis. It is not equitable that they should have to pay these high premiums when they are on the road for only a short time. However, apart from the matters raised by the honourable member for Northcott, and also apart from the points I have raised, the Opposition supports these bills.

Mr CHRISTIE (Seven Hills) [5.43]: I fully support the measures contained in the State Transport (Co-ordination) Amendment Bill and the cognate bills, which seek to implement recommendations of the review into the taxi and hire car industry. This will, I believe, substantially improve services to the general public. Over a period of time many representations have been made to me by holders of taxi plates and by hire car operators who felt improvements were needed to the system of issuing licences and in other facets of the industry. In one instance, a hire car operator who was a personal friend of mine paid a substantial amount to purchase a suitable vehicle and a licence to operate it. On many occasions he found he was being undercut by other unlicensed operators when it came to the use of his vehicle for weddings, funerals and other functions normally performed by licensed hire car operators.

One favoured practice was to obtain a licence legally, sell it at an inflated price and then proceed to break the law by operating illegally. Unfortunately, if the users of these vehicles should be injured, it was most doubtful whether they would be covered by third party insurance. At least, the proposed amendment will ensure operators are licensed, and passengers and operators in the industry are protected. As for the issuing of licences free of charge to drivers on the basis of time spent in the industry, that did nothing to enhance the taxi or hire car industry or, indeed, to provide an adequate service to the many thousands of commuters who daily use their service. That the Commissioner for Motor Transport will be able to sell licences to applicants should help to improve the industry generally, especially if some of the proceeds from the sale of new licences are expended on improving services provided by these vehicles.

One of the most welcome of the proposed changes in the taxi industry is the recommendation that will allow taxi and bus operators to enter into agreements to enable taxis to operate regular passenger services over bus routes. When that agreement is reached, the taxi will use the same timetables, stopping places and fares as would the bus service, but at times when public demand does not make the use of a full-size bus economical. This will assist many thousands of people in areas where bus services do not operate late in the evening, or at weekends, or after midday. How often have members heard concern expressed by constituents who, having had an evening meal out or having worked overtime, have found it impossible to secure a bus to take them home. It is often quite expensive to obtain other transport, and also very frustrating when none is available. If taxis are allowed to use bus stops, as recommended by the review, I am sure the public will be the big winners, especially the less privileged members of our community who depend largely on public transport.

Another proposed amendment to the regulations will permit new arrangements for multiple hiring which will enable more effective use of existing taxis and help to meet peak demands. The arrangement will allow the industry to increase its productivity, and to maximize its potential in meeting such demands. Unfortunately, in the past, multiple hiring has had teething problems which have not always protected the rights of the original hirers of taxis, but I am sure that the new proposals will bring a new era in the taxi and hire car industry, and such problems will be reduced substantially, if not eliminated.

With the co-operation of all concerned in the transport industry, the recommendations of the review will be implemented smoothly. This will be of benefit to the Government, to taxi and hire care operators, and to people in the electorates who need this mode of transport as part of their everyday lives. The proposals contained in the amendments may cause one to think that the purpose of the review is to deregulate the taxi and hire car industry; however, I firmly believe that the proposed changes to the Act will in fact regulate an industry which, over the years, has encountered more than its fair share of problems. If the review, by regulating the industry, improves its image, it will have been worth while. I have no doubt in my mind that the large majority of operators have the well-being of their customers at heart. I commend the Minister for bringing this important legislation before the House. I support the bills.

Mr MULOCK (St Marys), Deputy Premier and Minister for Transport [5.49], in reply: I am grateful for the contributions to the debate made by the honourable member for Riverstone, the honourable member for Seven Hills, the honourable member for Northcott and the honourable member for Burwood. Although, the legislation is not contested by the Opposition, comments were made about aspects of it. Nevertheless, the Opposition has not felt disposed to seek amendment of those matters on which it offered criticism. At the outset, since the honourable member for Northcott decided there was some difference between my action and my attitude on the question of deregulation, might I once again put simply my attitude to the catchcry of deregulation. I take a strong view that regulations are brought into being only because there are people who are not prepared to be self-regulated; they will seek to beat the system, whatever it be. It is the actions of only a minority of people that actually lead to regulations being made. I do not believe that once regulations are on the statute book they should remain there if a different set of circumstances apply. This legislation seeks, in certain areas, to break down the regulations that have existed for some time and have not been found to operate in the best interests of either the consumer or the industry operatives, and in some cases have acted to the detriment of those two groups. I do not resile from my stated position nor do I embrace the gung-ho deregulation philosophy of the honourable member for Northcott. In fact, the honourable member supports the approach contained in the proposed legislation.

The honourable member for Burwood mentioned the surcharges on taxi fares. I should have been uncharitable if I had interjected that perhaps the reason for there being no taxis available in Rome when he was there was that the operators thought they might pick him up as one of their passengers. Leaving that aside, the matter of surcharges has not escaped my attention. One does not have to go to Rome to be confronted by the question of whether surcharges assist in providing a service. Surcharges apply in Melbourne. On a recent visit to that city I was able to get a taxi at the normal fare from the airport to Melbourne. On the Saturday evening, going from Melbourne to the airport, I had to pay an additional fee by way of surcharge. I mentioned that

experience to the representatives of the Department of Motor Transport. They informed me that surcharges are currently being examined by the department. The concept is that any extra fare will go to the driver and not to the owner. The honourable member for Northcott nods. I take it that he thinks they are on the right track.

The seniority system was spoken about by the honourable member for Northcott. One of the problems with that system, which is being pushed strongly with some of the 9 200 series drivers, is that by the time they receive their plates under the seniority system they tend to be too old, or unable, to provide an effective service. The honourable member for Northcott referred to part of what I said in my second reading speech when I questioned the service provided by owner-drivers. All I am saying is there is an obvious tendency for them to target in on the good hours. Not only do the surveys show that, but I think anyone's personal experience in using taxi cabs and from conversations with owner drivers will tell them that is so. As so many are targeting in on those hours they may not prove to be good financially, but they are the best hours in terms of convenience, for the owner-driver to operate. That is one of the reasons people are not getting the service they are looking for in the evenings and at weekends. The problem is compounded when that is coupled with the lack of desire on the part of some owner-drivers to engage casual drivers to drive their vehicles because of the owners' desire that the vehicle be used only by themselves. That is all I was referring to. I have always found owner-drivers polite, and they provide an excellent service; but their natural instinct, especially as they get a little older, is to home in on the best and more comfortable hours for their personal convenience.

Harking back to the replacement of the seniority system, under the new arrangements a sliding scale of plate issue fees will give concessions to drivers who are at present on the seniority register. Those on the top end, as we know, will pay much less, on a *pro rata* basis. The plates, which will be issued in accordance with seniority to registered drivers, in most circumstances will be of the 9 200 series. These have a value of approximately \$55,000, according to the department's estimate, and the drivers would be required to raise about \$42,000 if they have had five years' experience. The income differential between an unrestricted plate and a 9 200 series is considered by the department to be 68 per cent; that is, the income to be expected from a 9 200 series plate is 68 per cent of the earning of an unrestricted plate. That is a formula recognized by the industry and by the Transport Workers Union, the union that covers drivers in the industry.

I think the relevant points have been covered in my reply. I believe the legislation was needed to assist the industry. The honorable member for Burwood said that all new Ministers taking over the transport portfolio talk about what they intend to do to alter the industry. I have not said much about it in the nine months since I became Minister for Transport. However, having introduced this measure, I am pleased that it is broadly acceptable to the industry. The proposed legislation aims to assist the commuters—the customers, the consumers—and has not attracted strong opposition from the Opposition. I shall certainly take on board the comments of my colleagues on this side of the House and from members of the Opposition, for further consideration of additional approaches to the taxi and hire car industry.

Motion agreed to.

Bills read a second time and passed through remaining stages.

Mr Acting-Speaker (Mr Quinn) left the chair at 5.59 p.m. The House resumed at 7.30 p.m.]

STATE BANK (AMENDMENT) BILL

Second Reading

Debate resumed from 19th November.

Mr LONGLEY (Pittwater) [7.30]: I lead for the Opposition in this debate. The Opposition will not oppose the bill because it is generally in line with Opposition policy. The two governing principles of Opposition policy are: first, that the State Bank should operate at arm's length from the Government and government departments; second, that there should be competitive neutrality, that is, the State Bank should compete on equal terms with all other banks without undue advantage being conferred by its ownership being with the State Government. Although this latter principle is recognized in the Minister's second reading speech, it is disappointing that the Government still has not gone far enough to ensure that the State Bank does compete on equal terms with other banks and financial institutions. Before looking at the bill in detail, it will be valuable for the House to review the performance of the State Bank.

I refer to an article in the *Australian* of 5th November which contains statistics which compare the performance of the State Bank with other State banks and reveals that the New South Wales State Bank is lagging far behind. If we look at the return on shareholders' funds it will be seen that the return is 6.6 per cent in New South Wales, which compares with 16.6 per cent in Victoria, 7.2 per cent in South Australia and 9.5 per cent in Western Australia with the Rural and Industries Bank. If we compare those same statistics with the return on assets, again it will be seen that New South Wales lags far behind. The figures show that the return on assets in New South Wales is 0.3; in Victoria it is 0.7 and both South Australia and Western Australia it is 0.4. That same poor performance of the New South Wales State Bank is evident in regard to the return on employees in thousands of dollars where we see in New South Wales the State Bank returns \$4,700 per employee. This compares with the Victorian State Bank's return of \$7,500 per employee; \$6,100 in South Australia; and \$5,100 for the Rural and Industries Bank in Western Australia. Rightly did that article say that the State Bank of New South Wales was the worst performer. This stands in condemnation of the management of the State Bank, which really needs to be put into shape.

There is room for improvement in the attitudes of some of the executives of the State Bank, as well as the general performance of the bank that allows the New South Wales State Bank to turn in the worst performance of all States. It is interesting to note that recently the executives of the bank ordered for themselves a new set of Volvo motor cars. If the Government were serious about the "Buy Australia" campaign, the cars purchased would not have been of overseas origin. One wonders whether the purchase should not have been held over until the State Bank turns in the best performance in Australia, not the worst. I hope that the executives of the State Bank take advantage of this legislation so as to expand and improve the enterprises of the bank. If they do, it will still be imperative for them to realize that it is a State bank and the bank should be buying Australian products first. It is an absolute derogation of their responsibility to this State and nation to purchase motor vehicles

manufactured in another country. It is appalling that the executives purchase motor cars of overseas origin with taxpayers' money.

I now refer to the bill in detail. The principle of competitive neutrality is evidenced by proposed section 15 (1) with the inclusion of the prime assets ratio at the current level required by the Reserve Bank of Australia for major trading banks. This principle in the bill is severely qualified by the requirement of the Treasurer to alter the ratio at any future time; in other words, the Treasurer may confer a competitive advantage at some time in the future or, at the least, is required to positively intervene to maintain neutrality. Accordingly, I foreshadow that the Opposition will move in Committee to delete the words in proposed section 15 (1), "at least 12 per cent (or such other percentage as may be approved by the Treasurer)" with a view to inserting the words "a percentage not less than the percentage specified by the Reserve Bank of Australia in relation to its prime assets ratio for major trading banks". If the Government is genuine about its commitment that the State Bank, to use the Treasurer's words, "competes on equal terms with other banks and institutions", the Government will support the amendment.

The measures in the bill stipulate that any future changes from 12 per cent will require the Treasurer's explicit intervention. That means that at that time the Treasurer may confer a competitive advantage or, alternatively, if the Reserve Bank of Australia alters the prime assets ratio, the Treasurer may by not acting confer a competitive advantage or is required to act at a later time to restore that competitive neutrality. If the Government is genuine about its commitment to competitive neutrality, it will support the amendment. With regard to the government guarantee provisions, in which respect section 16 (1) will be amended, the measure must be viewed with some concern. The amendment raises questions that need to be answered. This section widens the scope to which government guarantees apply; it widens it from general banking business to whether or not the matter is in respect of its general banking business. This is a disturbing extension because it will increase the government liability into areas that may be quite unexpected. The Government should be questioned as to whether this is an appropriate measure.

Although this extension does not apply directly to subsidiaries by the exclusion under proposed new subsection (3), nonetheless there is no limitation on what the principal organization can get itself into and can be guaranteed of a government bail out. Surely the bank should not be able to enter into any business that it desires and be guaranteed a government bail out. That is an unacceptable situation. No other industry in Australia is given such a guarantee when it enters into any field of endeavour. It is an absurd situation to permit the State Bank to enter into any field of business through its principal organization and be guaranteed government support to be bailed out if the business should fail. In other words, the emphasis has changed from protecting the saving and investing public to protecting a State organization. The contrast with the change to Reserve Bank arrangements with other banks makes this amendment one that should be subjected to greater scrutiny because of its ramifications. The Government is changing its whole emphasis and instead of being concerned with the public interests it is now concerned with its own interests by protecting a State organization. It does not care about the public at large but wishes to make sure that its own organization is saved the embarrassment of having to live with potentially bad decisions in the future.

The other aspect that is somewhat worrying about the government guarantee provisions is that they have the capacity to impinge further on the principle of competitive neutrality in the area of international financial markets. The rating that is attached to the government guarantee in the international market can upset that balance of neutrality by discriminating against other institutions. The provision of this advantage in the international financial markets compounds the move away from competitive neutrality already established by the requirement of the Treasurer to alter the prime assets ratio. Some means to restore the balance is needed, and I draw the Government's attention to this point as there is no definite provision for any redress of that type. In the second reading speech the Minister said that the Government, by imposing an appropriate fee upon the State Bank in return for the guarantee, could alleviate this situation. So again the Government is backing away from making a firm commitment and decision with regard to competitive neutrality. In other words, it is bent on conferring advantages upon the State Bank. Those advantages that have been conferred on the State Bank also include the fact that so much State government business is tied to the State Bank, and that itself is an advantage, and that advantage is totally unjustified.

If State government departments are obliged by the requirement of government to bank with one institution, that is an obligation that goes across their own managerial decisions and must, therefore, be less efficient; must, therefore, cost this Government more, and must, therefore, cost the taxpayers more. That also is a situation that is unacceptable. If those tying arrangements between the State Bank and government departments were broken, government departments would for the first time since these rules were instituted by this Government be allowed to make their own decisions, the best decisions, and they would be able to be compared on a dollar-for-dollar, efficiency-for-efficiency basis with any other organization, but this Government always seems to shy away from any comparison of relative efficiency or any comparison of relative administrative ability. Yet that is an area in which this Government has such an appallingly poor record.

The Treasurer in his second reading speech referred to the issuing of capital securities such as subordinated debt or mandatorily convertible notes guaranteed by the Government. He continued, "This injection of capital will be achieved at no cost to government revenue". The fascinating question about mandatorily convertible notes is, just what would these notes be converted into? In common usage these notes would be able to be converted into State Bank shares. This prompts the question, is the State Government moving towards privatization? Here we have mandatorily convertible notes. In any other organization convertible notes are convertible into shares, into common stock of that organization. One is then perhaps prompted to ask, has, indeed, the dreaded New Right infiltrated the very front bench of the Government itself that it should be proposing such a step that is so far away from its ideological background? To have mandatorily convertible notes must raise serious questions in that regard. Indeed, proposed section 21A amply demonstrates that this Government's attitude of ideological confrontation is shallow and pathetic rhetoric.

The wide parameters of section 13 in conjunction with section 21A permit the issue of what is effectively non-voting capital, non-voting capital stock similar to that issued by the Rural and Industrial Bank of Western Australia, or perhaps it will be to the undated capital notes issued by the State Bank of Victoria. So we see that this Government is in fact moving to the

rational necessity of institutions having access to the capital market of this country, and that ideological points are of no value when one is looking at basic commonsense arrangements in the financial markets. So this provides an ample opportunity of also demonstrating that the State Bank of New South Wales is again lagging behind both the Rural and Industries Bank of Western Australia and the State Bank of Victoria who have had these proposals in train for some time. It is only now that the State Bank of New South Wales is, in a sense, scrabbling after what it sees as its mentors in other States. Surely that is a pathetic situation for what should be the premier bank in the premier State, and what do we find? It is lagging behind in performance; lagging behind in new ideas. In a deregulated financial environment it is being mollicoddled by tied business with the State Government. Surely that is a pathetic situation for this Government to find itself in. The basic goal is to permit the State Bank access to capital without the inhibitions of the State Budget, inhibitions that we have seen so well illustrated by the poor level of access to debate on the State Budget because of this Government's pushing through of all of that debate.

I move on to examine the new powers to be conferred on the State Bank by the proposed section 38A, granting the power for the State Bank, with the approval of the Treasurer, to borrow money for the purposes of an agency. This effectively establishes a second treasury corporation. One wonders, however, if this is casting aspersions on the present Treasury Corporation of New South Wales. Undoubtedly the proposed section raises potential interesting opportunities for the State Bank, but it would be desirable for the Government at least to indicate the scope of substantive purposes intended by the proposed section. If indeed we are to have a second treasury corporation, might that not be made explicit so that the people would know what is intended by this proposed section?

Before concluding, I wish to reaffirm the Opposition's support of the important measures to widen the scope of the activities of the State Bank. The potential for expansion and the generation of business under these new provisions is one of the aspects of the bill that is a forward step. The Opposition has been arguing for some time that the removal of unnecessary restrictions and regulations upon any business, especially in the private sector but also on occasions in the public sector, can only be of benefit to our State economy, and this bill illustrates that. This new acceptance of the benefits of increased enterprise is reflected in the proposed legislation. We must not forget, however, that this success should only come from the basis of competitive neutrality by bringing the bank closer into line with the requirements of the Reserve Bank of Australia, first, by enabling it to increase its capital reserves up to 6.5 per cent of total assets; second, by providing that the prime assets ratio to the total assets of the bank be no less than 12 per cent—the amount required of other banks—at least for the short term, unless the Treasurer sees fit to establish another percentage.

The Opposition hopes that the State Bank can operate on both a more equal and a more competitive basis with other major banks. Even though the proposed legislation does not go as far as I or the Opposition would have liked in ensuring competitive neutrality, the requirement that the policy and management of the bank must be the product of consultation between the Treasurer and the bank board must be strictly adhered to, as the Treasurer's decision must be made on the basis of the board's day-to-day knowledge and expertise. That consultation should not, however, let the Treasurer unduly inhibit the future enterprise of the bank. It is desirable that that freedom to act

should be at the maximum level commensurate with other banks. It is also of critical importance that the setting of the so-called dividend rate be not so crippling that the bank is unable to provide a basis for its legitimately internally funded growth. To milk the State Bank for short-term budgetary needs is unacceptable. The Opposition will not oppose the bill because it is generally in line with Liberal Party policy of ensuring that the State Bank is competitive on equal terms with other financial institutions. That will be of benefit to all the consumers of financial services in this State and, therefore, the economy of New South Wales.

Mr K. G. BOOTH (Wallsend), Treasurer [7.50], in reply: I wish to respond to the comments made by the honourable member for Pittwater about the State Bank and its performance. Since the Government restructured the Rural Bank to become the State Bank in 1981, the Government has placed emphasis on making the bank much more competitive and neutral, and this bill is another step in that direction. The honourable member for Pittwater does not fully understand the functions of the State Bank. He made comparisons between our State Bank, other State banks and the Commonwealth Banking Corporation. Our State Bank operates only as a trading bank. So, comparisons are odious; they are impossible because of the operations of our State Bank. The agreement that was reached in setting it up limits its operations to that of a trading bank. By trying to compare its operations with those of other State banks the honourable member demonstrates that he does not understand the situation in New South Wales. Our State Bank cannot perform functions that banks in other States perform because of the terms of the amalgamation agreement. It cannot raise retail deposits, which is the most lucrative area of deposit raising. So the State Bank has restrictions on its operations. When those restrictions are taken into account, the performance of the State Bank is comparable with that of other banks. Just as important, its performance is improving because it is able to take advantage of the commercial freedom that legislation such as this provides.

I emphasize that the State Bank is a trading bank; it is not a savings bank. Its operations are restricted. It is impossible to guarantee part of the bank's liabilities and not others. In any case, I would never give permission for the bank to enter unsafe or inappropriate areas. The honourable member for Pittwater did not mention the fact that subsidiaries of the bank are not included in the government guarantee. The Government is endeavouring to make the bank much more commercial and more responsive to the market-place, without giving it special consideration. The honourable member for Pittwater said that government departments are forced to carry on business with the State Bank. Once again, that is false. Government departments and semi-government bodies are not obliged to carry on business only with the State Bank. The Treasury has accounts with other banks and raises funds through a variety of private sector institutions. I have gone to great lengths to ensure that the bank provides the best return to the Government. The Government will deal with the organization with which it can get the best deal, whether that be the State Bank, the Westpac Banking Corporation, the ANZ Banking Group Limited, or whoever. It has been my policy for the past two or three years to do the best deal for the Government. It is untrue to say that government departments must carry on business with the State Bank.

I turn to the amendment foreshadowed by the honourable member for Pittwater. Naturally, the Government cannot support the amendment. At present the bank's liquid assets are heavily involved in semi-government

activities in this State. That is done through the Treasury Corporation. Those funds do not come under the definition of prime assets ratio. Hence, there will need to be a transitional period in which the bank reaches the minimum requirement. That is the reason for the wording in the bill. Quite clearly, the Government cannot accept the amendment as proposed. I commend the bill.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr LONGLEY (Pittwater) [7.56]: I move:

That at page 5, lines 13 and 14, the words "at least 12 per cent (or such other percentage as may be approved by the Treasurer)" be omitted and there be inserted in lieu thereof the words "a percentage not less than the percentage specified by the Reserve Bank of Australia in relation to its prime asset ratio for major trading banks".

The Opposition moves this amendment to ensure that competitive neutrality is maintained between the State Bank and other banks; in other words, to ensure that the State Bank competes on terms equal to those of other banks. To provide otherwise is to give the State Bank an unfair advantage. All players on the field should play by the same rules and on an even field, not a field that is bent in favour of the Government and not a field where the rules are potentially always manipulable in the Government's favour. The Treasurer's comments about some of the State securities not being held within the prime assets ratio definition of the Reserve Bank are unacceptable for the simple reason that the Treasurer has listed in the Act the items that come within the prime assets ratio. The requirement in this bill is that the bank shall hold at least 12 per cent. At this point in time there is no difference between the practice proposed by our amendment and that already provided for in the bill. Our amendment provides that in future the Government will not have the ability to confer a competitive advantage on the State Bank, either passively by the Reserve Bank altering that ratio or actively by deciding that the State Bank should be given an easier time because its management is so poor. The Treasurer's arguments just do not stand up. For those reasons I commend the amendment to the House. It will ensure that all banks, including the State Bank, compete on equal terms.

Question—That the words stand—put.

The Committee divided.

Ayes, 49

Mr Akister	Mr Ferguson	Mr Newman
Mr Amery	Mr Gabb	Mr Page
Mr Anderson	Mr Hills	Mr Petersen
Mr Aquilina	Mr Hunter	Mr Price
Mr K. G. Booth	Mr Irwin	Mr Quinn
Mr Bowman	Mr Knight	Dr Refshauge
Mr Brereton	Mr Knowles	Mr Rogan
Mr Carr	Mr Langton	Mr Sheahan
Mr Cavalier	Mr McCarthy	Mr Unsworth
Mr Christie	Mr McGowan	Mr Walker
Mr Cleary	Mr McIlwaine	Mr Walsh
Mr R. J. Clough	Mr Mair	Mr Whelan
Mr Cox	Mr H. F. Moore	Mr Wilde
Mr Crawford	Mr Moss	
Mrs Crosio	Mr Mulock	<i>Tellers,</i>
Mr Debus	Mr J. H. Murray	Mr Beckroge
Mr Doyle	Mr Neilly	Mr Wade

Noes, 30

Mr Armstrong	Mr Hay	Mr Singleton
Mr Baird	Mr Jeffery	Mr Small
Mr Beck	Mr Kerr	Mr Webster
Mr J. D. Booth	Mr Longley	Mr Wotton
Mr Catterson	Miss Machin	Mr Yeomans
Mr J. A. Clough	Mr W. T. J. Murray	Mr Zammit
Mr Collins	Mr Park	
Mr Cruickshank	Mr Peacocke	
Mr Dowd	Mr Pickard	<i>Tellers,</i>
Mr Fahey	Mr Rozzoli	Mr T. J. Moore
Mr Fisher	Mr Schipp	Mr West

Pair

Mr Paciullo

Mr Greiner

Question so resolved in the affirmative.

Amendment negatived.

Schedule agreed to.

Adoption of Report

Bill reported without amendment, and passed through remaining stages.

WOLLONGONG SPORTSGROUND BILL

PUBLIC FINANCE AND AUDIT (WOLLONGONG SPORTSGROUND)

AMENDMENT BILL

Second Reading

Debate resumed from 18th November.

Mr WEST (Orange) [8.9]: The Opposition regards this bill as being, basically, an enabling bill for probably what could be regarded as the least controversial sporting ground facility that the State Government has developed for some considerable time. In this regard I have in mind a series of developments that have been undertaken during the past few years. However, it is with some regret that I record the absence of the honourable member for Wollongong from the House. Because of the Government's management of this House and its programme, we are required to sit on a Monday. The honourable member for Wollongong, who is well respected and highly regarded in his electorate, and for his mayoral capacity, no doubt has other duties to perform and therefore is unable to be here. It is a shame that the Government, with its management of the parliamentary programme, has been unable to provide him with an opportunity to reveal his views as a citizen, his views as the parliamentary member for the electorate and those he holds as lord mayor of the council that is participating with and providing support for the Government in this development, as the Minister acknowledged in his second reading speech.

The principal bill is an enabling bill to facilitate the development of a new sporting complex for the people of Wollongong and of the Illawarra region generally. Honourable members on this side of the House would not deny the enormous growth that has taken place in that area. We accept, also, the growth that will take place as the result of the recent completion of the electrification of the railway line between Sydney and Wollongong. This activity will increase the mobility of people between the Illawarra region and this city, and will provide also the opportunity for more and more people to move between the two cities to suit their sporting tastes.

Wollongong is no different from any other part of Australia where the community, as a result of the creation of more and more leisure time, is getting involved to a higher degree with sport. That is an acknowledgment not only of the health of the nation but also of the enjoyment people derive as participants and spectators. I do not believe it is necessary for me to go into any detail debating the merits of this proposal for the redevelopment of the showground and other areas. I think that has been well explained. In the process of my researching the bill I have had discussions with officers of the Wollongong city council. They have indicated to me that they have no objection and that generally the people of the area are fully supportive. Therefore, I do not think it is necessary for me to detain the House and to go into any great detail on the proposals.

However, I believe it is important to acknowledge again that this project is receiving the full co-operation of the Wollongong city council, which is headed, as I have indicated, by the local member for Wollongong, the lord mayor of the Wollongong city area, a man who has received the support of that community and whose untiring efforts obviously have held him in good stead in his representations. Might I say also it is not just that that I believe it is important to this legislation. It is important that what we are looking at is a three-way commitment to the development of this sporting complex. A

commitment by the New South Wales Government through the injection of its own funds; a commitment by the federal Government through the steel industry fund and also a contribution by the Wollongong city council which means that the people of that area are able to express through their financial commitment their belief in this project to provide a sporting facility which will be of an excellent standard.

The one thing that surprises me, though, is that this legislation establishes a trust to manage this ground. I am left a little bewildered why the Sydney Cricket Ground Trust has not been appointed to carry out the construction and management of this development. That trust seems to have got the control of every other development that has gone on in New South Wales. With the electrification of the railway line between Sydney and Wollongong I thought it would have been easy for the members of the trust, under the chairmanship of a Minister in this House, to hop on the train and go down there to carry out the regular activities in the development and construction of that complex. However, the Government finds it convenient to establish a local trust at Wollongong. It was not as convenient at Parramatta, a project which was just as important to the people of Parramatta.

The Government's hypocritical attitude towards this issue needs to be measured not by the people of Wollongong but by the people of Parramatta. In fact, if it did not require the Governor's assent for legislation, I would move a private member's bill in this House that a trust be appointed to manage the affairs of the Parramatta Stadium, just to highlight the hypocrisy of this Government towards the management and development of major sporting projects in this State. I am not opposed at all to the proposal to establish a local trust. As the Minister has pointed out, it will contain representatives of his department, representatives of the council and representatives of the Minister for Lands because they are the bodies involved in the development stages of this project. Obviously as time goes on they will have the capacity, along with the Minister, to involve more local people in the continued management of this development. It is high time the Government looked seriously at where it is going.

I am sure, Mr Speaker, you are all too well aware of this project. I know there is a possibility that you may have had some influence in this matter. I am not too sure that you would have liked members of the Sydney Cricket Ground trust to be travelling by train to that region to carry out the management of a project when the local people you represent, along with other members in the Illawarra region, could not have participated. The Opposition supports the development of this project. It will certainly watch the proceedings and at every available opportunity I will draw to the Government's attention the importance and success of having local people involved in the development of sporting complexes such as this and also the need to develop these sporting complexes right throughout New South Wales.

Mr Schipp: Wagga Wagga.

Mr WEST: As my colleague the honourable member for Wagga Wagga says, it is important in regional centres such as that and of course I could provide a list. If I did that it probably would not be too long before the Minister would claim that we were spending extravagantly under the so-called freezes that the Government keeps harping about. The Opposition does not oppose this legislation. It welcomes it. It welcomes the way the Government has gone about it. It would say to the people of Parramatta that it is about time that they stood

up and asked for the same deal the Government is giving the people of Wollongong.

Mr CLEARY (Coogee), Minister for Sport and Recreation, Minister for Racing and Minister for Tourism [8.17], in reply: I am delighted that the Opposition is not opposing the bill. Opposition members have raised the Sydney Cricket Ground trust. It is difficult to draw a comparison between the two developments. In the Wollongong region there is an existing trust whereas there is no trust at all at Parramatta. The financial contribution to the Wollongong project is \$1.8 million so far and of course the expenditure at Parramatta was \$15 million. No one, not even the people of Parramatta, could point a finger at the great work that has been done by the Sydney Cricket Ground trust. It is all very well to say that a local trust is required. A local committee, representing people from the area, is administering certain sections of the Parramatta Stadium but honourable members must realize that \$750,000 of Sydney Cricket Ground trust money is invested in the Parramatta Stadium.

Honourable members might turn their minds back to the Homebush Bay centre, the State indoor sports centre. The annual report of that centre contains a C item for \$500,000 for administration. That is administering a trust. At Parramatta the trust gives its services free of charge. That includes administrative services and ground advice, and the maintenance staff are currently employed at the Sydney Cricket Ground. Rather than be critical of the proposal, honourable members should say to the Government that it is a rather enterprising, businesslike approach to have a facility such as that administered free of charge by experts who not only developed that centre on time but also brought it in on target financially.

Mr West: That is not right; the Minister for Industrial Relations keeps telling us that they have to keep managing it to make up the deficit.

Mr CLEARY: It is right. They are audited figures. It was built by Civil and Civic for a fixed price of \$15 million. It is built for all sports, not just one particular sport. The trust does an outstanding job. The local committee is made up of the mayor, the federal member, the State member and the director of my department who all happen to live in the local area. So, there is some input there. I do not think it is right to be critical, because the people of Parramatta have the facility. It is not owned by the trust, it is just administered by the trust free of charge.

I refer to the funding of Brandon Park. I should have liked the lord mayor of Wollongong to be present during the debate on this bill. The fact that he has other duties away from this House is no excuse for his absence on this important issue. The Opposition has referred to the contribution by local government. I inform the House that a grant of \$10,000 will be made available by local government; \$125,000 will be provided by the council in the form of day labour. The major funding will be contributed by my department. The sum of \$713,000 will come from the federal Government through the regional assistance scheme. The Department of Sport and Recreation will make available a capital assistance grant of \$350,000, plus a low interest loan from the department of \$500,000. Subject to the council agreeing to works to be undertaken, a further \$200,000 will be made available from the Department of Sport and Recreation by way of \$100,000 capital assistance and the equivalent contribution by the Wollongong council. The Wollongong council has about \$110,000, and will receive \$125,000 in labour, and nearly \$1 million from the Department of Sport and Recreation.

The honourable member for Orange referred to developing facilities of this kind in other areas. That is part of the Government's policy. When finance has become available, the Government has promoted the establishment of regional sports complexes throughout the State. The Government's record is second to none. The Opposition did nothing when it occupied the Treasury benches of this State. When the Government came to office in 1976 it progressively developed sporting facilities, both international and regional, through the capital assistance programme and the international funding scheme. The Government has nothing to be ashamed of. I am delighted that the Government has had a progressive range of development for this State so as to improve not only spectator facilities but also the facilities available for those participating in sport. I take exception to the Opposition referring to the Sydney Cricket and Sports Ground and trying to compare it with the Brandon Park complex. They are miles apart financially. Wollongong had an existing trust. Parramatta did not have a trust, though it does have one now. That trust is administering an excellent complex that came about from funds made available by the Government's international funding scheme. I am delighted that the Opposition will not oppose the legislation; however, I wish that when the Opposition did not oppose legislation it refrained from referring to matters not associated with the bills.

Motion agreed to.

Bills read a second time and passed through remaining stages.

SYDNEY CRICKET AND SPORTS GROUND (AMENDMENT) BILL

Second Reading

Debate resumed from 20th November.

Mr WEST (Orange) [8.23]: On the grounds that the Government has presented this bill for the expansion of the membership of the Sydney Cricket Ground Trust, I am minded to oppose the legislation. There is only one part of the legislation that leads me to say to the Minister and to the Government that I will not and that the Opposition will not oppose the legislation, which is the Minister's indication that for a long time people involved in cricket in this State have not had adequate representation on a trust that manages a facility that is basically a cricket facility. Honourable members acknowledge that throughout the years the complex has changed in nature and more sporting bodies have been using the ground. During that period of expansion relativity of membership on the trust has not been maintained between the people of the cricket world and those involved in other sports.

The Minister has stated time and again that he does not believe that people are appointed to the Sydney Cricket and Sports Ground Trust because they represent particular sports. The Minister has said that they are appointed because of their expertise and management powers. No honourable member would deny the importance of those management powers. Many honourable members would not doubt the management powers of several of the people on the trust. Tonight I shall not question the ability of individual members of the trust, but the Minister would understand that there is some concern about the ability of some of the members of the trust to actively represent the sports that they are supposed to represent. I do not know how the Labor Council of New South Wales should have obtained representation on the trust.

The Minister has said that the expansion of trust members from twelve to thirteen is necessary within twelve months of having increased the trust by two members because of the continuing involvement of the trust in the Parramatta Stadium. Now because of the involvement in the Sydney Cricket and Sports Ground and the continuing role in the Parramatta Stadium, we find that we need more members of the trust. On those grounds the changes set out in this legislation cannot be accepted. A few moments ago the House debated the Wollongong Sportsground Bill. Wollongong has a local trust, which was established by special legislation. The Minister has said that the people of Parramatta can have no direct management over their particular project. In his reply on that bill the Minister said that the project came in on target, that there were no financial losses and that the accounts had been fully audited. The chairman of that trust, the Hon. P. D. Hills, will tell honourable members that the reason for the trust continuing its management of Parramatta Stadium is because the trust spent money of its own that it had not raised by other government grants to complete the project. That puts to rest what the Minister said. It is evident also that the trust has not been able to manage the project.

The people of the Parramatta region and the people of Sydney are now able to enjoy that facility. We should be looking for people in the local community to manage that project, the people who are the regular users of the facility. If the management of the Parramatta Stadium were taken out of the control of the Sydney Cricket and Sports Ground Trust, it would be found that there would be no need to keep on expanding the trust. The only aspect that makes me support this legislation is the Minister's indication that at long last he is mindful of the concerns raised on numerous occasions that the people involved in cricket have not had adequate representation on the trust. The Minister has said that he will take into account the representations that have been made to him. The Opposition will be watching closely to ensure that that aspect is fully adhered to. The Minister has indicated that the expanding role has become necessary because of the trust's activities in the redevelopment of the sports ground. This is the same sports ground in respect of which the former Premier of this State announced that a gold card membership plan would be set up so that the taxpayers of this State will not have to pay a cent for the development of the project.

Yet all we have heard since is the very sad and sorry tale of this illusive, exclusive club membership, which is undersubscribed. Many people of this State who have been on the waiting list trying to become members of the Sydney Cricket Ground have become disillusioned. Many of them cannot afford the \$5,000 or \$10,000 that is required if one is not a member already. Those who are already members of the Sydney Cricket Ground and wish to join this fancy and exclusive trust will have to pay a little less than that, but nevertheless a substantial amount of money. It is this management that is causing all the headaches and obviously has brought about the need for more and more trustees, because these are the inherent problems that the Government is developing in the management of this project.

I challenge the Minister and the Government, at the conclusion of this debate or at some stage in the development of this project, to come clean about the promise that the former Premier of the State made: that the taxpayers of this State will not have to pay. He said, "We could well say they will not have to pay. We will give them a low interest loan, or give them a grant, or we might even give them a no-interest loan". If the Government had to advance money to the trust for the development of this project, it will at some stage be a cost

to the taxpayer. Even though the money might be repaid in two years' or three years' time, because of inflation and as that money could have been spent on other projects, there has been a cost to the taxpayer. We know that there will be a cost. The Government cannot hide the fact that there is an undersubscription of membership of this exclusive club.

As I and several of my colleagues have said before in this House, the gold card membership is totally alien to the principles and philosophies of the Australian Labor Party. Not only does it affect the Minister for Sport and Recreation in this State, but I believe it is also a slur upon the chairman of the trust, who also holds a position as a Minister of the Crown in this State. To sell out their principles and support such a project is alien to everything they believe.

I well remember when this proposal was first raised seeing a photograph of a bus driver who had been on the waiting list to join the trust and become a member so that he could go along and watch his favourite football team, as many others want to go to the Sydney Cricket Ground to watch their teams have their chance of glory on that great football ground, that great cricket ground; to be able to watch some of the great test teams that have been brought to this country. Those people will never achieve that wish, because of the actions of this Government. The people the Government claims to represent will not be able to afford the thousands of dollars that will be required for membership. I should love to oppose this proposed legislation, because everything about it absolutely stinks; but the one thing I hope is that at long last the Minister will give due recognition to the cricketing community of New South Wales and that they will at last gain a little more recognition of their stance and their role in the administration of this great facility.

Mr WOTTON (Castlereagh) [8.33]: So we have the continuing saga of the Sydney Cricket Ground, all started by the former Premier who, in a fit of pique—I think he had been cycling through Centennial Park—came into the Sydney Cricket Ground, and some poor old retainer who had been on the gate there for perhaps twenty, thirty or forty years did not recognize him. That is what hurt the former Premier's pride most—the attendant did not know him. It must have been a tremendous shock to the former Premier when he found that there was someone out there who did not know him. That was the beginning of the purge of the Sydney Cricket and Sports Ground Trust. If we go back nearly ten years ago, to 23rd August, 1978, the present Treasurer, who was Minister for Sport and Recreation at the time, gave an undertaking to the Parliament and to the president of the New South Wales Cricket Association, the executive committee and the executive director of that association, that the rights of the association would in no way be impaired. Honourable members know how good he was to his word. From there we went to the courts, and all honourable members know what happens when one gets into the courts. In his judgment, Mr Justice Helsham, had a lot to say.

Back in 1903, when the first equity case came before the court, Mr Justice Simpson, the Chief Judge in Equity, in effect declared that "the ground was primarily imprinted with the trust for cricket, and the refusal to allow the cricket match to be played and the letting of the ground for cycling"—we have gone from cycling to gatherings for other people—"was an illegal interference with the association's right". In 1939 when there was a need for new stands, the New South Wales Cricket Association readily agreed to the suggestion by the chairman of the trust, a Mr Moss, that the association make a contribution to the sinking fund required for such purposes by exacting a lower annual

percentage of income than they used to get, bearing in mind, of course, that the Sydney Cricket and Sports Ground Trust was formed and created by the New South Wales Cricket Association back in the early 1870's. It is common knowledge that it had received a percentage of members' fees since the inauguration of that ground.

There is nothing wrong with that, but because the New South Wales Cricket Association took a substantially lower amount of money in those days, it contributed tremendously towards the development of the Sydney Cricket Ground as it is today. In this Parliament, in another place, the great Labor stalwart the Hon. Reg Downing said that the New South Wales Cricket Association had a long association with the trust and enjoyed a special position in relation to playing cricket on the State's principal cricket ground during certain months of the year. The Minister gave an undertaking to the association that he would consider an amendment to preserve that right, and he did just that. He went on to say:

It shall be clear that the association is a body to whom the dominant purposes of the cricket ground are to be allocated for uses during the months of October to March. I do not think that the association for one moment felt that the trust now to be appointed would be guilty of reneging on such a thing.

That was in 1951. Unfortunately, he could not forecast what might happen thirty years ahead. The Government has been doing nothing but reneging ever since that time. When I had the privilege of leading a deputation to the Minister, he gave an undertaking; but, of course, his word was worth nothing. The Sydney Cricket and Sports Ground Trust is a property trust for the care, control and management of investments by the trustees. In the court case before Mr Justice Helsham, His Honour said the issues before him were legal ones. That is exactly what they were. But, as I said nine years ago, \$260,000 was dangled in front of the trust; and they are pretty ruthless when it comes to such a carrot being dangled in front of them. I am concerned that the Minister of that day was endeavouring to change the law to overcome a court decision. That was nine years ago. What is new? It is happening nearly every day of the week with this Government. The Minister for Public Works today talked about the monorail. The Government will again change the rules, as it seems to be doing all the time. It is a pity it did not change the rules in Canberra and get every one to put their taxation forms in on time.

The whole trouble with the Labor Party is that it does not want the rules to apply to it. It makes the rules and ensures that the masses adhere to them. Mr Justice Helsham said that it was a legal issue, so the Labor Party changed the rules. As I said a moment ago, it has adopted that practice on many occasions. The Minister of the day gave the impression that it was only a little bill that sought to tidy up a few problems. Yet, after 100 years, a Minister in the Wran Government discontinued a tradition that has been part of the heritage of cricket life in this State for the public and players alike. I was as amazed then as I am today that the Minister is a party to such a move, particularly as he gave an undertaking that this would not happen.

The Minister said this evening that he wants men of expertise appointed to the trust to administer it. He does not care whether those persons have some connection with a sport. He has said that in letters dozens of times. It is interesting to examine the expertise of members of the trust. A couple of them are from soccer, there are a couple of former lord mayors, two or three from rugby league, two from the Labor Council of New South Wales, an athlete and a swimmer. Where will the new appointee come from? The Minister has

admitted that the cricket fraternity is rather concerned that it is not represented on the trust. If one were to examine the names of those from the cricket world who have been on the trust in the past, one would see represented Morris, Craig, Cook, Gregory, Kippax, McCabe, Cohen. None of those people were dummies; they were fairly competent players, great sportsmen and they made a great contribution to the trust.

Another interesting list includes O'Sullivan, McGrath, Renshaw, Ellis, Hills and Sheahan. One of them—Mr Hills—played third grade rugby league for South Sydney. Members of the trust do not have to be top sportsmen. It is obvious that this Government's aim is to discontinue the great traditions of many years. In the debate that took place some nine years ago, I implored the Minister of the day to provide for more than two trustees to be elected by the members. He said, "No way; the trust is there for the public". This evening I saw the former member for Hurstville walking down the street. He said that the public should have an input into the administration of the trust. I asked then and I ask again now: who are the public? Those fourteen eminent people whose names I read out a few moments ago are all members of the public. They might all be members of the Labor Party; that does not matter. They are still members of the public, whether or not they have achieved greatness in various sporting activities. That is what happened all those years ago. The Minister said that in view of the concern of the New South Wales Cricket Association he would consider appointing to the trust someone who had an interest in cricket. He has just given the bullet to the greatest lefthander who has ever played cricket for Australia.

Mr Cavalier: Who is that?

Mr WOTTON: If the Minister does not know that much about cricket, he should not be playing for the parliamentary side. It is a little like the lady in the bush who lost her husband in the bushfire: they wrote her a letter. The Minister wrote a letter to Arthur Morris thanking him for his four years' service and indicating that he was not being reappointed to the trust.

Mr Cavalier: Better than Clem Hill?

Mr WOTTON: Do you have any control over the Minister, Mr Acting-Speaker?

Mr ACTING-SPEAKER (Mr Quinn): Order!

Mr WOTTON: The following week someone suddenly realized the error of his ways and Arthur Morris received another letter thanking him for being deputy president of the trust, which he was for twelve years, and a member of the trust for eighteen or twenty-two years; I am not sure of the period. However, he was given the chop. That meant that no one on the trust had any interest in cricket. One does not need a college diploma to work that out; one has only to look at the way in which the trust is operated.

Mr Cavalier: On a point of order. Lest the contribution of the honourable member for Castlereagh go unchallenged and it appear in the record that I reflected upon Mr Arthur Morris, I merely asked the question out of politeness and assert that Clem Hill also has claims to being Australia's greatest lefthander.

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

Mr WOTTON: I am quite certain that the Minister is trifling with the House. When the Minister found out that Arthur Morris had given such great service to the trust, Arthur Morris was sent another letter. The press asked the Minister who would take the place of Arthur Morris. I am sure that the press was questioning the Minister in the manner in which the press is inclined to question Ministers, because the Minister had appointed his brother to the trust. The Minister went on to say, "I really want someone with intelligence as an administrator". That would not have made Arthur Morris feel delighted. In spite of the years of service that he gave to Australia, the implication was that he was a dummy. The Minister appointed his own brother to the trust. The Labor Party in this State, as we saw in Brisbane the other day, is really hooked on croneyism. In Sydney the Labor Party does not call it croneyism; it refers to its mates. Perhaps it is not croneyism but nepotism.

The only other person on the trust to have any interest in cricket was Mr Trevor Hoolihan who was a mate of the Deputy Premier. That did not go down too well with the Premier of the day, so Mr Hoolihan got the chop fairly quickly. That meant that no one with an interest in cricket was a member of the trust. The Minister said that he wants on the trust people who are good administrators. What about the three managers of the trust at present? The trust is paying about \$150,000 a year to those three managers to look after two grounds. The recent reports of the Sydney Cricket and Sports Ground Trust are magnificent for what they do not say. They contain no information. Previously the reports used to inform one of the source of the trust's financial returns and, the number of persons who attended each sporting event. For many years cricket was on top of the tree. That information is no longer provided. All one is told is the number of people who have attended each sporting event. Because cricket has dropped from the top of the list to second on the list, one is not told how much money each sporting event makes.

[Extension of time agreed to.]

Mr WOTTON: I turn now to the 100 magnificent boxes at the Sydney Cricket Ground that are perhaps as good as those provided at any sporting ground in the world. Why have they been built? They are there for the comfort of those people who, before the introduction of the fringe benefits tax—I do not think they will be using them so much now—wanted to view sporting events at the Sydney cricket ground and at the same time entertain their guests. That is a great idea.

The actors on the stage are either footballers or cricketers. The administrators of those actors are either the New South Wales Rugby League, the Rugby Union or the New South Wales Cricket Association. On a good day 2 500 people would go into those boxes, but the entrepreneurs would not get a cracker. The entrepreneurs would not get one cent from those 2 500 people who go to the ground to watch the action on the stage. They would get nothing, not even the outer ground entrance fee. As well as being grossly unfair, it is also highly immoral. A magnificent electronic scoreboard has been constructed there, and advertising is placed all around the ground; but for all this the entrepreneurs do not get one cent. It all goes to the people who own the electronic scoreboard. It must be remembered that if there were no cricket or football, there would be no electronic scoreboard, no people going to the cricket ground. In that case it is most likely that on the cricket ground site the Minister for Housing would build high density accommodation for his mates, as he has done on parts of the waterfront.

It has been said that there is no argument between the trust and the New South Wales Cricket Association. I am quite certain of that, because every time the New South Wales Cricket Association asks for something, the trust refuses. So it goes on. There is no argument because the trust holds the whip hand. Although the New South Wales Cricket Association won the battle in the courts, the Government subsequently passed legislation taking them to another place. That shows how this Government has a strong anti-cricket attitude, no regard for the sport, and is doing everything it can to make it nearly impossible for the sport to continue.

Let us turn back to square one, the year 1877 when the cricket ground was created purely and simply for that purpose. Nine years ago I said I feared we would live to see the day when the Labor Government destroyed it. It has already started. This was mentioned by a former trustee who got the chop for reasons other than those which might have been obvious. He suggested that the cricket ground should be called the Sydney sports arena. Nine years ago I said that would happen. If the name is changed, the cricket crowd will not go there, we shall not get them as we did in yesteryear. And the sooner the North Sydney oval is completed, under the auspices of the honourable member for North Shore, the sooner we shall have a great suburban cricket ground. I would certainly think about going over there.

Do honourable members realize that it costs \$8,000 to play a Sheffield Shield match on the Sydney Cricket Ground and they would be lucky to receive \$800 at the gate? Last year the New South Wales Cricket Association paid the Sydney Cricket and Sports Ground Trust a sum of \$365,000; it is a pretty big business. And to have 2 500 people sitting in those elegant boxes, paying not one cent for the benefit of the game or towards the cost of the footballers or cricketers performing on the stage, is highly immoral.

Mr Cruickshank: And what about the workers?

Mr WOTTON: The workers have had it. As the honourable member for Orange said a few moments ago, the workers cannot afford to go there. The cost of going on the hill is exorbitant these days. It seems that the trust and New South Wales Government believe they have the New South Wales Cricket Association locked in; they believe the New South Wales Cricket Association would not necessarily contemplate moving elsewhere. I have news for the administrators of the Sydney Cricket and Sports Ground Trust. If the association could get out of it tomorrow, I am certain it would go and there would be young men in future who would never have the opportunity of playing cricket on that magnificent ground. That cricket ground is recognized as the best in the world. It will be a sad day in this State when young men no longer take to its fields.

Nine years ago I spoke about the costs of cricket possibly becoming so exorbitant that Sydney might lose the staging of test matches to the advantage of Melbourne, a city that provides larger crowds for the sport. This has always been a distinct possibility. I also said, those several years ago, that I hope we should not see the day when cricket was put off for a pop concert of the John Denver type. Perhaps not only a pop concert; recently we had the Pope there one night.

Mr Cruickshank: How about Stevie Wonder?

Mr WOTTON: Stevie Wonder was another. The Pope went to the cricket ground for a magnificent performance by many young people who took the opportunity to meet him. But I wonder if the Sydney Cricket and Sports Ground Trust charged the Pope's organizers 12.5 per cent for the use of the ground for the day's entertainment, because that is what happens with every cricket match. Except for the good graces of the chairman three years ago, the parliamentary cricket side could not afford to play there. The chairman allowed us to do so for half a day for \$150. Today it would cost \$600. That has probably put the kiss of death on the parliamentary team's playing at the Sydney Cricket Ground ever again. All this turns upon the way money is dangled in front of the people involved. Members know what happened in the saga of world series cricket. Immediately it came to light that world series cricket wanted to use the Sydney Cricket Ground everything else went by the board. Unfortunately, the same attitude still prevails. Although I am not going to be critical of the Minister—

Mr Cavalier: It is true also that money rules cricketers, unfortunately, as it rules the game.

Mr WOTTON: That is your opinion. You might not get a lot of people going to watch the game. I do not turn from the fact that if the Minister wants to appoint another trustee, that is his prerogative, but he should not forget that there are now thirteen and a half members of that trust who are appointed by him—there is an extra half, because the Minister extended the chairman's term by six months. I am sure that was done so that the Minister for Industrial Relations could be present as chairman to cut the ribbon at the opening of the new complex at the sports ground. It is true, as the honourable member for Orange said, the whole matter of members' gold cards is a joke. Instead of giving a glossy annual report printed in Hong Kong why does not the trust tell us the names of the membership? One cannot even get the names of the former trustees. It is a secret society. The sooner there is a change of government and change of attitude the better it will be for sport in New South Wales. The Minister said that the Opposition, when in office, did nothing about this in ten years; that nothing happened until 1976. I ask the Minister where he got his \$3.5 million from? Rhetorically let me submit that it came from the soccer pools introduced by the coalition Government in 1975-76.

Mr Cleary: That Government limited it to a third. We extended it to two-thirds.

Mr WOTTON: The dollar was worth much more in those days. Had we stayed in office we would have been spending exactly the same today. Let there be no mistake, the days of the Minister for Sport and Recreation retaining that portfolio are numbered. They might make him the Minister for Education. He does not know much about cricket, but might know a little about education. It is obvious that if he does not know about it he will blind us with science. The Minister would be at his best in a primary school with a piece of chalk. If some child were to go to sleep or fail to pay attention, he could throw the chalk at him. We have seen that sort of behaviour over many years. The Opposition does not want to oppose what the Minister is doing; it just does not like the way he is doing it. I hope in his time the Minister will never alter the name from the Sydney Cricket Ground to the Sydney Sports Arena or the Sports Ground.

Mr Kerr: Or Franca Arena.

Mr WOTTON: Yes. Or Ranka Arena. I hope it will remain for ever and a day the Sydney Cricket Ground. I support the Minister but I wanted to say those few things because in the firefighters' bill the other night I made some mention of the Sydney Cricket Ground. I knew it had nothing to do with the bill but I got it over pretty quickly and Mr Speaker quite graciously allowed me to continue as no one took a point of order.

Mr YEOMANS (Hurstville) [9.0]: The Minister's speech proves quite interesting when one reads through it in terms of what he is trying to do with this bill. He states:

... the expanding role of the trust as a result of the new sportsground development and the trust's continued involvement with Parramatta Stadium. It is clear that that expanding role necessitated the appointment of additional trustees.

On the basis of logic one asks the question if there are already twelve trustees, will one more, which represents about an 8 per cent increase, really make such a huge difference? I suggest that thirteen to twelve is really not going to change anything about the workload. I think it is a lot of nonsense. The real problem here is that Parramatta Stadium is not being adequately represented by its own board of trustees. It is quite absurd, as was pointed out earlier by the honourable member for Orange, that at Wollongong they, rightly, have their own people, yet at Parramatta, the first city of Australia—Sydney really was the second—they do not have their own board of trustees for their own park. That has to be quite a nonsense reason for having thirteen rather than twelve members.

One really needs to ask the question, what difference does it make to have thirteen rather than twelve? Later in his speech the Minister went on to explain why there should be an extra number. He made a veiled promise that he is mindful of the cricketing fraternity's concern and that he will take that into consideration in any recommendation regarding the new position. The Opposition has decided to support this bill in the hope—it might be a vain hope—that that thirteenth person will represent the cricketing fraternity. The Minister went on to qualify that by saying:

The overriding factor in any appointment, however, will remain the contribution that the appointee might be seen to make to the good management of the trust lands.

One of the interesting things is that if you read through the annual reports of the trustees for the past ten years or so, you have to ask the question, was there really good management or was it bad management? The cost of belonging to the Sydney Cricket Ground is \$125 for the member plus \$100 for a lady's ticket, a total cost of \$225. Could honourable members guess how much it was to belong to the SCG in 1976, when the coalition held office? Would they say it was about half that price? What about a quarter?

Mr Cleary: What did you sit on? What about the facilities?

Mr YEOMANS: I am glad the Minister raised the question of facilities. When one looks through the reports one finds the paltry improvements in members' facilities. Everyone knows there is an electronic scoreboard with flashing lights, that is true, and new stands have been erected. They are no good for the members, though, because the new stands are for the public who pay the normal admission fees. That is fine for those members of the public. In 1976 the cost of belonging to the SCG was \$30. The price has increased roughly 800 per cent in ten years. Even allowing for inflation—largely caused by the Labor Government anyway—even if one increased the admission fee in line with the consumer price index level—\$30 today might be \$90 at the outside—probably

more like \$80. So, effectively, the cost of belonging to the SCG now is about three times what it was in 1976. What have the members got? Honourable members should go through the ten last annual reports to ascertain that. They have some new seats. Is that not amazing! By paying three times as much they get new seats to sit on. Their other boasts are new bar facilities, restaurant and snack bar.

I am sure that it is quite nice to have those new facilities but I can guarantee that when one goes to buy a drink at the bar or some food at the restaurant or a snack at the snack bar, that is when one pays for those new facilities. It is a lot of nonsense to talk about new management. All we have seen is greatly increased costs for joining the SCG, with very little return for the average member. What is the cost of belonging to the Melbourne Cricket Ground? It is \$225 at the SCG and \$110 at the MCG. Anyone who has been to that place will know who is able to look after its members better. The Minister is claiming that he is increasing the number of members on the trust because of the great workload the trust is currently faced with, yet he proposes to increase the trust by one member. I am sure that will make such an enormous difference that the members will all be hollering with joy. The fact is that it is because they need a separate board at Parramatta.

The Minister has claimed that good management will be the deciding factor in the appointment of this thirteenth person. If honourable members look at the cost of belonging to the SCG they will see that it has gone up an extraordinary amount. So, the real problem is, why has not this Minister simply changed the Act, not to put in a thirteenth person, which means that he will have eleven of the thirteen appointments—mostly political hacks—why does he not simply increase the number of people elected by the members? Recently a member visited me. He was quite appalled at how bad the facilities were and how little had been done in the last ten years. It was about two weeks ago so I went right through all these reports. What is needed is a fair go for the members of the trust. Why not increase from two to four the number of people elected and then of those eight that still have to be appointed to make up the twelve, what about designating one or preferably two of those to be nominated by the New South Wales Cricket Association? If the Minister were genuine in the comments he made at the end of his second reading speech that is the amendment he would be making to this Act.

Mr CATERSON (The Hills) [9.7]: I support my colleagues the honourable member for Orange, the honourable member for Castlereagh and the honourable member for Hurstville. The bill is a simple one if one just reads it as it appears in print, but as has already been pointed out by the three previous speakers, it contains many matters which require comment. The bill relates to the number of trustees and will increase the number of twelve to thirteen. It is the hope of everyone—the Minister as well—that someone from the cricketing fraternity will be given the opportunity of serving on the enlarged trust. In his second reading speech the Minister said that the need was there because of the increasing workload brought about in part by the trust's management of the Parramatta Stadium and in part by the requirement to look after the new sportsground. I direct the attention of the House to the Parramatta Stadium that the Minister referred to in his speech. I know he has already spoken on this earlier in the evening in relation to the Wollongong trust, but I believe the Parramatta Stadium requires further consideration so far as the cricket ground trust is concerned. I am pleased, Mr Acting-Speaker, that you are in the chair because you and I have both had a long association with the

western area of Sydney in public life and we know what the needs of the people of that area are.

The Sydney Cricket and Sports Ground Trust has done a good job with the construction of the Parramatta Stadium. This has been shown by the increasing attendances at the stadium, which have been brought about also by the high standard of football that one expects from the Parramatta rugby league team. Parramatta Stadium should no longer be controlled by the Sydney Cricket and Sports Ground Trust. There is no need for an expanded trust. The Minister should be considering the possibility of setting up a trust of people from the Parramatta area. One hears in this House and in the western areas of Sydney comments by the Premier and the Ministers of the Crown about what the Government is doing for the people of the west. It is all hot air. The Government does not regard highly the people of the western areas of Sydney. Otherwise it would look to the people of the area to manage their own affairs.

[Interruption]

Mr CATERSON: The Minister for Education guffaws in his usual manner, but let him tell the people of western Sydney why they are not permitted to control their own sports ground. Parramatta is the main centre of population of nearly 1.5 million people. That is a substantial city. The honourable member for Hurstville said that Parramatta was the site of the first city in New South Wales. The Minister should give serious consideration to permitting the people of the western area of Sydney to manage their own affairs. A trust should be established of people from the area. Some fine businessmen and sportsmen come from the Parramatta area who are well able to control the affairs of Parramatta Stadium. Instead of commenting about how the Government will look after the people of western Sydney, the Government should show in a practical way what it is doing. By permitting the people in the area to control their own affairs and to have charge of the stadium they will become self-reliant and self-dependent.

Mr CAVALIER (Gladesville), Minister for Education [9.13]: I have attempted for something like an hour to resist the temptation to reply to several of the speeches made this evening, particularly the speech of the honourable member for Castlereagh, which certainly was an outstanding piece of entertainment. While it is arguable that Arthur Morris is Australia's finest lefthander, certainly among batsmen, if one cares to leave aside some outstanding bowlers, such as Alan Davidson and some outstanding fielders, I do think it is arguable that a batsman of the calibre of Arthur Morris, a batsman of the calibre of a Neil Harvey, is certainly entitled to be considered in that category. I really do think that to blame the commercialization of the Sydney Cricket and Sports Ground upon the Government of New South Wales is drawing a long bow. It is really bringing a very broad bat to bear.

If the New South Wales Cricket Association can only raise \$800 for attendances at matches of the Sheffield Shield competition and it pays out \$8,000 in hiring fees then the fault surely is that Sheffield Shield cricket, first-class cricket, cricket played over four or five days, does not have the spectator appeal that it did between the wars. No one finds that more regrettable than this Minister. I find it wholly regrettable. But who is responsible for the commercialization of cricket? It is not the Government of New South Wales and not the Sydney Cricket and Sports ground Trust. It has been the total failure to stand up for proper traditions by the Australian Cricket Board and the New South Wales Cricket Association. Those two bodies have been in concert with

PBL Marketing to place one-day cricket—the Mickey Mouse day-and-night variety—ahead of traditional first-class cricket. They have been the ones who have encouraged drink waiters to bring trolleys on to the ground festooned with advertising. They have been the bodies that have deliberately downplayed the premier competition of the Sheffield Shield and played up the MacDonald's Cup and the so-called World Series cups. It is those bodies that have failed to stand up for Sheffield Shield cricket and to place that at the epicentre of their marketing. It appals me that that has been the case.

Nothing would please this Minister more, and I am sure most honourable members, than a re-emphasis on the traditional values of cricket and the traditional means by which that is expressed, through grade cricket, through the Sheffield Shield cricket and, above all, through test cricket; to take away the amount of time that is devoted to the hoopla and razzamatazz of the one-day game. We have not achieved any new spectators for cricket as a result of that; we have merely transferred the crowds from over five days, for some of the great contests in any part of the English-speaking world, to concentrated five-hour or six-hour periods for a limited over game. That has been truly tragic.

Whatever one says about the Sydney Cricket and Sports Ground Trust—and many of us might have some strong views about its sense of aesthetics, about the value of the electronic scoreboard, about what happened to the Brewongle Stand and the Sheridan Stand, which views might surprise many people—no one can doubt the competence of its management and no one can doubt that it has discharged its functions under the statute with considerable quality. That trust has consistently, under the stewardship of its chairman, the Hon. P. D. Hills, made sure that the ground has been a consistent returner of profit for the people of this State. It has delivered what the people have expected—not what I might have expected, not what people like the honourable member for Castlereagh might have expected, but it has delivered what is considered to be the mass spectator sports of this time.

It is for that reason and for that reason alone that the management of the Cumberland Oval and the Parramatta Park complex with it has been vested for as long it is necessary in the Sydney Cricket and Sports Ground Trust. The Sydney Cricket and Sports Ground Trust and the Government of New South Wales provided the share capital that enabled the Cumberland Oval within Parramatta Park to reach conclusion as a construction. Without the intervention of the Sydney Cricket and Sports Ground Trust, without the share capital and their management and expertise, none of these things would have happened. I remind honourable members, particularly those who run off at the mouth in the search for a cheap headline, like the honourable member for The Hills, that the Parramatta Rugby League Club is in debt to the tune of \$1 million.

The club is in debt to the Sydney Cricket and Sports Ground Trust and to the Government of New South Wales and surely it is the least that this Parliament can expect that during the interim period the Sydney Cricket and Sports Ground Trust will continue to have care, control, management and stewardship of the ground. They are not doing this in blithe isolation of local needs because there is a local committee which provides advice to the trust, a local committee with five people on it, all of whom are local residents of Parramatta and its districts. Whatever the criticisms that one might have about the present direction of cricket and whatever criticisms one might have about what has contributed to the directions of cricket over the past ten years and the absolutely tragic state of Australia's international standing as evinced in Perth over the past three days, it is really quite ridiculous to put any of the

blame for that at the feet of the Sydney Cricket Ground and Sports Ground Trust or any of its members.

Mr CLEARY (Coogee), Minister for Sport and Recreation, Minister for Racing and Minister for Tourism [9.20], in reply: Just quickly in reply, I have a few comments that I should like to relate, first, to the honourable member for Orange. He seemed to be obsessed about the gold membership and taxpayers' money. I should just like to say to him that the gold membership is going exceptionally well. No taxpayers' money will be spent, and I am sure that when the Sydney Cricket Ground opens—which is supposed to be 26th January, 1988—all honourable members will be delighted with the development that has taken place there and, equally with the people of New South Wales, applaud the enterprising approach of the Sydney Cricket and Sports Ground Trust in funding the development of the \$60 million sportsground complex the way it has. I know the Opposition would like to see it fail—only for political reasons; not for any other reason. All members of the Opposition must agree that the facility is needed and that it will be worthwhile in New South Wales, but for political reasons they would like to see it fail. I can say now that it will not fail. It is more than half finished.

Mr West: Is it more than half funded?

Mr CLEARY: Yes, it is. There is no worry about the funding. Please relax. Everything is going according to plan, and if everything goes well it will be completed early in December 1987. The opening will be in 1988 on 26th January, maybe by the chairman of the trust, the Hon. Pat Hills, or we might even wait for the Queen to come in February and let her open it. Who knows. But it will be completed; it will be opened, and it is something of which the Government will be extremely proud. The honourable member for Castlereagh made an interesting speech. I thank him for his walk back into history and tradition and the explicit references he used in his speech. He is undoubtedly one of the most entertaining speakers in this House. But what worries me is that he went back as far as 1870 and spoke about how great the administrators of the cricket were and the traditions of the Sydney Cricket Ground. If they were such great administrators, how the devil did they let the control fall from their hands? It is beyond me.

One should look at membership fees ten years ago and the facilities that were offered when one sat on the hill at the Sydney Cricket Ground and compare them with those offered today. The trust has already spent \$30-odd million on the Sydney Cricket Ground alone. The honourable member for Castlereagh complained about the box holders and the cricket association not getting a percentage of the box rental and the advertising. The box holders paid \$30,000 a year for a box, and that money was used to develop the stands—the Brewongle stand, the Pat Hills stand, the Clive Churchill stand, and for improvements to the members' area. The honourable member for Hurstville mentioned only a few seats. Has he been to the bottom of the M. A. Noble stand? Has he seen the glass partitions, the closed circuit television, the air cooling system, the carpet, and the function room on the first floor that is used by the Sydney Swans? Has he ever been there to see the work that has taken place in the past ten years, particularly under the chairmanship of the Hon. Pat Hills? He mentioned my brother, too.

Mr Yeomans: Not me.

Mr CLEARY: No, not you, but the honourable member for Castlereagh did. He was supported by the Leader of the Opposition, who came out supporting him talking about a hack.

[*Interruption*]

Mr ACTING-SPEAKER (Mr Quinn): Order!

Mr CLEARY: The former New South Wales amateur boxing champion; the former New South Wales rugby union representative; former Green shield and Poidevin Gray representative in cricket; the present State manager of the State Building Society, and a hack? Fair dinkum!

Mr J. A. Clough: Who said he was a hack?

Mr CLEARY: You are dead. Just a minute. There is a bill coming through to fix you up.

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

Mr CLEARY: We just woke him up. I want to also make it clear—

Mr J. A. Clough: Why do you not live in your own electorate?

Mr ACTING-SPEAKER: Order!

Mr CLEARY: I would rather be near you to keep an eye on you.

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

Mr CLEARY: I want to make clear to the House what I said in my second reading speech. It applies to every trust and every committee so far as this Government is concerned. It previously has been supported by the Opposition when we discussed the Trotting Authority of New South Wales. The Government and the Opposition found that any person appointed to a trust or a committee nominated by some other association had a conflict of interest and the whole thing just did not work. They felt that if they were appointed by, say, the New South Wales Trotting Club or the New South Wales Cricket Association they were not there to have an open mind to administer the trust but had the responsibility to report back to the association that nominated them. In the debate on the reformation of the New South Wales Trotting Authority, or the Harness Racing Authority of New South Wales, it was agreed by the Opposition that no one should be appointed to any trust representing a section or group. They should be independent people with open minds who can look at situations presented to them without having any pressure put on them by their peers.

That policy will remain in this bill. I have said that I shall look to a person who has administrative ability and a cricket background, but not necessarily someone from the New South Wales Cricket Association or the Australian Cricket Board. I can say that to honourable members now. The trust and I will find someone who has those qualities. The honourable member for Castlereagh and the Minister for Education in reply mentioned the \$8,000 rental fee and the 800 people who attend the Sheffield Shield. Whose fault is that? It is not the fault of the Sydney Cricket and Sports Ground Trust, my fault or anyone else's fault, the honourable member for Castlereagh said that they may look for another ground. If they do look for another ground, I think they are

talking about North Sydney oval. The Government put money into that, too. It has helped the council develop it, not to the extent that the council has done, but this Government has still put money into that ground.

[*Interruption*]

Mr CLEARY: The honourable member keeps throwing up the Sydney Cricket and Sports Ground Trust, Parramatta Stadium and the other ground. For some unknown reason the honourable member thinks there is some political kudos to be gained by referring to a local trust. I have already told him in the debate on the previous bill that when the Government developed the Parramatta Stadium at a cost of \$15 million, it started with \$15 million and it was looking for someone with experience and expertise in building a ground on time. The Sydney Cricket and Sports Ground Trust had that expertise and it offered it to the Government free of charge. It did all the tender documents and the whole thing for the Government; it got it built on time and, as I said, as the honourable member seems to have forgotten, it put \$750,000 of its own money, not in the stadium, but in the beautification of the surrounds. They have proved their point and I have mentioned that the local committee is advising the trust. The trust offers the administrative backup and also the expertise for ground maintenance.

Let us go through the local committee. Mr Hudson is the number one ticket holder for Parramatta Leagues Club, Parramatta Football Club; he lives in the area. Ken Brown, the director of the Department of Sport and Recreation, lives at Baulkham Hills, in the area. John Brown, the federal member, lives at Dundas. Barry Wilde, the local member, lives in the area, and Elliott, the former mayor and alderman, lives in the area. So they are represented by a local committee that has the interests of the people of Parramatta at heart. It is their ground; it is there for every sport to play on—rugby union, rugby league, soccer. We have had the Queen there, a display by the children took place there; every other facility is there, and for the honourable member to come in here—

Mr Hills: Carols by candlelight at Christmas.

Mr CLEARY: 2WS carols by candlelight. For the honourable member to come to say he supports the bill but to use this bill to have a go at the Sydney Cricket Ground and Sports Ground Trust just falls flat because the Government's record is proven. The bricks and mortar are there; the results are there; the people enjoy the facility and the comfort of the facility. The honourable member for Hurstville spoke about membership fees increasing, compared with the fees at Melbourne Cricket Ground. The Melbourne Cricket Ground is like amateur hour compared with the Sydney Cricket Ground so far as comfort is concerned. I do not know if the honourable member has been there. Burke and Wills just found the place. That is how old it is.

[*Interruption*]

Mr CLEARY: It is a good place, so far as I know, but the comfort is nothing compared with the Sydney Cricket Ground. It is like chalk and cheese. But what also amazes me about the New South Wales Cricket Association is—why the devil does it think it is hard done by when the Government is spending \$60 million on the sportsground? It is spending that money to give it to the cricket, for cricketers to use the ground.

Had we known that the association was so obsessed about this matter, we probably could have saved \$30 million on the existing ground and spent it on the sportsground, because big crowds go there only when teams such as the

West Indies cricket team are playing. The important point is that one body administers the sportsground, the cricket ground and Parramatta Stadium. If a series of sportsgrounds are to be established throughout the State, we cannot have one competing against the other in terms of admission prices and those sorts of things. They must be established so that they are compatible with each other and so that one ground does not become a white elephant. It is all about constructive, sensible management so that we get a return on our investment.

[Extension of sitting agreed to.]

Motion agreed to.

Bill read a second time and passed through remaining stages.

UNIVERSITY AND UNIVERSITY COLLEGES (AMENDMENT) BILL

Second Reading

Debate resumed from 18th November.

Mr YEOMANS (Hurstville) [9.32]: On behalf of the Opposition I oppose the bill. As a graduate of the University of Sydney, I have a personal interest in this matter. The basic question that the Government has to answer is this: is the University of Sydney so badly run that another change is required at this time?

Mr McIlwaine: Yes.

Mr YEOMANS: The honourable member for Ryde believes that the University of Sydney is badly run. That should be noted, because it will be to his eternal shame that he has said that. The University of Sydney has a record that is unsurpassed in this country, if not within the Commonwealth or even the world. It is one of the finest universities with an excellent history and tradition. I wonder whether this bill is another example of change for change's sake. If the university really required such a major change, the Opposition would not oppose the bill. But the Opposition does not believe there is need for change at this time. In fact, we question the motives of the Government in effecting this change.

The Minister in his second reading speech makes the comment that he has approached this task of changing the rules of the university senate with great care. I am sure that he has taken great care, because this is another nail in the coffin of independence for this university. Similar moves have been effected in relation to other universities in order to reduce effective representation of the graduates and to increase the number of appointees of the Minister to the senate. As occurred in a bill on a similar subject that was debated earlier, the Minister arranged things in such a way that appointees could be removed and replaced at his will. The Minister went on in his second reading speech to talk of misgivings publicly expressed. He then tried to make the point that no one would dare suggest that those misgivings applied to this Minister or this Government. I think he is having himself on. It was probably only the politeness of some of the people at the University of Sydney that prevented them from saying what they thought. The chancellor of the University of New South Wales knew exactly what he was saying in his annual report. The comments he made apply also to what is happening at the University of Sydney. He said that the amendments that were proposed in respect of this university—

Dr Refshauge: On a point of order. This bill has nothing to do with the University of New South Wales: it deals only with the University of Sydney. The honourable member for Hurstville is moving right away from the subject matter of the bill.

Mr Yeomans: On the point of order. I believe I am entitled to make a passing reference to comments that are made. The Minister in his speech referred to misgivings publicly expressed. The comments made by the chancellor of the University of New South Wales do not apply simply to legislation affecting one university; they apply generally to the battery of legislation that has been introduced over a period. I believe my comments are relevant.

Mr SPEAKER: Order! I propose to allow the honourable member for Hurstville to link his remarks to the bill. Changes have been made in respect of other universities. I ask the honourable member to confine his remarks to the subject-matter of this bill. No point of order is involved.

Mr YEOMANS: The chancellor of the University of New South Wales commented on what the Minister has been doing to universities. The Minister in his second reading speech said that the changes were intended to eliminate wide variations in the composition of university governing bodies. The chancellor went on to say:

When changes to the council of such an institution were in contemplation, it would have been courteous and productive to have sought opinions of those who in recent times have been responsible for its government.

I believe that has happened again. The desires and wishes of the majority have been overlooked. The Minister is again seeking to change the constitution of another university in such a way that his power over that university will be increased. In fact, the Minister has contradicted himself. Having indicated the need for a change, and having in mind the comment of the honourable member for Ryde that the university has been badly governed, the Minister went on to say:

I believe that the governance of our oldest university is essentially sound.

I fully agree with and endorse the Minister's remark. If it is essentially sound, why change it? It has always been something of a proverb that if something works, do not tamper with it. Yet, what is proposed is further tampering with the government of the University of Sydney, even though the Minister admits that the government of that university is essentially sound. However, he has admitted that there was more than just a vague public criticism of the bill. He went on to say: "Although we are not in complete agreement"—and he was speaking about the deputation from the senate; they certainly were not in complete agreement but rather were in complete disagreement. The essentially sound government of this university is being pushed around by this Minister, just as he has pushed around the other universities and colleges that have been affected by legislation. The only good news is that he says that the legislation is the last in a series of bills that he has brought before the Parliament in 1985-86. The Opposition is glad that this is the last of the bills. The Opposition gives notice that when it comes to government in the not too distant future some of these Acts will be amended again. We want to ensure that there is a balance in the way in which the governing bodies of universities are constituted.

I turn to the specific matters referred to by the Minister. The bill proposes to increase from four to six the number of fellows to be appointed by the Minister for Education. The Minister admits that will allow the Minister of

the day to ensure that an appropriate balance is maintained in the senate. I wonder what those who are at present on the senate of the University of Sydney consider to be an appropriate balance. In fact, I wonder what the majority of the public and those who have been fortunate enough to study at that great university think. I maintain that the sort of balance that the Minister thinks is appropriate is not the balance that the majority of people, nor those who constitute the present senate, would consider appropriate. Having noted already that the former Premier of this State has been given the job of chairman of the Commonwealth Scientific and Industrial Research Organisation, I wonder whether the majority of the senate and the graduates of that university are concerned that this is a ploy to prepare the way for King Gough to make a return to the public stage in Australia as the chancellor of this university. It will be a shame when that day arrives. Sir Hermann Black's health is quite good, and I am sure we all hope it will remain good until 1988 when he becomes due for retirement.

Next I turn to specifics, and specific objections. The Minister is increasing from four to six the number of his appointees. Why does the Minister need to increase by two the number of Ministerial appointees? What is wrong with the present number appointed by him? Surely, if the Minister wants an input from the Government in the operations of the university, the present membership of the senate, including those of his factional colleagues on that senate, are an adequate viaduct of information to and from the Minister. Or is it that they are so pathetic in their representations they need bolstering by another two?

Schedule 2 will repeal all of the provisions of the principal Act relating to the three fellows who are presently elected by the other fellows. I should have thought that would be a useful device, so that other people of expertise can be called in. Although the Minister has commented to the effect that a university of maturity, like the University of Sydney, does not require this provision, I believe it is important because from time to time there are changes in tertiary education and the sort of people appointed previously may not have quite the expertise required. This would provide an excellent opportunity for any university or institute of higher learning to bring in that expertise from outside without having to make new appointments as others retire, resign or die.

Surely, it is far preferable to keep that particular section in the existing legislation to allow the present senate to continue to call on outside people whose expertise at that time might be just what is needed to give the university greater understanding and ability to develop tertiary education in a manner benefiting the university, the people of this State and of this nation. Schedule 4 will reduce from eight to seven the number of fellows to be elected by the staff of the university. The Minister, being so wise, feels he is entitled to more representation, and has reduced the number of fellows to be elected by the staff—apparently in the belief that they know less.

Mr Cavalier: Read the Act. You are quite wrong.

Mr YEOMANS: It is quite plain in the bill, there is a reduction from eight to seven fellows.

Mr Cavalier: Read the whole thing. You are quite wrong.

Mr YEOMANS: It is a pity that the Government Printer has failed in his job. That is what the bill says, quite clearly. And of the fellows elected by the academic staff, again we have this belief emerging that the Minister feels

entitled to more representation. Is it the tall poppy syndrome? For some particular reason there is a requirement that there should be a fixed number of professors. Of the fellows elected by the academic staff, a minimum number fixed by the by-laws shall be professors and a minimum number shall not be professors. Why is it necessary for the academic staff to require there should be this reduction? Surely the academic staff can decide among themselves whether they will elect all professors or a certain number. Why not allow them to determine the number?

Mr Cavalier: You want to wipe out the professors.

Mr YEOMANS: We do not want to do that. What an absurd statement for the Minister to make.

Mr Cavalier: That is what you want to do.

Mr YEOMANS: The staff should be permitted to have a maximum number, if they like. Surely, if you want to have a minimum, that is an excellent idea, but why have a prescribed number over and above? Why not let them make up their own minds on that point? The aims of the bill are quite clear. Just as the other bills that have been introduced dealing with other universities in this State have achieved the politicization of the university boards, this bill, like the one concerning the University of New South Wales, has been brought in against the wishes of the majority of those on the current governing board and will do nothing to increase the quality of education. The bill will simply increase the politicization of the senate. The Opposition will oppose and divide the House on this bill.

Dr REFSHAUGE (Marrickville) [9.44]: I support the bill. I had hoped to speak only for a short time because the obvious merit of these changes was sufficient, I should have thought, to prevent lengthy debate. Unfortunately, the honourable member for Hurstville has made a number of assertions, of which I have counted eleven. Each of those assertions was factually wrong.

Mr McGowan: He is a bit thick.

Mr Yeomans: On a point of order. I take objection to the comment by the honourable member for Gosford that I am a bit thick.

Mr SPEAKER: Order! I did not hear the interjection. The honourable member for Hurstville should indicate what the comment was.

Mr Yeomans: The honourable member for Gosford said that I am a bit thick.

Mr SPEAKER: Order! I could ask the honourable member for Gosford to explain the reasons for his comment, and the way in which it was made. However, that would not help to resolve the situation. I have said previously in this House that members must not be over-ready to allow their dignity to be offended by remarks made across the benches, particularly in the heat and thrust of debate. No point of order is involved.

Dr REFSHAUGE: Each of those eleven assertions is absolutely wrong. It is a tragedy that the Senate of the University of Sydney should be treated in this way by the Opposition, which has not even done its homework in ascertaining what the present Senate of the University of Sydney understands to be the required changes. The Opposition's behaviour is abysmal, and another measure of the Opposition's lack of depth and the reason why it will remain in opposition for many years to come. The most important matter the honourable

member for Hurstville asserted is that the university senate is opposed to these changes. That is absolutely wrong. Certainly, not all the changes are supported fully by all senate members, but the majority are certainly supported by the present senate. If there were another vote on these present changes, I think they would accept the totality of the proposed amendments. Their position has already been put more than once.

The bill will make some significant and important changes to the composition of the senate. Changes will be made in the category of fellows elected by the academic staff, changes to the Ministerial nominees and the abolition of the anachronistic and anti-democratic category of fellows elected by the fellows. Also, there will be changes—and this is where the honourable member for Hurstville failed to understand what the bill was about—to make the chairman of the academic board a fellow of the senate. That position was one of the academic positions previously, and that is why, according to the honourable member for Hurstville, there is an apparent decrease in representation. In fact, there is no change in academic representation. It is no decrease in academic representation at all.

Mr Yeomans: In numbers.

Dr REFSHAUGE: No; neither in numbers nor percentage. By decreasing the number on the senate there is a percentage increase in the number of academics represented on the Senate of the University of Sydney. An amazing lack of understanding has been shown by the honourable member for Hurstville. It is an important change, useful to the academic community and to the senate, to have the chairman of the academic board a fellow of the senate. The changes to the academic staff category will allow the university to determine the way in which it wishes to elect the fellows of the senate from among its academic ranks. That is another important change.

The present legislation provides that there should be a certain number of professors and non-professors, but it is important that this change should ensure that the minimum number of professors and of non-professors is determined by the senate itself under its by-laws. This change has been requested by the academic board and also by the senate. The honourable member for Hurstville should realize that this change is not being imposed on the senate by the Minister; it is a change that has been requested. The senate itself has realized it wants to make some changes to its governing body and has made its own request. In fact, this request has been acceded to by the Minister. The category of co-opted fellows, fellows elected by fellows, is to be abolished, for it serves no useful purpose, is anti-democratic and should have gone a long time ago. This change also has the support of the present Senate of the University of Sydney.

The other significant change is to increase the number of ministerial nominees from four to six and for their appointment to be staggered. This provision will bring the University of Sydney into line with other universities in the State. Although it did not have full support at the last vote of the senate, many of the present fellows are not opposed to it. In fact, many of the present fellows, including myself, welcome the change. The University of Sydney was the first university to be established in Australia and is considered to be one of the best universities, if not the best, in Australia. Certainly it is one of the best in the world. It is one of the most difficult to which to gain academic entrance. The governing body, the senate, has a very important role in policymaking. Its decisions have widespread influence in educational circles. The composition of

the senate should reflect the diverse interests of tertiary education throughout the community.

The changes before the House today will work towards such a composition of the senate. One would have thought that the group of co-opted fellows may have been used to redress any imbalance on the senate, but on most occasions this has not been the case. No Aborigines have been co-opted to the senate, women have not figured prominently in this group, nor have migrants for whom English is a second language. It appears that the main function—and I do not include the present co-opted members—has been to increase the base of the majority group on the senate, not a democratic process and certainly not plebeian.

Dr Metherell: What about Laurie Short and Justice McClelland?

Dr REFSHAUGE: Laurie Short and Justice McClelland were not co-opted members. Not only does the honourable member for Hurstville get things wrong, but the Opposition spokesman on education does not understand what is happening at the University of Sydney. The change to the election of representatives of the academic staff, which will allow the senate to determine by by-law the exact number of professors and non-professors, allows a degree of flexibility within the university for this category. As I said before, this change has not only the support of the academic board but also the support of the senate. The increase in ministerial nominees from four to six brings the University of Sydney into line with the other universities. The University of New South Wales has eight ministerial nominees, Macquarie University has six, the University of Wollongong has eight, the University of Newcastle six and the University of New England six. The honourable member for Hurstville said that the current appointees may be removed at the Minister's will. That is definitely not the case.

The honourable member for Hurstville said that the wishes of the majority of the senate have been overlooked. That is absolute rubbish. The wishes of the majority of the senate have been acceded to on three occasions at least in these changes. The honourable member for Hurstville said there is a complete disagreement between the senate and the Government—again absolutely wrong. The honourable member for Hurstville said that the balance of the current senate is opposed to these changes. Again that is wrong. The honourable member implies that the Ministerial appointment of the former Ambassador to UNESCO, Mr Gough Whitlam, is required for him to become chancellor, if that is the wish of the senate. Again that is wrong. The senate itself can choose who it wants to be chancellor; it does not have to choose someone from within its own ranks of fellows. The honourable member for Hurstville said that the present chancellor, Sir Hermann Black, is due for retirement in 1988—wrong again.

Mr J. A. Clough: When does he retire?

Dr REFSHAUGE: When he wants to.

Mr T. J. Moore: When is his next election?

Dr REFSHAUGE: It is certainly not 1988.

Mr Cavalier: It is the middle of next year.

Dr REFSHAUGE: The honourable member for Hurstville said co-option is a mechanism for bringing in new people. Certainly that is true, but it is not the only mechanism for bringing in new people. The position of co-opted fellows

occurs once every four years and therefore does not allow that diversity and speed of change that the honourable member was alluding to.

Mr Cavalier: Some of them remain there for more than twenty years.

Dr REFSHAUGE: Yes. In his second reading speech the Minister explained that he has allowed significant comment on the changes proposed. The university has availed itself of that opportunity and in fact the Minister has modified his original position to come into line with many of the requests of the university. Also, the university has modified its position and agreed with some of the changes the Minister has proposed. The way in which the Minister has behaved has always been reported as being supportive of the senate, being courteous to the senate and in fact giving the senate ample time to make comment. The Minister has regularly been praised at senate meetings for the manner of his dealings with fellows and officers of the university. It is reprehensible to suggest that the Minister has not behaved in the most proper way.

Before I finish I should like to provide one further piece of information for the House, that is, that the present senate, the senate that is supposedly opposed to the ministerial changes, today elected as chairman of its own finance committee the Hon. B. H. Vaughan, a member in the other place, a representative of the Legislative Council. That was an election by the present senate of the university that is supposedly being maligned, according to the speech of the honourable members for Hurstville. The changes made by this bill are basically in line with what the senate wants. I would hardly think its election of the Hon. B. H. Vaughan as chairman of the finance committee indicates its displeasure at the way in which the changes have been brought about. As a member of this Government, I would think if the Government was held in odium, the senate would hardly have elected the Hon. B. H. Vaughan. It is to the credit of the members of the senate that they have chosen such an esteemed person. I support the bill.

Dr METHERELL (Davidson) [9.57]: Mr Speaker——

Mr WADE (Newcastle), Government Whip [9.57]: I move:

That the question be now put.

The House divided.

Ayes, 51

Mr Akister	Mr Face	Mr Paciullo
Mr Amery	Mr Ferguson	Mr Page
Mr Anderson	Mr Gabb	Mr Petersen
Mr Aquilina	Mr Hills	Mr Price
Mr K. G. Booth	Mr Hunter	Mr Quinn
Mr Bowman	Mr Irwin	Dr Refshaug
Mr Brereton	Mr Knight	Mr Rogan
Mr Carr	Mr Knowles	Mr Sheahan
Mr Cavalier	Mr Langton	Mr Unsworth
Mr Christie	Mr McCarthy	Mr Walker
Mr Cleary	Mr McGowan	Mr Walsh
Mr R. J. Clough	Mr McIlwaine	Mr Whelan
Mr Cox	Mr Mair	Mr Wilde
Mr Crawford	Mr H. F. Moore	
Mrs Crosio	Mr Moss	
Mr Davoren	Mr J. H. Murray	<i>Tellers,</i>
Mr Debus	Mr Neilly	Mr Beckroge
Mr Doyle	Mr Newman	Mr Wade

Noes, 33

Mr Armstrong	Mr Hay	Mr Singleton
Mr Baird	Mr Jeffery	Mr Small
Mr Beck	Mr Kerr	Mr Smiles
Mr J. D. Booth	Mr Longley	Mr Webster
Mr Catterson	Miss Machin	Mr Wotton
Mr J. A. Clough	Dr Metherell	Mr Yeomans
Mr Collins	Mr W. T. J. Murray	Mr Zammit
Mr Cruickshank	Mr Park	
Mr Dowd	Mr Peacocke	
Mr Fahey	Mr Pickard	<i>Tellers,</i>
Mr Fisher	Mr Rozzoli	Mr T. J. Moore
Mr Greiner	Mr Schipp	Mr West

Pair

Mr Mulock Mr Causley

Resolved in the affirmative.

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

Mr CAVALIER: Mr Speaker—

Dr METHERELL (Davidson) [10.4]: I move:

That the honourable member for Gladesville, Mr Cavalier, be not further heard.

The House divided.

Ayes, 32

Mr Armstrong	Mr Hay	Mr Schipp
Mr Baird	Mr Jeffery	Mr Singleton
Mr Beck	Mr Kerr	Mr Small
Mr J. D. Booth	Mr Longley	Mr Smiles
Mr Catterson	Miss Machin	Mr Webster
Mr J. A. Clough	Dr Metherell	Mr Wotton
Mr Collins	Mr W. T. J. Murray	Mr Yeomans
Mr Cruickshank	Mr Park	Mr Zammit
Mr Fahey	Mr Peacocke	<i>Tellers</i>
Mr Fisher	Mr Pickard	Mr T. J. Moore
Mr Greiner	Mr Rozzoli	Mr West

Noes, 51

Mr Akister	Mr Face	Mr Paciullo
Mr Amery	Mr Ferguson	Mr Page
Mr Anderson	Mr Gabb	Mr Petersen
Mr Aquilina	Mr Hills	Mr Price
Mr K. G. Booth	Mr Hunter	Mr Quinn
Mr Bowman	Mr Irwin	Dr Refshaug
Mr Brereton	Mr Knight	Mr Rogan
Mr Carr	Mr Knowles	Mr Sheahan
Mr Cavalier	Mr Langton	Mr Unsworth
Mr Christie	Mr McCarthy	Mr Walker
Mr Cleary	Mr McGowan	Mr Walsh
Mr R. J. Clough	Mr McIlwaine	Mr Whelan
Mr Cox	Mr Mair	Mr Wilde
Mr Crawford	Mr H. F. Moore	
Mrs Crosio	Mr Moss	
Mr Davoren	Mr J. H. Murray	<i>Tellers</i>
Mr Debus	Mr Neilly	Mr Beckroge
Mr Doyle	Mr Newman	Mr Wade

Resolved in the negative.

Mr CAVALIER (Gladesville), Minister for Education [10.10], in reply: If the Opposition were capable of putting its procedural act in order and the shadow spokesman for education had been in the Chamber at the time the bill commenced, there would have been no difficulty in him speaking. Since he was incapable of organizing his own movements in order to be present, it is hardly surprising that the Government cannot alter all of its arrangements to suit the convenience of the Opposition. However, since this Government is one of infinite charity and the honourable member for Davidson will have the opportunity to make his remarks in Committee, I shall, accordingly, delay my response until he has then spoken.

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

Dr Metherell: The noes have it.

Mr SPEAKER: Order! The Leader of the Opposition and the shadow minister for education are on the Opposition benches. I assume that they would give the indication to the chair. I rule the question carried.

Mr T. J. Moore: On a point of order. The member who was held by you to be leading on behalf of the Opposition on the bill called a division on the bill.

Mr Sheahan: On the point of order. The honourable member did not signal you in any way. He did not call for a division.

Mr SPEAKER: Order! He did not call for a division. He just said, "The noes have it". That does not indicate that the honourable member wants a division. I rule the question carried in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clause 2

Question—That the clause stand—put.

The Committee divided.

Ayes, 50

Mr Akister	Mr Doyle	Mr Newman
Mr Amery	Mr Ferguson	Mr Paciullo
Mr Anderson	Mr Gabb	Mr Page
Mr Aquilina	Mr Hills	Mr Petersen
Mr K. G. Booth	Mr Hunter	Mr Price
Mr Bowman	Mr Irwin	Mr Quinn
Mr Brereton	Mr Knight	Dr Refshauge
Mr Carr	Mr Knowles	Mr Rogan
Mr Cavalier	Mr Langton	Mr Sheahan
Mr Christie	Mr McCarthy	Mr Unsworth
Mr Cleary	Mr McGowan	Mr Walker
Mr R. J. Clough	Mr McIlwaine	Mr Walsh
Mr Cox	Mr Mair	Mr Whelan
Mr Crawford	Mr H. F. Moore	Mr Wilde
Mrs Crosio	Mr Moss	<i>Tellers,</i>
Mr Davoren	Mr J. H. Murray	Mr Beckroge
Mr Debus	Mr Neilly	Mr Wade

Noes, 32

Mr Armstrong	Mr Hay	Mr Schipp
Mr Baird	Mr Jeffery	Mr Singleton
Mr Beck	Mr Kerr	Mr Small
Mr J. D. Booth	Mr Longley	Mr Smiles
Mr Catterson	Miss Machin	Mr Webster
Mr J. A. Clough	Dr Metherell	Mr Wotton
Mr Collins	Mr W. T. J. Murray	Mr Yeomans
Mr Cruickshank	Mr Park	Mr Zammit
Mr Fahey	Mr Peacocke	<i>Tellers,</i>
Mr Fisher	Mr Pickard	Mr T. J. Moore
Mr Greiner	Mr Rozzoli	Mr West

Pair

Mr Mulock

Mr Causley

Question so resolved in the affirmative.

Clause agreed to.

Clause 4

Dr METHERELL (Davidson) [10.19]: I really do resent the Minister's reference to the fact that I was absent from the Chamber when this bill was called on for debate. Having sat here for four hours two weeks ago waiting for the Minister to return from dinner to introduce this measure, I would have thought that he would have been a little more gracious.

[Interruption]

Dr METHERELL: We can hear the uproar from the enraged members opposite. They are about to learn—

Mr Sheahan: On a point of order. I am in charge of listing government business in the House, not the Minister for Education. On the occasion to which the honourable member for Davidson referred, the Minister for Education was at the Opera House attending a ministerial function. I was asked by the Opposition Whip to put the matter further down the list until the honourable member for Davidson returned to the House.

The CHAIRMAN: Order! The honourable member for Davidson has the call.

Dr METHERELL: The Opposition and the Government agree on only two aspects of this legislation, and they are the ideological desire of the Minister to achieve uniformity in the structure of the governing bodies of the universities and the fact that the Minister has spent twenty years, by his own admission and from what he has said in his second reading speech, plotting the downfall of the senate of the University of Sydney. He has spent twenty years plotting to put in Gough Whitlam as chancellor of the University of Sydney and Peter Wilenski as vice-chancellor. That is what this legislation is about. We have the Whitlam-Wilenski conspiracy to take over the University of Sydney. That is why the Minister said that the legislation reflects almost twenty years of careful consideration. It goes back to his own student days; it goes back to what is referred to in the *Sydney Morning Herald* of 12th November this year as "Rod Cavalier's secret plan: 'King' Gough for chancellor". That is straight from the *Sydney Morning Herald* that is read so closely by the Minister.

The Opposition knows exactly what this legislation is about. We want to make it clear in this debate why we propose to resist every aspect of this measure. What has this twenty years of plotting of the Minister already led to in the administration of the University of Sydney? It has led to the Minister removing from the university senate, because they are not left-wing enough, Laurie Short and Mr Justice McClelland. Laurie Short was removed because he represented the right-wing faction and Mr Justice McClelland was removed because he was too critical of the New South Wales Labor Government. Who has taken their place on the University of Sydney senate? Gough Whitlam himself is waiting so that he may be chancellor of the University of Sydney. A more grossly unfit person for that office could scarcely be imagined. The other replacement for Mr Justice McClelland is to be that well-known, non-partisan, non-committed, openly democratic person, Jenny George, the president of the Teachers Federation. She will be a totally neutral and bipartisan appointment by the Minister in the interests of educational democracy at the University of Sydney.

So, we have the removal of Laurie Short and Mr Justice McClelland and their replacement with Gough Whitlam and Jenny George. They are the first seeds of these democratic reforms by the Minister. What are the next seeds? They involved the very first election in the history of the University of Sydney for the position of deputy vice-chancellor. That position has always been filled by bipartisan consent—by the consensus model, one would have thought, approved by the Labor Party. At that first election Daphne Kok, that well-known friend of the Labor Party, rolled David Selby for the position of deputy vice-chancellor. That is the second seed of the so-called reforms of the Minister. Finally, half of the left-wing slate from convocation was elected to the university

senate in the elections held recently. Who do we find among that left-wing slate of candidates but Peter Wilenski. He was moving into position ready for the retirement of John Ward so that he could fill the position of vice-chancellor of the University of Sydney. Is it any wonder that the *Sydney Morning Herald* carried the headline "Rod Cavalier's secret plan: 'King' Gough for chancellor". I shall quote only a small portion of that article as I am very much aware of the standing orders. That article reads:

This well-organized campaign revolved mainly around Mr Cavalier, who at the time was one of the two parliamentary representatives on the University Senate.

It went on to describe in detail the clandestine meetings held at the university and in this building between the Minister and Gough Whitlam. At those meetings they plotted that Wilenski-Whitlam slate for the University of Sydney. For those reasons the Opposition stands opposed to this legislation. We wish to undo the plot devised by the Minister. Should he go ahead with that plot, should he completely undermine the governance of the University of Sydney, upon our return to government we will undo what that conspiracy has effected. We do not need to go through the pseudo democratic reforms that the Minister claims are contained in the legislation, because we know what lies behind the veil of that pseudo democracy. We know that each of the dance steps behind that veil are dance steps aimed at imposing a left-wing system of governance upon the University of Sydney, just as that system has been imposed on every other university in this State.

I was stunned by the comment of the honourable member for Marrickville that the Hon. Bryan Vaughan's election as chairman of the finance committee of the University of Sydney proved that there could be no animus between that senate and the Government, that there must be a close working relationship between them. I make two points about that. No person on either side of this House could think of anyone less suited to be chairman of the finance committee than that financial ignoramus in another place, the Hon. Bryan Vaughan.

[*Interruption*]

Dr METHERELL: Roars of approval came from the honourable member for Campbelltown. He completely agrees with me on that point. No one could be less fit to fill that position than the Hon. Bryan Vaughan.

Mr Knight: On a point of order. The honourable member for Davidson just accused me quite unjustly of agreeing with him by way of interjection. He has made a slur on the Hon. Bryan Vaughan and I ask him to withdraw it.

The CHAIRMAN: Order! I cannot ask the honourable member to withdraw that remark, but I remind the honourable member he is not making a speech at the second reading stage. I ask him to confine his remarks to the subject-matter of the clause.

Dr METHERELL: I thought I was speaking by leave, by agreement—

The CHAIRMAN: Order! The honourable member should not canvass my ruling.

Dr METHERELL: I took the disorderly interjection of the honourable member for Campbelltown to be a roar of approval and enthusiastic agreement with my statement. There is no animus between the senate of the University of Sydney and this Government, because the Government and the left-wing Minister for Education already enjoy a majority on the university senate. The

Minister has managed to stack each stage in the selection process of the University of Sydney very skilfully and scientifically; and he now has a narrow majority on that body. Before he ceases to be Minister at the next election he is determined to entrench a solid left-wing majority on that senate so that he can shore up a majority for Mr Whitlam and Mr Wilenski.

I come now to the heart of the Opposition's resistance to the Government's proposals. I am sure that the Minister will not mind my referring to Mr Whitlam and his credentials because he made such an impassioned defence of Mr Whitlam in previous speeches on other university amending legislation. There is no doubt that in his forties Mr Whitlam was a parliamentarian to be watched. In his fifties he may well have been at the height of his powers and a man to be admired as Leader of the Opposition in Canberra. In his sixties, when he came to be Prime Minister of Australia, he was a man very much to be feared. Now every member on both sides of this Chamber knows that the former Prime Minister in his seventies is a man to be avoided. He is a man who is grossly unsuitable to be chancellor of a university. The last thing that any person in this place, either on this side or on the other side, would want to see is Gough Whitlam huffing and puffing about "my" university, in the same way as he has huffed and puffed about "my" Government in the ten years since he was thrown out as Prime Minister of Australia.

We will not stand here and see a man like Gough Whitlam abuse the position of chancellor, to pervert the educational leadership of the University of Sydney. Should it come to pass that the senate elects Gough Whitlam for that position, should Sir Hermann Black retire due to ill health before we come to Government, that is an appointment I will take the greatest pleasure in undoing, just as we signalled we would undo the appointment of that other person who was grossly unfit for his position on the university of western Sydney but whose name we will not be hearing tonight.

Mr Sheahan: Get on with it.

Dr METHERELL: Call a division and we will have it on for young and old again. Call a division. We will be here a lot longer as a result, if you call a division now.

Mr SHEAHAN (Burrinjuck), Attorney General and Minister Assisting the Premier [10.31]: I move:

That the honourable member for Davidson, Dr Metherell, be not further heard.

The CHAIRMAN: The question is, That the member be not further heard. All of that opinion say aye, to the contrary no. The ayes have it.

Mr Pickard: No. No. The noes have it.

[*Interruption*]

The CHAIRMAN: Order! Opposition members should make up their minds who will call for the division. At the moment they are a rabble. Who is calling for the division?

[*Interruption*]

Mr Pickard: Anybody has the right to call for a division.

[*Interruption*]

The CHAIRMAN: Order! I name the honourable member for Hornsby as guilty of disorderly conduct and, in accordance with Standing Order 387, I shall report the matter to the House.

In the House

Mr CHAIRMAN: Mr Speaker, I have to report that during the proceedings in Committee I named the honourable member for Hornsby, Mr Pickard, as guilty of disorderly conduct.

Mr SHEAHAN (Burrinjuck), Attorney General and Minister Assisting the Premier [10.33]: I move:

That the honourable member for Hornsby, Mr Pickard, be suspended from the service of the House.

Mr Pickard: Mr Speaker, I took part in the debate and was not unruly or rowdy. I was taking part in the debate by sitting here quietly during most of that debate, but at the point I was told I was part of a rabble and rowdy by the gentleman in the chair, he also said I did not have the right as an ordinary member to call a division. Under what rule of this House am I deprived of the right to call a division? By what rule and since when has any member of this House not had the right to call a division? When has that been taken from us? I was called part of a rabble because I was exercising my right. He wanted to take it from me. He called the Opposition a rabble and named me for that reason.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Oxley and the honourable member for Merrylands to order.

Mr Pickard: I said nothing.

Mr Sheahan: You said what he claimed.

Mr Pickard: I said nothing. I said I had a right to call a division, as a member. That is exactly what I said, nothing more and nothing less.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Hornsby needs no assistance from the honourable member for The Hills.

Mr Pickard: I resent being called a rabble by the man in the chair, and being deprived of my right, which he should be protecting—not taking from me. Nobody can take that from me, except this House by expelling me. If the House takes from me my right and also expels me and deprives me of my right, it will be a bad day for democracy, a bad day for this Parliament, and a shame on that man.

[*Interruption*]

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

[*Interruption*]

Mr SPEAKER: Order! We are approaching the Christmas recess. Honourable members are getting overwrought. At this time we should endeavour to restore dignity to this Chamber. The explanation given by the honourable member for Hornsby suggests he has been named for claiming the

right to call a division. If that is so, it would be a shame and a reflection on the House that he were named and suspended from the service of the House. Can this matter be resolved by the honorable member for Hornsby indicating to the House he is no longer offended by the remarks of the Chairman of Committees and by the motion being rescinded?

Mr Sheahan: On a point of order. Before we go any further, I inform the House I would be more than happy to withdraw the motion in circumstances where it is clear that the honorable member for Hornsby apologized to the Chairman of Committees—

Mr J. A. Clough: Why should he?

Mr Sheahan: —for what is apparently a misunderstanding—

[*Interruption*]

Mr SPEAKER: Order!

Mr Sheahan: I do not need to withdraw the motion, if I follow the advice of the honourable member for Eastwood; I would resume my seat and carry the motion. The situation is—

[*Interruption*]

Mr SPEAKER: Order!

Mr Sheahan: The situation is that the honourable member's explanation really took issue with the Chairman of Committees and in no way explained any misunderstanding on the part of the Chairman of Committees as to what was or was not said on the Opposition benches during the course of the exchange. If the honourable member for Hornsby is giving the House an assurance that all he said was that he called for a division, it is quite obvious that is not what the Chairman of Committees heard. So, if he wants to use part of the five minutes he has left, to indicate exactly what the position is, the Government will give consideration to withdrawing the motion.

Mr Peacocke: On the point of order.

[*Interruption*]

Mr SPEAKER: Order! There is no point of order before me. In an endeavour to restore some dignity to the House I have asked the Attorney General whether he would consider withdrawing his motion. It is now on the basis that the disorderly conduct of the honourable member for Hornsby, even though he may have been calling for a division, was aggressive in attitude. If the honourable member for Hornsby is willing to show some retraction of his feelings and indicate that to the House, the Chair may assist him and the House to get on with its business. I feel hesitant to do so as I am undermining the authority of the Chairman who has reported to me, and the Committee has supported his action.

Mr Pickard: Apparently there was a misunderstanding by the Chairman as to what I was saying amid all the other uproar in the place when I was calling for a division. If he misunderstood what I was saying, I regret his misunderstanding; but I was asking for the right to call a division.

The CHAIRMAN: I accept that.

Mr SHEAHAN (Burrinjuck), Attorney General and Minister Assisting the Premier [10.38]: I seek leave to withdraw the motion.

[Leave granted.]

Committee Resumed

The CHAIRMAN: Order! The question is, That the member be not further heard.

The Committee divided.

Ayes, 50

Mr Akister	Mr Doyle	Mr Newman
Mr Amery	Mr Ferguson	Mr Paciullo
Mr Anderson	Mr Gabb	Mr Page
Mr Aquilina	Mr Hills	Mr Petersen
Mr K. G. Booth	Mr Hunter	Mr Price
Mr Bowman	Mr Irwin	Mr Quinn
Mr Brereton	Mr Knight	Dr Refshauge
Mr Carr	Mr Knowles	Mr Rogan
Mr Cavalier	Mr Langton	Mr Sheahan
Mr Christie	Mr McCarthy	Mr Unsworth
Mr Cleary	Mr McGowan	Mr Walker
Mr R. J. Clough	Mr McIlwaine	Mr Walsh
Mr Cox	Mr Mair	Mr Whelan
Mr Crawford	Mr H. F. Moore	Mr Wilde
Mrs Crosio	Mr Moss	<i>Tellers,</i>
Mr Davoren	Mr J. H. Murray	Mr Beckroge
Mr Debus	Mr Neilly	Mr Wade

Noes, 32

Mr Armstrong	Mr Hay	Mr Schipp
Mr Baird	Mr Jeffery	Mr Singleton
Mr Beck	Mr Kerr	Mr Small
Mr J. D. Booth	Mr Longley	Mr Smiles
Mr Caterson	Miss Machin	Mr Webster
Mr J. A. Clough	Dr Metherell	Mr Wotton
Mr Collins	Mr W. T. J. Murray	Mr Yeomans
Mr Cruickshank	Mr Park	Mr Zammit
Mr Fahey	Mr Peacocke	<i>Tellers,</i>
Mr Fisher	Mr Pickard	Mr T. J. Moore
Mr Greiner	Mr Rozzoli	Mr West

Pair

Mr Mulock

Mr Causley

Resolved in the affirmative.

Clause agreed to.

Bill reported without amendment.

Adoption of Report

Mr CAVALIER (Gladesville), Minister for Education [10.47]: I move:

That the report be adopted.

Question—That the report be adopted—put.

The House divided.

Ayes, 51

Mr Akister	Mr Face	Mr Paciullo
Mr Amery	Mr Ferguson	Mr Page
Mr Anderson	Mr Gabb	Mr Petersen
Mr Aquilina	Mr Hills	Mr Price
Mr K. G. Booth	Mr Hunter	Mr Quinn
Mr Bowman	Mr Irwin	Dr Refshauge
Mr Brereton	Mr Knight	Mr Rogan
Mr Carr	Mr Knowles	Mr Sheahan
Mr Cavalier	Mr Langton	Mr Unsworth
Mr Christie	Mr McCarthy	Mr Walker
Mr Cleary	Mr McGowan	Mr Walsh
Mr R. J. Clough	Mr McIlwaine	Mr Whelan
Mr Cox	Mr Mair	Mr Wilde
Mr Crawford	Mr H. F. Moore	
Mrs Crosio	Mr Moss	
Mr Davoren	Mr J. H. Murray	<i>Tellers</i>
Mr Debus	Mr Neilly	Mr Beckroge
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Noes, 32

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Mr J. D. Booth	Mr Longley	Mr Smiles
Mr Caterson	Miss Machin	Mr Webster
Mr J. A. Clough	Dr Metherell	Mr Wotton
Mr Collins	Mr W. T. J. Murray	Mr Yeomans
Mr Cruickshank	Mr Park	Mr Zammit
Mr Fahey	Mr Peacocke	<i>Tellers</i>
Mr Fisher	Mr Pickard	Mr T. J. Moore
Mr Greiner	Mr Rozzoli	Mr West

Pair

Mr Mulock

Mr Causley

Question so resolved in the affirmative.

Motion agreed to.

Report adopted and bill read a third time.

VALUATION OF LAND (AMENDMENT) BILL

Second Reading

Debate resumed from 20th November.

Mr WEBSTER (Goulburn) [10.50]: I indicate that I am leading for the Opposition in this debate. The Opposition will not oppose the bill. One of the main reasons for the bill is the Government's continued reluctance to face up to the fact that it no longer applies local government rates on up-to-date land valuations. I feel sorry for the Minister for Local Government and Minister for Water Resources because she has had a hard week and her credibility with local government is at stake.

Mrs Crosio: A hard week—it has just commenced.

Mr WEBSTER: That is right, it has only just begun.

Mrs Crosio: Today is only the first day.

Mr WEBSTER: It is and it will be even harder for the Minister as the week goes on. The Minister has failed to deliver so far in her term as Minister for Local Government. Despite the fact that she has made many promises to local government, the best that she can hang her hat on is a bill such as this, which really is only an excuse for the failure of the Government to address itself to the real problems of rating in local government. The Minister has failed to deliver on constitutional recognition, she has failed to deliver on the dismissal of councils and now she has the added embarrassment of the Minister for Public Works and Ports and Minister for Roads introducing a bill that will once again circumvent the Government's planning laws and diminish the role of local government in this State. This has been brought about because the Minister does not have the necessary clout in caucus and in her party to uphold the rights of the independence of local government.

The measures in this bill will assist local government to avoid the confusion that occurred under the Government's rate-pegging programme. Because rates are not levied on up-to-date valuations, councils and individuals have received new valuations from the Valuer-General which have caused them alarm because they feel they may be rated on those valuations. The measures in the bill provide that the Valuer-General needs to provide valuations that are used by local government only for the purposes of rating for water and sewerage or used by the State Government for the purpose of fixing land tax. To that extent I welcome the bill, but as I have said already, it should not have been necessary.

I ask the Minister how much money the measures in this bill will save local government. When I consulted the various local government bodies following the introduction of this bill last week, one of the matters raised with me was that councils are at present spending \$3 million a year on nothing, because they cannot use the valuations that they receive—and the measures in this bill are intended to alleviate that. Will the Government be relieving local government of the need to expend that \$3 million or whatever the amount is that it no longer needs to pay because the valuations are no longer needed? Will local councils be rebated or will they be relieved from paying for the unused valuation lists? While rate-pegging is applied on outdated valuations, the measures in this bill will be necessary. The Opposition will not oppose the bill.

Mr PRICE (Waratah) [10.54]: I emphasize that the Government proposes to amend the Valuation of Land Act to remove the requirement to revise all values in a local government area when a revaluation of only some properties is warranted and to remove the requirement to provide unnecessary factors and apportionments when undertaking new valuations. The present Act requires the Valuer-General to make general valuations of the whole valuation district. The proposal in the bill will enable the Valuer-General to revise at a new base rate values of properties comprising part only of a valuation district where it is considered that those properties are in need of revision. That is certainly a vast improvement on the present system and is a most welcome revision of the Act.

The express purpose of the amendment is to give the Valuer-General the ability to respond to community needs in the administration and application of the Valuation of Land Act. The compulsory requirement will be removed and the Valuer-General will be able to make certain valuations, allowances, apportionment factors or rating base factors if it becomes obvious that they will not be needed by rating or taxing authorities or statutory authorities and will not be used by them. The Government's rate-pegging initiative has been in place for several years, but landowners still become concerned when they receive notices of valuation. Their concern is that the new valuation will affect their rates, even though no new valuations can be used for the general purposes rating, as council rates are calculated on previous values. Landowners often go through the process of objection to the Valuer-General and further appeal to the Land and Environment Court in an endeavour to reduce the value. This involves the complainant in considerable time loss and some expense as well as the loss incurred by the department in defending the action and evaluating the result.

Personal stress in such cases cannot be overlooked. People are subjected to new valuations—not necessarily on land but on all manner of things—in our present lifestyle. The personal problems associated with those valuations can react adversely on a person, especially in a medical sense. Often a hearing may cause a problem not only for an individual but also for the community when the resultant imbalance of valuations and the variations arising from it may cause problems in a future valuation period. Even if the appeal is successful, it is futile and expensive because these new valuations cannot be used. That matter was made quite clear by the honourable member for Goulburn. Though there is no intention to remove from the Act the right to object, the reduction in the issue of unnecessary valuations will reduce this activity to a minimum.

The amendments will complement the rate-pegging legislation. With the introduction of the present rate-pegging legislation for the 1984, 1985 and 1986 rating years, many valuations issued by the Valuer-General cannot be used by councils. Only outside the areas served by the Sydney, Hunter and Broken Hill water boards do some councils use new valuations for water and sewerage rating, but not for general purpose rating. If it is necessary to revise values for water rating alone, then the amendments will allow that these valuations only can be provided. Also at present some allowances, factors, and apportionments are determined and provided as part of the valuation list to authorities that have no use for them. It is sensible to allow the Valuer-General to provide only those allowances, factors and other issues that are needed by the authority to whom the valuation list issues.

Honourable members will also be aware that a system of equalization was introduced last year to allow annual adjustment of values for land tax purposes. Despite this equalization initiative, periodic revision of individual valuations is still needed. However, this need for revision might apply only to some properties within certain zonings. If, for instance, 500 to 600 business properties in a particular area need revaluation, the present provision requires the whole of the district to be revalued, which could comprise 30 000 to 40 000 valuations in any one council area. It is obviously wasteful to revalue all those properties where relative value levels are reasonable in order to catch a few where adjustments are needed. The amendment will overcome that problem. If I could at this moment refer to a couple of issues in the 1985 annual report of the Valuer-General, I shall do that not by way of direct quote but by reference to certain sections.

The Valuation of Land Act was passed in 1916. Since that time subsequent governments have made amendments resulting in various modifications to the values determined under the Act. These include allowances and rating base factors, all of which have varying degrees of relevance to the authorities to which they are supplied. I should like to refer particularly to the matter of land value where the Valuer-General under the amendment to the Act on 1st January, 1982, no longer determines the improved value of land. It is now mandatory for councils and other statutory bodies to use land value for rating purposes. Just to emphasize that point, I specify land value as it is defined, and the land value is the value excluding all buildings and man-made structural improvements but including improvements such as clearing, timber treatment, underground drains and improvements to soil fertility and structure.

Another issue that was dealt with by the Government in 1984 that had a particular interest to all council areas throughout the State was an amendment that provided for an allowance to be deducted from a hotel's assessed annual value. That allowance was either 20 per cent of the assessed value or a year's licence fee, whichever is the lesser, and made for substantial reductions to the water board rating in the prescribed areas for hoteliers in this State. The final matters I should like to refer to are quite clear. It is important to note that there is nothing in the amendments to prevent the Valuer-General making any valuation that is required by an authority. The amendments will allow the Valuer-General to allocate his resources more effectively in making only those valuations that have relevance to rating and taxing authorities and enabling him to provide a better service to those authorities. I believe the bill is in complete concert with the requirements of the community at the moment. Therefore, I support the bill.

Mr CATERSON (The Hills) [11.3]: I support what has been put to the House by the honourable member for Goulburn. The measures in this bill will amend the Valuation of Land Act and remove the obligation of the Valuer-General to make valuations if the valuations will not be used for rating or taxing purposes. Second, the bill will also enable the Valuer-General to provide a valuation list where a rating or taxing authority so requires. The problem, as the honourable member for Goulburn has already pointed out, in respect of the use of valuations has been brought about by the Government's decision some years ago in respect of rate-pegging. Local government since then has not been able to use to any extent the valuations that the Valuer-General has from time to time made in respect of the whole of the local government area. That has brought about the use of base valuations with percentage increases in rates. The Opposition pointed this out a couple of weeks ago during the debate on the

rate-pegging legislation before the House. It has brought about for many people anomalous situations.

The Opposition does not oppose the bill, but I say to the Minister that because of other rate-pegging policies of the Government land values are not used to any extent. When the matter of rate-pegging was before the House I mentioned—and the Minister took me up on it at the time, as honourable members will well remember—the great cost to local government of receiving these valuations from the Valuer-General, which are not used at all except in a few instances. The honourable member for Goulburn talked about a probable cost of \$2 million to \$3 million a year. I said the cost to the Shire of Baulkham Hills in 1986 was something like \$83,775, compared with the cost for the previous year of \$81,774. That is ratepayers' money that is being expended for no purpose at all. I expect and hope that this bill will say to the Valuer-General, "You have no need now to make these valuations except when you are asked by the rating or taxing authority and, therefore, local government will not be burdened by this great cost that the ratepayers in the various local government areas have had to pay over the years even though no use has been made of the valuations".

Rate-pegging has brought about, as I said earlier, a lot of anomalies merely with percentage increases on a base valuation, because of itself it does not take into account that some valuations rise and some fall. There is an argument for valuing land from time to time to make sure that those anomalies are corrected. I suppose the best example is that if one owns land that is rated on the basis of a base some years ago to which certain percentages have been added year after year and the land becomes flood prone and of little value, then it is difficult to ask those ratepayers to pay the higher rate merely because of the percentage increase. A case can be put, at least from time to time, for looking at land values or the unimproved capital value of land, whichever basis might be selected for the purposes of determining the equitable rate that a ratepayer ought to pay to local councils. The same applies to the taxing authorities in respect of the payment of land tax.

The Valuer-General, for land tax purposes, does not add the percentage increase as is done in rate-pegging, but determines in respect of each area an equalization factor, which again has brought about great anomalies in payment of land tax. A constituent visited me only last week in respect of a parcel of land on which he had paid \$1,100 land tax in 1985. The Valuer-General had applied an equalization factor of 2.8 and his rates had gone up from \$1,100 to more than \$9,000 in twelve months. That is the type of anomaly one gets when one is merely looking at a lot of properties and applying an equalization factor. There is an argument then for the taxing authority — the Land Tax Commissioner as an example — to say, "You ought to be looking from time to time at individual properties and not merely applying overall an equalization factor for various areas", because values over a large area vary depending at times on the street or the particular part of the suburb in which one lives, and it is unfair on taxpayers to apply an equalization factor irrespective of other considerations.

I opened the valuers' conference held at the Hawkesbury Agricultural College only last Saturday week. Both of these issues as they affect this bill were raised with me—the equalization factor and whether something can be done at some stage to ensure that the Valuer-General applies a reasonable valuation to properties from time to time. I do not know what period is envisaged should elapse between valuations, but it is certainly a matter that

ought to be looked at. Similar complaints were levelled at the present system of rating. That matter was discussed when we were considering rate-pegging legislation. It is a matter to which the Government will need to give attention if some of these anomalies are not to be continued to the detriment of ratepayers.

Mr NEILLY (Cessnock) [11.11]: I support the Valuation of Land (Amendment) Bill. I support some of the statements made by the honourable member for The Hills. The remarks made by the honourable member for Goulburn were a little astray. Had the Opposition been represented in this House a little more adequately between 6 o'clock and 7 o'clock last Thursday night when the Minister introduced this bill, Opposition members would have noted that the Minister stated that this bill was the forerunner to prospective new rating legislation and that that rating legislation was being developed through a consultative process that dealt with all facets of local government, including electoral representation and local government administration. The bill is designed to provide flexibility not just in relation to local government rating. When the Minister stated the purpose of the legislation she used rate-pegging only as an illustration. As the honourable member for The Hills noted, the bill refers also to other sections of government and government authorities that utilize land valuations for taxation or rating purposes.

A theme that has not been mentioned by any honourable member this evening is that some organizations that utilize land valuations do so for purposes distinct from those of other organizations located elsewhere in the State. In my electorate is located the Hunter District Water Board. It has introduced a system of user-pays rating. At this stage it places less reliance on land values in setting rates and greater reliance on actual water usage. Certain other changes have been made in previous legislation. Those changes will affect the rating system used by that authority when assessing the charges imposed on the commercial sector. The honourable member for Goulburn said quite appropriately that ratepayers should not be required to pay for a commodity that they are not receiving. The cost of providing a service, such as that provided by the Valuer-General's Department, should be taken into account when assessing the charges imposed. If the Valuer-General's Department is required to carry out valuations that will be used in the future, the ultimate cost should be reflected in the charges imposed on those who might in the future use those valuations.

The honourable member for The Hills said that the utilization factor should be relevant in assessing land tax and also should be taken into account in respect of the necessity to have more frequent valuations. If that mechanism is not used, ultimately the person who pays the land tax will bear the cost, just as the person who pays local government rates is required to pay a proportion of the cost of carrying out valuations. I do not know the number of ratepayers in the Hornsby shire or the Baulkham Hills shire. I suggest that nowadays the valuations provided by the Valuer-General's Department probably cost each ratepayer in the vicinity of \$2 per annum. I think honourable members on both sides of the House would consider it to be in the public interest to reduce any cost imposed on ratepayers, whether they be local government ratepayers, water board ratepayers or persons who pay land tax. I commend the Minister on her foresight in introducing this bill as a preparatory measure to introducing more rational rating legislation.

Mrs CROSIO (Fairfield), Minister for Local Government and Minister for Water Resources [11.16], in reply: Before replying to the specific points made in the debate, I wish to make a couple of comments, in particular to the

honourable member for Goulburn who led for the Opposition. Obviously he was upset that he was removed from the House for disorderly conduct when two local government bills were scheduled to be debated. Perhaps the honourable member feels that because he was not in the Chamber when those bills were debated he should not acknowledge the changes that I have introduced since I became Minister for Local Government in February this year. I shall remind him of those changes. I have noted that he said on three occasions that I have failed to deliver. He said that I failed to deliver in respect of constitutional recognition to local government. He said that I failed to deliver in respect of the dismissal of councils. He said I failed to deliver in respect of section 317A certificates. The hypocrisy of the honourable member is demonstrated by the fact that he said in this House that that was the best legislative change that local government had seen for thirty years. Yet the honourable member said that I failed to deliver. For the first time New South Wales is leading all other States in Australia in respect of equal employment opportunities in local government. Caravan legislation came into effect on 1st December this year following amendments introduced by this Government. I refer to animal research legislation. The research review panel has been set up—

Mr Webster: On a point of order. The Minister is now rambling. I did not mention animal welfare legislation in my speech on this bill. I mentioned that the Minister failed to deliver in respect of the dismissal of councils and constitutional recognition of councils. I did not mention animal welfare legislation. I ask you to request the Minister to return to the subject-matter of the bill.

Mrs Crosio: On the point of order. The honourable member, in leading for the Opposition—

Mr SPEAKER: Order! I shall rule on the point of order. No point of order is involved.

Mrs CROSIO: In view of your ruling, Mr Speaker, I shall not tell the honourable member that a strategy review has been carried out of the global land borrowings of councils and that councils were told at least four months in advance what their global land borrowings will do. I shall not tell him of the review carried out in respect of rate-pegging so that councils could be notified four months before they prepared their budgets. I shall not tell him of the restructuring we have implemented in the Department of Local Government; I shall not tell him of the deployment of employees to make the best use of the skills we have available. I shall not tell him of the amendments proposed following the review of the Local Government Act, or about the strategy revision that has been implemented by the team of consultants. I shall not tell him of the pecuniary interest legislation that is about to be introduced into the House, nor shall I tell him about the review by the Electoral Commissioner of local government legislation. I shall not tell him about the Newcastle Act that this House passed during the last session of Parliament, before the Newcastle council was appointed. Before the House is the Valuation of Land (Amendment) Bill and I now propose to reply to the second reading debate on that bill.

In leading for the Opposition the honourable member for Goulburn referred to broken promises. The most notable broken promise in this House was made when he and his leader preached from one end of this State to the other about amendments and changes they were going to make to legislation

concerning the dismissal of councils. What hypocrisy; they did not move a thing in this House.

Mr Armstrong: On a point of order. I realize, Mr Speaker, that you have ruled on one point of order during the Minister's reply, but I draw attention to the fact that we are debating the Valuation of Land (Amendment) Bill of 1986. The night is late and there is much legislation still to deal with; I ask that you direct the Minister to return to the bill.

Mrs Crosio: Does the Deputy Leader of the National Party not like the truth?

Mr SPEAKER: Order! A point of order has been taken by the Deputy Leader of the National Party that the Minister should be directed to return to the scope of the bill. However, she is replying to contributions made to the debate by the honourable member for Goulburn. No point of order is involved.

Mrs CROSIO: A question was asked about what the amendments to the Valuation of Land Act, 1916, would do about the reduction of fees being charged to councils by the Valuer-General. In my second reading speech and also publicly, I have said far and wide that these amendments are part of the reform of the rating and valuation system. The honourable member for Waratah and the honourable member for Cessnock clearly acknowledged that in their appreciation and understanding of the bill. It is intended that the amendments will contain costs. They will do so by providing valuations for rating and taxing. If the honourable member had asked for this information it would have been provided specifically. This is done not by statute revision but by regulation, and this Government is the master of its destiny in that regard.

[Interruption]

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

Mrs CROSIO: This bill is the first step in a review of rating reform, and follows other rate-pegging legislation this House has dealt with on earlier occasions. It is part of the package of reform and change that has been accepted on a bipartisan level. The Leader of the Opposition and members on the Opposition benches touted this legislation as measures they would not change, legislation they would support. They said that local government cannot go off at a tangent. The Government is taking a commonsense approach to review and revision. When the Government reaches the stage of being able to make amendments to the legislation it will do so in an orderly fashion.

The honourable member for The Hills, in speaking on the rate-pegging legislation that took place in this House, asked what it would mean to councils. With this bill we understand that outside Sydney and the Hunter region and the Broken Hill district water and sewerage area, charges and rates will be reviewed each twelve months. Those revisions of complete districts will still be undertaken. The more frequently properties are revalued, the less likelihood there is of a distortion occurring in charges. I am replying now to the question raised by the honourable member for The Hills. He spoke of the equalization that was introduced in this Parliament some twelve months ago and how that

affected land tax. It is important that all honourable members should understand that as the land tax scale applies over the whole State the process of equalization has removed many taxing anomalies, and it is still most important that the value base be reviewed regularly and kept fine-tuned. This legislation will allow the Valuer-General to use his resources to the best advantage.

Questions were raised about the fee structures. The Valuer-General informed me this evening that there has been no change in fees charged since 1982-83. No increase was made last year, or the year before. Before we can talk about more amendments we need to remove from the statute the power conferred upon the Valuer-General to renew and review every local government area at least once every six years. We cannot look at other amendments until that has been removed from the Act. The honourable member for Goulburn said the Opposition supported the bill, but why does the Opposition not support it frankly and honestly? Otherwise, it should question anomalies it feels are contained in the bill and withdraw support. It was hypocrisy to register support for the bill but then go on to speak of what the Minister and the Government have supposedly not done. I am pleased that the honourable member for Cessnock and the honourable member for Waratah, in their commonsense approach, spoke in support of this bill. Change will not come about overnight; it is part of a continuing review of local government in this State. That is recognized by local government. Perhaps that is one of the points that disturbs the honourable member for Goulburn. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LOCAL GOVERNMENT (GENERAL REVISION) AMENDMENT BILL SEARCH WARRANTS (LOCAL GOVERNMENT INSPECTORS) AMENDMENT BILL

Second Reading

Debate resumed from 20th November.

Mr WEBSTER (Goulburn) [11.27]: I lead for the Opposition on this bill. The Opposition gives general support to this bill. With a couple of exceptions the fifty or more changes it contains were requested, largely, by local government. This bill marks the achievements of the Minister for Local Government so far. The Minister referred to remarks I made in the previous speech. In turn, I point out that her achievements as a Minister, although not totally lacking, have not lived up to the promises she has made to local government. For her to say, as she did earlier, that we in this House did not move amendments to the Constitution (Local Government) Amendment Bill is not right. We did so. The Leader of the National Party in my absence on that occasion moved amendments which were defeated by the Government. The blame for that rests on the Government's head. I shall make sure that all local government areas in New South Wales get a copy of the amendments moved by the Leader of the National Party. They will be aware of the Clayton's effort of the Minister in dealing with the dismissal of councils. The principal bill, and its cognate bill, caused persons in local government circles to have reservations. It was felt that the cognate bill, the Search Warrants (Local Government Inspectors) Amendment Bill has the smell of police State tactics about it.

Mr Wade: Why do you not oppose it, and have done with it?

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

Mr WEBSTER: Local government hopes, as I do, that this bill, together with the local government inspectors legislation that passed through this House a couple of weeks ago, which we also did not oppose, will keep State Government out of local government. This week, as we celebrate the anniversary of the sacking of the Warringah shire council we can only hope that these amendments the Minister has made—which fall far short of what she told the shires conference she would have to do when she first became Minister—will at least stop this Government from interfering with local government. This Government has achieved a shocking reputation for sacking councils since it came to office more than ten years ago. If it means handing draconian powers to local government inspectors, we will put up with it in the hope that the Government will adhere to what it said and not summarily sack councils.

The sacking of Warringah shire council just under twelve months ago was one of the most shameful events this Government has ever perpetrated. One need only ask the people of the Warringah shire to find that. Like the sacking of the Sydney Cricket and Sports Ground Trust, referred to earlier this evening by the honourable member for Castlereagh, it was done on the whim of the Premier who, in a fit of pique, decided the Warringah shire council should be sacked. Unfortunately, no reason was given by this Minister after almost twelve months as to why that council was sacked. What will she do? Will the Minister apologize to the sacked councillors, whose reputations as solid citizens have been besmirched by that action? Will the Minister reinstate that council? Will she remove the smear from their names? I do not believe she will. The Minister has promised an election in Warringah but we have heard nothing more of that.

Mrs Crosio: The question was asked: What has it to do with the bill? I said to my colleagues that it has nothing to do with it.

Mr WEBSTER: We are talking about local government inspectors, and it has taken the Minister eleven months to act.

Mrs Crosio: What about the police report, is the honourable member going to put that into *Hansard* as well?

Mr WEBSTER: Is the Minister going to act? What is she going to do? Tell us all about it.

Mrs Crosio: I will reply when the honourable member is finished.

Mr WEBSTER: Honourable members would like to hear, because it is just about a year since that council was sacked and it has not been given one reason why it was sacked. I hope this cognate bill, which complements the Local Government (Inspectors Reports) Bill that was passed a few weeks ago, will assist the Government to resist the temptation to sack councils for no good reason, which it has done in the past.

Mrs Crosio: What about your government in the past?

Mr WEBSTER: I was in short pants then. I welcome the elimination of the need for local government to seek external approval for various matters, whether it be from the Minister or the Government. That sort of thing makes councils more responsible and accountable. I congratulate the Minister on that

and also on her reforms; but she has a long way to go. It is interesting to see how she has backed off on pecuniary interests. If the minor changes in this bill are to be her effort on pecuniary interests, that is good, because it is obvious that the threats that were made about pecuniary interest returns by local government councillors would have frightened off anyone who had any thought of going into local government.

Mr J. H. Murray: Like real estate agents.

Mrs Crosio: And developers.

Mr WEBSTER: You people ought to know all about that. You have plenty of good friends in that regard. If that is the Government's effort, that is good because no one would have stood for council if some of the changes that were proposed by the Government were implemented. I give notice of two amendments I propose to move in Committee. One is to stop ministerial authority being delegated to a public servant in the person of the secretary of the Department of Local Government and the other involves the director of the Department of Local Government. The Opposition does not oppose these bills.

Mr NEILLY (Cessnock) [11.32]: I lend support to the Local Government (General Revision) Amendment Bill and cognate legislation. In doing so I should make some brief reference to the comments made by the honourable member for Goulburn.

Mr Webster: The Minister will do that.

Mr NEILLY: I can handle them in my own way. The honourable member made a few brief remarks at the beginning of his speech about the cognate legislation and mentioned that more than fifty separate amendments are entailed in the legislation. He then moved on to speak about everything except what is contained in the amendments and concluded by pointing out that a couple of amendments to the legislation would be proposed by the Opposition. Again, I suggest the honourable member for Goulburn should read the Minister's speech if he cannot be in the House to hear it delivered. At the conclusion of the Minister's second reading speech she made specific reference to pecuniary interests, that it was her intention that there be a far broader review of the pecuniary interests provisions under the Local Government Act. The honourable member for Goulburn also should note the name of the bill: it is the Local Government (General Revisions) Amendment Bill; it is not the *fait accompli* of the Government's intention to amend the Local Government Act. The Minister has announced on many occasions that it is her intention as Minister for Local Government to implement, during the term of her office, a full revision of the Local Government Act.

The objects of the bills are succinctly outlined in the preamble but I should like to speak to some of the specific provisions. Though I realise that there is to be a general review of the legislation and this sort of thing has taken place under this Government on an annual basis, many of the determinations incorporated in these amendments have not been dreamed up by the Government. They have resulted from approaches by various local government authorities and organizations and through the initiatives of the Government and the Department of Local Government. As I mentioned, there are some fifty amendments. Schedule 1 refers to amendments to the principal Act relating to rating and finance. The first amendment under item (1) of schedule 1 provides that the mayor or president of a council may authorize from \$20 to \$2,000 as urgent expenditure.

Purely and simply that is a commonsense amendment which brings us into 1986. It has been necessary for years. Item (2) of schedule 1 will amend section 139 of the Act to provide that a council shall refund part of rates paid for land which become not rateable if the landowner so requests. In other words, it will provide something that in most council areas is done as a bona fide gesture. Why should the obligation be on the ratepayer to seek a refund of rates when that person is not really liable to pay rates because of a revision of the land valuation. Item (3) of schedule 1 amends section 160AA to include as an eligible pensioner for the purposes of an application for the reduction of rates a person who holds a pensioner health benefits card issued by the Commonwealth Department of Veterans' Affairs. Many councils, despite the fact that they have the Local Government Act as an operating base, when it comes to making provisions in relation to rating rebates, fail to properly interpret the Act.

I suggest that the experience of the Department of Local Government has been that many councils have been providing rebates to those persons though no general provision is to be found in the Act and presumably the department through inspections has drawn the attention of the councils to the fact that they have been incorrectly making certain provisions for pensioners not so entitled and probably have turned a blind eye to it on certain occasions. This legislation will ratify that situation for those who have a bona fide and deserved right to receive rebates in such circumstances. Item (8) of schedule 1 amends section 378 of the principal Act to allow different minimum rates for water, sewerage or drainage to be prescribed by a council. Within the past eighteen months changes were made to the Act related particularly to the Central Coast where a common rate was sought for the Central Coast in council areas such as Wyong and Gosford, instead of having separate rates as applied under the existing scheme. It was found that when a new sewerage scheme was introduced, because of current costs the applicable rate was necessarily different to that applying under the scheme that had been in vogue for some considerable time.

I presume this amendment provides flexibility in the ability to rate which was contemplated when that amendment was made. Item (9) of schedule 1 amends section 503 of the Act so that in cases of hardship the spouse of a person who is or has been engaged in war service is eligible to write off rates and extra charges on overdue rates. I am some distance from Murrurundi but a lady from that district has called to see me on several occasions in the past two or three years. She is in precisely this predicament because of her rating difficulties. She has sought that provision be made for persons in such circumstances, and this amendment quite correctly will provide that relief. It is virtually a matter for the council to decide whether it believes the person deserves or warrants such relief.

Schedule 2 to the bill will amend the principal Act so far as it relates to elections and council members. Paragraph (c) of item (1) of schedule 2 will amend section 30 of the Local Government Act to require the council clerk to make available to a person nominated for election to a civic office a certificate showing any amounts owed to the council by that person. A person may nominate for election to the council but find that a debt due to the council has not been discharged because his wife failed to pay the amount due. When that person stood for election, he would be barred from nominating because moneys due to the council had not been paid. The amendment is designed to overcome any difficulty that may arise in such circumstances.

Item (2) of schedule 2 will amend section 30A of the principal Act to provide that an interest that a council member has as a member of a club is not a pecuniary interest for the purpose of dealing with pecuniary interests as presently stipulated in the Act. Why should a person who is a social member of a bowling club have to divulge that fact to satisfy the requirement of disclosing his pecuniary interests? Item (3) of schedule 2 will amend section 73 of the Local Government Act to enable a vote to be recorded by ticking or marking one box on a ballot paper for council election where preferential voting applies and there is only one candidate to be elected, regardless of the number of candidates standing for election. That amendment will put local government on the same footing as State governments. It is a commonsense amendment. One did not have to be a genius to draw up these amendments.

The honourable member for Goulburn attempted to suggest that the measures in these bills are the totality of the Government's consideration in respect of the Local Government Act. That is not so. Schedule 3 deals with amendments to the principal Act relating to approvals under the Local Government Act. Generally the schedule deals with the appointment of health inspectors. Item (5) of schedule 3 will amend sections 108, 109 and 110 of the Act to remove the Minister's power to direct, when a special, local or trading fund of a council is closed, to which other fund the remaining balance will be transferred. For many years I was an accountant employed in local government and the most perfunctory exercise in which I was involved concerned applications for ministerial approval or for the approval of the Governor-in-Council. Inevitably, whatever the council put forward was approved. Moneys were raised by the council to provide for local needs. An attempt was made to see that those funds were applied to the avenues for which they were raised. When raising funds it is not always possible to achieve one's budget objective. The amendment proposed is common sense.

Item (10) of schedule 3 will amend section 340F of the Act to remove the requirement that a council obtain the approval of the Governor-in-Council before disposing of or dedicating council land which is reserved for drainage but is no longer needed for that purpose. One of my objectives as a local government administrator was to avoid having useless land for the purposes of rating. As a local government administrator, I sought to convert that land into a rateable proposition. If it were possible, I attempted to appropriately drain a section of the land by the use of box culverts, pipes and the like, so that the land could be turned into a rateable proposition. It seems ludicrous that if such an objective were achieved, the Minister's approval should then be necessary for the land to be designated for drainage purposes.

Item (12) of schedule 3 will amend section 357A of the Act to enable the trustees of an institution to transfer assets of that institution to the council without first obtaining the approval of the Governor-in-Council. Frequently I found that institutions such as the school of arts were no longer required by the community in that particular format. Those institutions were left in the hands of local government or local committees. Those authorities did not wish to maintain the buildings and someone had to take responsibility for them. There is no compulsion on local government to engage in that role, but where they choose to do so, I do not see why councils should seek the approval of the Governor-in-Council.

Item (13) of schedule 3 will amend section 364A of the Act to allow a council to lend money to a sporting club not conducted for private profit to construct or improve sporting and associated facilities without obtaining the

approval of the Minister. Time and again local organizations which have been assisted by local councils have been listed as a sundry debtor in the books of the councils. As a consequence councils have probably been in breach of the Act. The amendment proposed seeks to avoid obtaining the approval of the Governor-in-Council. Items (18), (19) and (20) of schedule 3—

Mr SPEAKER: Order! It is against the spirit of a second reading debate for an honourable member to go through the bill clause by clause or schedule by schedule. The honourable member for Cessnock should confine his remarks to the generality of the measures in the bill.

Mr NEILLY: Other amendments to schedule 3 will enable the council to participate in tourist promotions and industrial developments in local council areas. Frequently, requests are made to local government authorities for assistance. It is often the case that local government obtains approval to make funds available at a time too late to be of benefit. The amendments will overcome that anomaly.

Mr Webster: On a point of order. The Opposition has been patient with the honourable member for Cessnock as he goes through the bills clause by clause and schedule by schedule. You just made a ruling on that matter and the honourable member once again is referring to various clauses and schedules of the bills in order. I feel that he should be brought back to the second reading speech on the bill rather than going through it in Committee stage fashion.

Mr SPEAKER: Order! The point taken by the honourable member for Goulburn is valid. It is against the spirit of debate, particularly at the second reading stage, to go through the bills clause by clause or even jumping some and picking up others. I ask the honourable member for Cessnock to deal with the bills in a general way even though some of the matters he wishes to raise are specific matters, rather than proceed through the bills clause by clause.

Mr NEILLY: I take note of your comments, Mr Speaker, and those of the honourable member for Goulburn. In winding up on these bills, probably one of the most important changes mooted is in relation to local government inspectors and the fact that the Government is virtually recognizing that a ratepayer is similar to a shareholder of a company, and that some of the entitlements that shareholders have in relation to the finances of a company should be available to ratepayers who have contributed to a council's finances in so far as the management of the council is concerned and any inspections, whether they be inspections by an inspector of the department or by a consultant brought in through the Department of Local Government, should be made available at the first opportunity not only to the council but also to the individual ratepayers.

I can recall in my years in local government that the first thing an inspector did was walk in unannounced, go over to the cashier's office and count the change float that was available to the council. Local Government has come a long way during the period this Government has been in office. The Government has taken local government away from a purely perfunctory examination by inspectors to a review of its managerial needs. The bills take that a little further and recognize the fact that the department does not have the resources to carry out full managerial investigations and if a managerial investigation is required, it should be carried out at the cost of council and in accordance with the instructions of the Department of Local Government. I support the bills.

Mr CATERSON (The Hills) [11.52]: I am pleased that the Minister has reaffirmed her intention to undertake a complete review of the Local Government Act and that these amendments are only some necessary alterations that cannot wait for the complete review. The Act is a large, complicated and, in some respects, outdated and outmoded Act and certainly needs reviewing. I look forward to the Minister undertaking that task and presenting in the next session of Parliament, if possible, a revamped Local Government Act that may be more readily readable than the present Act. The Minister has also pointed out in her second reading speech that the purpose of the bills is to expunge from the Local Government Act certain actions that need to be taken by councils to gain approvals from the Governor, the Governor-in-Council or the Minister and place the responsibility back, as it rightly ought to be, on local government itself to make decisions on matters that come before it. This is a good move and one to be commended.

Some of the particular matters to which the Minister has given attention in these bills relate to the the situation where a council may agree to elect the mayor or president by a poll of electors subject to the results of a prior referendum, provided it is approved by electors, and that is a good point. At present there is a requirement in the Act that a further approval has to be given, and that has often taken time. There is no reason at all why if electors say that they want to elect the mayor or president by popular vote, that ought not be done by action of the council. The bills will enable councils to approve the appointment of certain senior officers and I cite some: the clerks, electrical engineers, building surveyors and people of that type—senior executive staff.

Up to the present those appointments have had to be approved by the Minister, which seems to be an unnecessary procedure. After all, councils appoint these people to interview staff, to advertise and to do all the things necessary to obtain staff. They are the ones who control the staff when they have appointed them. That again is a good change that will be made to the Act. I note the Minister has reserved her right to direct the termination of a senior officer in certain circumstances. The bills will also eliminate the role of the Minister in opposing the opening of new public roads by public bodies. Many other good changes that can only streamline the activities of councils and people involved in them are contained in these bills. That is good, because there is no doubt that the work of councils down through the years has become more complicated than it ever was in the past, and councils have had to take on additional responsibilities.

Once upon a time councils were involved in the provision of roads and drains and that was about all, but now councils have entered into many other fields, of social welfare, health, child care and many other aspects that were not envisaged when the Local Government Act was first enacted in 1916, or it might have even been before that time. I know it is a longstanding Act. I should like to mention other changes, particularly the ability of councils to lend money to sporting clubs. That matter was referred to by the honourable member for Cessnock. I think he mentioned also the development of industrial undertakings. There has been a long-winded process of having to put these to the Minister. I am not suggesting that Ministers have not carried out their jobs properly, but there is no doubt that when these things have to be done a lot of time is involved in the various government processes. The other matter is the promotion of the tourist industry. Under these bills money will be able to be lent without the approval of the Minister. Again, these are only examples that

I have looked at in going through the bills, through the explanatory notes and through the Minister's speech.

I am a little disappointed in the Ministers proposal in respect of elections. The changes proposed are only minor, as I see them. The Minister might well have considered making other changes in this bill at this time. In light of the fact that the four-yearly election will be held in September next year, one might have thought that the Minister would have given some attention to whether responsibility for holding such elections should be taken from the councils.

Mrs Crosio: That will be dealt with in a special piece of legislation to be introduced in the next session of Parliament. This is a review.

Mr CATERSON: I understand that. This is a matter that I thought might have received some attention. I am glad to hear the Minister say that. Removing responsibility for holding elections from councils and putting it in the hands of the Electoral Commissioner seems to be a step in the right direction. I hope that the Minister has given attention also to a matter that has been brought to my notice by a number of constituents who are interested in local government. At present the election is held on the third Saturday in September.

Mrs Crosio: The fourth; it has changed.

Mr CATERSON: Yes, it was changed from the third to the fourth Saturday in September. My constituents are concerned about elections falling within the school holidays. I hope that the Minister examines this matter. It may well be that they should be held some time later—perhaps in October—to overcome that problem. Such a matter might have been attended to in a review. When the Minister is considering the holding of elections I hope that she will try to avoid them being held during school holidays, because that is not a popular time to hold elections, as the Minister may well know. I realize that the Heathcote by-election and now the Bankstown by-election are to be held on 31st January, which is just before the school holidays finish. That timing has produced some adverse public comment.

I support the amendment to section 527, which will make it clear that the members of those committees can have certain powers that councils are now able to exercise. Section 527 committees in my area play an important role in the development of parks, reserves, buildings and so forth. The provision that will allow councils to give to those committees certain additional powers is a good move. The bills provide for a number of other changes, which the Minister in her second reading speech called a miscellany of amendments. In the main I feel that those changes are a step in the right direction. The honourable member for Cessnock mentioned the appointment of health surveyors and many other matters. One always has to watch that among the good things provided for in legislation introduced by the Government other things are not slipped in. The honourable member for Goulburn said that the powers given to the inspectors seem to go further than they should. That is my view also. The honourable member for Goulburn called them draconian powers. One needs to be very careful when giving the sorts of powers that the Minister is conferring in this legislation on inspectors, whether they be local government inspectors or persons in a similar category. The Minister in her second reading speech said:

Firstly the bill expressly provides that, for the purposes of the Local Government Act, an inspector may at any reasonable time enter any premises or any other place for the purpose of investigating any matter relating to an inspection under section 212.

Additionally, the inspector will be empowered to make such inquiries, investigations or searches as may be necessary to ascertain information on any matter relating to that inspection. Ancillary powers of examination, questioning and the like will also be conferred on local government inspectors.

I believe that provision goes too far. Inspectors will certainly have more power than police officers. That sort of provision should be avoided. I hope that the inspectors exercise this power wisely and prudently. For instance, an inspector will have power to enter on to residential land. Only in respect of residential property does he or she have to get a search warrant. They may enter any other private property at any time without a search warrant. That refers to commercial premises, industrial premises or any premises other than a residence. The powers given to inspectors are too wide. I hope that inspectors use those powers properly and wisely. Apart from my reservations about the powers being conferred on inspectors, the proposed changes in the main are advantageous to local government.

Mr J. H. MURRAY (Drummoyle) [12.6 a.m.]: It was pleasing to hear the honourable member for The Hills adopting a bipartisan approach to this legislation. He has had much experience in local government. He is at present a practitioner in the field. It was pleasing to hear him give credence to the Minister's efforts in respect of these bills. The Local Government Act is primarily a piece of legislation by which the State Government delegates powers and duties to local government. In addition, the Act constitutes a code for the regulation of most council activities. However, when a deficiency is discovered or a problem with the administration of any provision becomes apparent, the government of the day usually amends the Act. That is what is proposed this evening. The legislation proposes that certain specific amendments to the Act be so designed as to bring about a revision of the Act.

In the main, the proposals in the bills that promote change have arisen from resolutions emanating from the Local Government Association and the Shires Association conferences and also from submissions presented to the Minister and the Department of Local Government by individual councils as they have encountered these problems in the conduct of their daily business. The Minister is committed to a complete review of the Local Government Act. This legislation forms part of that process. Honourable members will be aware that Ministers for Local Government are often faced with difficult decisions when matters of malpractice or incompetency concerning individual councils are raised. This legislation will allow the secretary of the Department of Local Government, if he has reasonable grounds for believing that a council is not properly managing the local government of its area or that the council is not being efficiently administered, to require that a management review of the council be carried out by a consultant appointed by the secretary in accordance with the directions proposed by the secretary in consultation with the council. This management review shall be carried out at the expense of the council and the consultant's report shall be laid on the table of the council as if it were an inspector's report.

I know that some local government authorities will object to these procedures, claiming that they will result in additional costs to ratepayers. However, I am certain that aldermen will realize that in recent years, in order to fill the objectives of promoting efficient and effective management by councils, the Department of Local Government, through its inspectors, has carried out management-oriented inspections of councils in addition to the ordinary special investigations under section 212 of the Act. Many of these

inspections have required inspectors to spend extensive time in the field and in the compilation of the reports. Some of these reports of necessity have been very detailed, with the inspectors virtually assuming a full consultancy role. I believe that aldermen will thus understand that, in view of this Government's stated objective of improving the efficiency and effectiveness in government, the present staff constraints imposed on governments mean that this process can no longer be carried out effectively.

I applaud the Minister's initiative in seeking advice from outside local government, for I understand the Department of Local Government in future will co-ordinate management inspection by developing standard terms of reference and by engaging, together with councils, persons with the requisite skills. Consultants will be selected from a panel of persons approved by the department. A further element of this legislation is the provision to eliminate the need for certain external approvals to be obtained by councils in exercising their functions. These include those relating to public wharves, trading undertakings, loans to sporting bodies, leases of council land other than public reserves, and tourist development. Basically, this provision transfers responsibility for making local government decisions on local matters from the State Government to local government, and will be applauded by all.

The Local Government Act has many provisions which require councils to obtain either the Governor's approval or the consent of the Minister for Local Government to undertake certain activities. In most cases these outdated and outmoded requirements are relics of the past when local government was only in its developing phase. In proposing to vest final decision-making with respect to these matters in the hands of local councils, the Government recognizes that local government has come of age and is best able to judge what is best for its local areas. Examples of external approvals being removed are the need to obtain approval for the naming of roads, the opening of lakes, the sale of drainage reserves and the making of certain loans. In all, these amendments to the Act will reduce delays and cost to councils and also will allow the Department of Local Government to devote its resources to more salient local government matters.

One further proposal in the bill is that designed to strengthen the powers of local government inspectors. This strengthening of inspectors' powers will have the effect of ensuring that councils act responsibly and apply sound management principles to their respective local government areas. The bill also will empower the secretary of the Department of Local Government to provide a copy of an inspector's report to an elector after the report has been laid on the table by the council at the council's ordinary meeting. The intent of this provision is to overcome the practice of some councils in the past of delaying the tabling of inspectors' reports, and will ensure that electors have early access to the reports, their contents and recommendations.

Further, this bill spells out in specific terms the pecuniary interest provisions relating to aldermen who have membership of clubs or similar associations which have matters before councils. The bill provides that mere membership of a club does not bar aldermen from deliberating on matters before council in relation to these clubs. It does, however, still require that council members disclose financial interests and positions held in clubs under discussion. This change to the Act will eliminate the great number of applications made by councils to the Minister seeking removal of the disability on voting. I well remember, during my time in local government, a number of occasions where the council was thwarted in making decisions. In one case in

Drummoyne, in particular, a development involved many millions of dollars. Work on the development had to cease while the Minister gave permission to aldermen who were also members of the Drummoyne rugby club to participate in the debate. I know that Ashfield council also has been involved with the same sort of problems, and in one case there were insufficient members to form a quorum because the rest of the council had membership of the club in question.

The bill contains some fifty specific measures which, taken as a whole, will provide an important update of the Local Government Act. Time precludes me from dealing with all these measures. However, I applaud the Minister in amending section 160AA for seeking to include, as an eligible pensioner for the purpose of an application for the reduction of rates, a person who holds a pensioner health benefit card issued by the Commonwealth Department of Veterans Affairs. This overcomes the anomaly where the Act now only applies to pensioners holding a social security card. As there are more facilities in the Drummoyne electorate providing accommodation for war widows than in any other electorate in New South Wales, this will have special appeal to those many ladies who have seen me of late, seeking this special dispensation.

The amendment of section 73 (4) (f) provides that where there is only one candidate to be elected at a local government election, a voter may record his vote by placing a cross or a tick in the appropriate place on the ballot paper, irrespective of the number of candidates' names shown on the ballot paper. The present provision only permits ticks or crosses where there are not more than two candidates. This provision will thus bring the local government election procedures into line with State electoral provisions. There are many more amendments which will do much to facilitate the efficient running of local government. I congratulate the Minister on the presentation of this legislation, which is in the interests of local government, and will lead to greater efficiency.

Mrs CROSIO (Fairfield), Minister for Local Government and Minister for Water Resources [12.15 a.m.], in reply: The honourable member for Goulburn led for the Opposition in this debate as in the previous legislation. On this occasion, as on the other, he said I did not keep my promises, and referred specifically to a conference of local government and shires held in June of this year. At that conference I said there would be a rating review. They have it. Also, I said there would be early notification of rate-pegging legislation. They got it. I said they would have a review of their global loan borrowings. They have it. I said they would have a review of equal employment opportunities in local government. They have it. The honourable member for Goulburn cannot in one breath say one thing but in the next breath say something else. He spoke also of the dismissal of councils and what has happened in that respect with this Government. I referred to the ten years when the coalition parties were in office and the number of councils they sacked. His answer to that was to say that he was then in short pants. I assure the honourable member that mentally he is still in short pants. He should consult with the honourable member for The Hills, who has had experience in local government.

Mr Webster: Tell us about Warringah.

Mrs CROSIO: The honourable member for Goulburn interjects and asks to be told about Warringah. It is a pity that he did not, with the Leader of the National Party and the Leader of the Liberal Party, instruct one of the Opposition members earlier today in the framing of his question during question time. We have had an inspectorial report on Warringah shire council. There has been also a full police investigation. The police report was furnished

to the Minister for Police and then to me as Minister for Local Government. With it came a letter from the Commissioner of Police in this State, a person whose integrity I hold in the highest regard, requesting that the Minister of Police ask me to send the report—which is bigger than a telephone book—to the Crown Solicitor, through the Attorney General, for advice. That is where the report is. A public statement has been made to that effect on more than one occasion. I will not be exercising any of my authority with the Cabinet minutes I have prepared for an early election in Warringah shire until I obtain a clearance from the Crown Solicitor, by courtesy of the Attorney General. When I receive letters like that from a person of such high integrity as the Commissioner of Police, I do not disregard them. Would the honourable member for Goulburn or his leader refute what was said by the Commissioner of Police, who wished that certain action be taken? I assure him, that I and this Government, will not.

The honourable member Goulburn also referred to pecuniary interests. He said that if this amendment is all we intend to do about pecuniary interests, well and good, because of the draconian measures this Government is taking elsewhere, and the way they will affect people joining local government. In the last words of my second reading speech I said that honourable members will be aware that I have already announced a full review of the pecuniary interests provisions in the Local Government Act and expect to introduce suitable legislation to this House in the next parliamentary session. Thus there was not only an amendment to section 30A in the review, there were also the public statements made by me outside this House and inside this Chamber. The honourable member for Goulburn does not want to listen, but that is because he is still mentally in short pants. He also said how frivolous the debate was to talk about reform in legislation and that local government in New South Wales would realize how frivolous the debate has been. And he said that was particularly so because we would even dare to give inspectors the power of right of entry.

The proposal I was talking about—and I tried to speak very slowly in my second reading speech—was to confer on local government inspectors the right of entry they need when going with officers of council; the same rights as those councillors have in exercising their duty. How many times in the past have our inspectors been called upon to attend to the conforming with a building regulation, the space between buildings and boundaries and to go for an inspection with a council officer? What happens? Our inspectors do not have the right of entry into those properties or even the right to exercise their duties under legislation that has been approved not only by this Government but also by previous governments. If a council employee, an employee of local government, has the right of entry to oversee compliance with the Local Government Act by members of the public, surely an inspector of the Department of Local Government should have that same right of entry, whether it is to accompany that officer or to carry out the duties required to produce a report. In the past it has been demonstrated clearly that individual inspectors have been embarrassed because this power has been lacking. They lack the power to enter a particular property.

The honourable member for The Hills was concerned about the types of property involved. In my second reading speech I referred to private property. Whether that property is 2A residential, commercial, or industrial, it is private property so the same requirements apply. To enter that private property the inspector will be subject to the constraints and limitations imposed

by the Search Warrants Act of 1985. Obviously the power of an inspector to enter any property will be used only as a last resort. Two amendments are to be moved by the Opposition in Committee. One of those proposed amendments has already been picked up, even though I had not shown the amendments to the honourable member for Drummoyne when he was speaking. The Opposition is completely against the secretary of the Department of Local Government having any power whatever to direct a council to carry out a management review after consultation with the council. The amendment which will be proposed by the Opposition in Committee—and I shall speak now rather than in Committee—

Mr Webster: On a point of order. I paid the Minister the courtesy of making the amendments available to her so that she would know what they were, not so she could debate them during her reply to the second reading.

Mrs Crosio: On the point of order. The honourable member for Goulburn may have my reply on why this House will not accept the amendments either now, in my reply, or in Committee. As the honourable member paid me the courtesy of giving me a copy of the proposed amendments, I thought it was only right and proper that I should inform him why the Government will not accept them.

Mr SPEAKER: Order! The Minister has answered the point of order. The honourable member for Goulburn indicated that the Opposition would be moving certain amendments. The Minister was replying to that fact and giving reasons why the amendments are not acceptable. Probably they will be debated again in Committee. No point of order is involved.

Mrs CROSIO: So that I shall not delay consideration of the bill in Committee, I shall say again that the amendments are not acceptable. What a terrible thing it is to give a departmental head, the secretary of the department, the right of implementing a management review of councils. Again, in his reading of the legislation, the honourable member for Drummoyne picked up why the secretary should have that power. However, he may not have picked up one matter because he may not have read the full Touche Ross report following the Newcastle investigation. Before I became Minister for Local Government, Touche Ross was employed to do a complete management review of the Department of Local Government. The Touche Ross report of that management review stated clearly that inspectors of local government should not be carrying out the full scale management reviews of councils. These inspections are time consuming and they can no longer be carried out effectively within the time constraints of the department. However, that department should carry out special investigations and management audits in consultation with councils and at the direction of the secretary of the department.

Does the honourable member of Goulburn, in leading for the Opposition, feel that the secretary of any department or the head of any department would carry out any action after consultation with the relevant authority without consultation with the Minister? The Government has no fear of that. Clearly that is to give easier access to facilities and to do what the secretary considers necessary so far as the problems associated with the management review of councils. If I put in the legislation that the Minister would exercise powers to have that review carried out, I would be condemned for interfering politically with the autonomy of local government.

The Opposition cannot have it both ways. It cannot have the secretary removed from the legislation and substitute the Minister. I am talking about returning more autonomy to local government. I am talking about the administration of local government at a local level. I am also talking about a very effective and efficient local government.

Another amendment is to be moved in Committee, and that is to remove those dreadful words, the written concurrence of the Director of Environment and Planning. I know that the honourable member of Goulburn proposes to speak about lines 14 and 15 on page 15 of the bill, but the words Director of Planning and Environment are also at the top of the page. Lines 14 and 15 really give more autonomy to local government. There is no need to have a detailed investigation into whether certain council matters should be handled at State level. That will be covered by the legislation giving councils the right to retain the responsibility at local level. The Opposition is trying to hinder that process by ensuring the continued involvement of the Minister. The Government is talking about greater autonomy for local government at a local level.

The honourable member for The Hills mentioned that I had given a guarantee to review the Act but that this is all I could produce. When I gave the guarantee to review the Act I also gave a guarantee that I would not delay remedying and existing anomalies just because the Act was to be reviewed. The Government will move continually to make sure that anomalies brought to mind are dealt with, whether in consultation with councils or with the Local Government and Shires Associations. The Government and I would not be carrying out our duties if we were to see flagrant anomalies and not put amendments before the House during the rewriting of the Local Government Act, which will take some time. I wish I could be as optimistic as is the honourable member for The Hills and bring that review to the House in the next session of Parliament. I believe it will have to be done after the consultant's report is furnished. It will be done thoroughly and with full consultation with all local government areas including the professional side of local government. It will be a review of an Act that will take local government well into the twenty-first century.

The honourable member for The Hills also mentioned the fourth Saturday of the month for the 1987 elections. I do not know where we will find an acceptable date. When the fourth Saturday was originally brought into being, it was because certain people played sport on the third Saturday, but the most important thing the Government was concerned about was that it was a particular feast day of a certain religion in this State. We have freedom of religion in this State and certain people felt they could not exercise their right to vote on what was for them a very important feast day. Following that we changed the date to the fourth Saturday in September. Of course in 1987 the four term school year commences. The particular Saturday on which the elections in 1987 will be held will be the first Saturday of the school holidays. In other words, the schools will conclude on the Friday and the Saturday will be the election day. I am looking at that matter. I realize we cannot keep changing the Saturdays every fourth year because the four-year parliamentary term will change those Saturdays as well. If we are to be consistent, people will have to know that the election is at a set time and they have to get used to that date. I thank the honourable members on this side of the House for the support they have given to the bill. I thank the members of the Opposition for their support for the majority of the amendments before the House.

Motion agreed to.

Bills read a second time.

In Committee

The CHAIRMAN: Order! The Committee will deal first with the Local Government (General Revision) Amendment Bill. With the consent of the Committee I propose to put the bill in parts. There being no objection, I shall proceed accordingly.

Schedule 3

Mr WEBSTER (Goulburn) [12.31 a.m.]: I move:

That at page 15, lines 4 and 5, the words "written concurrence of the Director of Environment and Planning" be omitted and there be inserted in lieu thereof the words "subject to this section and with the written approval of the Minister".

I point out to the Minister that had she waited until I had moved these amendments in Committee she would have learned that there was a typographical error, which the Clerk has kindly acknowledged, in the typed paper received and the Minister would not then have made the mistake that she made earlier. The reason for the amendment is that the Opposition believes that the Director of Environment and Planning has no place in local government; that planning should be the province of local government and as such it should be the Minister for Local Government who grants the approval, not the Director of Environment and Planning. The director is not an elected representative but only a public servant. Something as important as this should have ministerial approval.

Question—That the words stand—put.

The Committee divided.

Ayes 49

Mr Akister	Mr Doyle	Mr Paciullo
Mr Amery	Mr Ferguson	Mr Page
Mr Anderson	Mr Gabb	Mr Petersen
Mr Aquilina	Mr Hills	Mr Price
Mr K. G. Booth	Mr Hunter	Mr Quinn
Mr Bowman	Mr Irwin	Dr Refshauge
Mr Brereton	Mr Knight	Mr Rogan
Mr Carr	Mr Knowles	Mr Sheahan
Mr Cavalier	Mr Langton	Mr Unsworth
Mr Christie	Mr McGowan	Mr Walker
Mr Cleary	Mr McIlwaine	Mr Walsh
Mr R. J. Clough	Mr Mair	Mr Whelan
Mr Cox	Mr H. F. Moore	Mr Wilde
Mr Crawford	Mr Moss	
Mrs Crosio	Mr J. H. Murray	<i>Tellers,</i>
Mr Davoren	Mr Neilly	Mr Beckkroge
Mr Debus	Mr Newman	Mr Wade

Noes, 32

Mr Armstrong	Mr Hay	Mr Schipp
Mr Baird	Mr Jeffery	Mr Singleton
Mr Beck	Mr Kerr	Mr Small
Mr J. D. Booth	Mr Longley	Mr Smiles
Mr Caterson	Miss Machin	Mr Webster
Mr J. A. Clough	Dr Metherell	Mr Wotton
Mr Collins	Mr W. T. J. Murray	Mr Yeomans
Mr Cruickshank	Mr Park	Mr Zammit
Mr Dowd	Mr Peacocke	<i>Tellers.</i>
Mr Fahey	Mr Pickard	Mr T. J. Moore
Mr Fisher	Mr Rozzoli	Mr West

Pair

Mr Mulock

Mr Greiner

Question so resolved in the affirmative.

Amendment negatived.

Schedule agreed to.

Schedule 4

Mr WEBSTER (Goulburn) [12.37 a.m.]: I move:

That at page 23, all words on lines 11 to 21 be omitted and there be inserted in lieu thereof the words

213c. (1) If the Minister for Local Government has reasonable grounds for believing that a council is not properly managing the local government of its area or that a council is not being efficiently administered, the Minister may require that a management review of the council be carried out, in accordance with directions prepared by the Minister in consultation with the council, by a consultant appointed by the Minister.

(2) The management review shall be carried out at the expense of the council.

(3) The Minister for Local Government, on.

The reason for moving this amendment is that a management review of a council is of such importance that it should not be carried out by even the most senior public servant of the department. The Minister should be responsible for the conduct of the management review. The amendment I have moved should receive the support of the Committee.

Question—That the words stand—put.

The Committee divided.

Ayes, 49

Mr Akister	Mr Doyle	Mr Paciullo
Mr Amery	Mr Ferguson	Mr Page
Mr Anderson	Mr Gabb	Mr Petersen
Mr Aquilina	Mr Hills	Mr Price
Mr K. G. Booth	Mr Hunter	Mr Quinn
Mr Bowman	Mr Irwin	Dr Refshauge
Mr Brereton	Mr Knight	Mr Rogan
Mr Carr	Mr Knowles	Mr Sheahan
Mr Cavalier	Mr Langton	Mr Unsworth
Mr Christie	Mr McGowan	Mr Walker
Mr Cleary	Mr McIlwaine	Mr Walsh
Mr R. J. Clough	Mr Mair	Mr Whelan
Mr Cox	Mr H. F. Moore	Mr Wilde
Mr Crawford	Mr Moss	
Mrs Crosio	Mr J. H. Murray	<i>Tellers,</i>
Mr Davoren	Mr Neilly	Mr Beckroge
Mr Debus	Mr Newman	Mr Wade

Noes, 32

Mr Armstrong	Mr Hay	Mr Schipp
Mr Baird	Mr Jeffery	Mr Singleton
Mr Beck	Mr Kerr	Mr Small
Mr J. D. Booth	Mr Longley	Mr Smiles
Mr Caterson	Miss Machin	Mr Webster
Mr J. A. Clough	Dr Metherell	Mr Wotton
Mr Collins	Mr W. T. J. Murray	Mr Yeomans
Mr Cruickshank	Mr Park	Mr Zammit
Mr Dowd	Mr Peacocke	<i>Tellers,</i>
Mr Fahey	Mr Pickard	Mr T. J. Moore
Mr Fisher	Mr Rozzoli	Mr West

Pair

Mr Mulock Mr Causley

Question so resolved in the affirmative.

Amendment negatived

Schedule agreed to.

Bills reported without amendment, and passed through remaining stages.

PASTURES PROTECTION (AMENDMENT) BILL

Second Reading

Debate resumed from 20th November.

Mr ARMSTRONG (Lachlan), Deputy Leader of the National Party [12.45 a.m.]: I wish first to register the Opposition's objection once again to the manner in which agricultural legislation is being treated in the closing hours of

this session of Parliament. As occurred in the last session of this Parliament, the agricultural legislation in general terms has been left to the dying hours. It is then being pushed through late at night.

Mr Akister: These are the early morning hours.

Mr ARMSTRONG: We are continually being asked to do some form of deal in order to—

Mr Akister: The first business of the morning.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Ryde on a point of order.

Mr McIlwaine: No, Mr Speaker.

Mr ARMSTRONG: I clearly heard the honourable member for Ryde call a point of order and I believe that is most unparliamentary behaviour to treat the House in such a frivolous manner.

Mr McIlwaine: I would not treat the House trivially. I interjected on the honourable member. I did not take a point of order.

Mr ARMSTRONG: The honourable member used the word order.

Mr McIlwaine: There was some talk about this legislation being brought on at night, and I said, "You are wrong. This is the morning", or something of that nature; "Wrong again", or something like that. I did not take a point of order, and I would not treat the House so trivially.

Mr SPEAKER: Order! The honourable member for Ryde caught my eye as he proceeded down the passageway near the table. I felt that he indicated he wished to take a point of order. I ask the honourable member for Ryde when leaving the Chamber not to make comments to members addressing the House.

Mr ARMSTRONG: As I was saying, agricultural legislation has been treated in a most cavalier fashion by this Parliament. The Opposition believes that agricultural legislation and agriculture in this State is just as important as any other piece of legislation to be dealt with in this House and, indeed, for the Leader of the House continually to come to the Opposition to try to make these late night deals at one o'clock in the morning is just not on. The Opposition will ensure that agriculture gets full credibility in this House, even if the Government does not wish to do so. In leading for the Opposition on the pastures protection legislation I wish to say that the Opposition will not formally oppose this bill. However, may I make it clear that the Opposition is not in complete agreement, nor are pastures protection boards in complete agreement, on the thrust of the bill. As I present the case of the Opposition, it will become clear to members on both sides of the House why the Opposition is not willing to give unqualified support for the proposed legislation, because the ramifications of the ultimate outcome will clearly be on the head of the Government. The Opposition will not stand in the road of the Government if it wishes to try this particular experiment. If it works, so be it; but, by the same token, there are some reservations—

Mr SPEAKER: Order! I ask honourable members to reduce the level of audible conversation.

Mr ARMSTRONG: The Opposition has reservations, as do landholders, about some existing wild dog control boards and some pastoral protection board areas. The Opposition views this exercise by the Minister and the Government somewhat cynically, which is something of an understatement. But we will give the Minister and the Government their head on the legislation. I look forward to a period some twelve months hence when the coalition parties are in office and we review the results of this measure. The Opposition believes the wild dog problem to be so serious that it will co-operate in any reasonable endeavour to contain dogs and feral pests in New South Wales. I make it quite clear that if this legislation does not work, it will be repealed when the coalition parties are returned to office.

The purpose of the legislation is to abolish wild dog boards. Those boards were first established in 1946 to control wild dogs within New South Wales. In 1946 the infestation of dogs was primarily limited to the high country of New South Wales. But all of New South Wales has now some infestation, or is at high risk of infestation. There is no doubt that wild dogs are totally out of control in New South Wales. Honourable members have read or heard of reports of wild dogs being sighted or destroyed in recent months in places where that has been unheard of in living memory. I instance a dog shot at a station between Boorowa and Cowra in March this year. Wild dogs were unheard of in that area for all of this century. I refer to shootings not just on one occasion but on three separate occasions. That is just one small example of how far dogs have got out of control in this State.

The escalation of dog numbers has caused and is causing difficulties, particularly in sheep breeding areas and in areas adjacent to national parks. To back up that statement I point out that last year in the Rylstone area adjacent to the Wollemi State Park there were more than 2 900 fully documented cases of sheep being destroyed by wild dogs. In the Kosciusko region in the areas adjacent to national parks hundreds of sheep were destroyed by wild dogs. It is estimated by a number of wild dog control boards and pastures protection boards that at least 70 per cent and up to 90 per cent of wild dogs emanate from national parks or Crown lands. This enormous problem has been created by establishing our massive national park system in New South Wales. Feral pests, particularly dogs, are now totally out of control. If a private landholder is allowing feral animals to breed, or is contributing to weed problems, the landholder is held responsible for those problems with dogs, pigs or whatever. But national parks are abrogating their responsibilities, which are now to be imposed upon pastures protection boards within this State.

To give some idea of the problems of pastures protection boards I shall quote from a letter sent from the Southern Tablelands Wild Dog Control Board on 13th August this year to the Minister of Agriculture, the Minister of Corrective Services and the Director General of Agriculture. The letter is titled "Review of Wild Dog Control in Eastern New South Wales". It acknowledges that this legislation would be forthcoming, the board stating that it will not have objections to the legislation though it has some reservations about it. I quote from that letter:

The Directors resolved as follows:

that the southern Tablelands Wild Dog Control Board is prepared to accept the recommendations of the Review Committee of Wild Dogs in Eastern N.S.W. provided—

(a) that the National Parks and Wildlife Service in N.S.W. accept the responsibility

of completely controlling wild dogs in National Parks and carry out Aerial Baiting to ensure such control;

- (b) that if Pastures Protection Boards are required to spend funds to do wild dog control work on N.S.W. Government and Crown Lands that they be re-imbursed 100% for funds expended on such work.

Honourable members will understand that pastures protection boards, when they assume their responsibilities under this legislation, will be reimbursed 70c for every dollar expended by them. So, effectively, the Crown will be getting out of this some 30 per cent cheaper than the individual landholders who support pastures protection boards. If the Crown wants to have national parks, autonomy of management, and wants adjoining landholders to deal with wild dog problems, it must bear its fair proportion of the cost of wild dog control. My colleague the honourable member for Oxley will cover that matter in more detail during his address. The letter continued:

The reasons the Directors made the above resolution are:

1. The Board has proven that the main areas of difficulty of control of wild dogs are National Parks and Government and Crown Lands.
2. The Board has proven the most efficient and cost effective means of controlling wild dogs is by aerial baiting.
3. The Review recommends the present restrictions on aerial baiting in National Parks should be lifted (p. 5).
4. It is only reasonable if Pastures Protection Boards are required to spend funds on wild dog work on N.S.W. Government lands they are reimbursed 100% by N.S.W. Government for such expenditure.

So it is clear how the well respected Southern Tablelands Wild Dog Control Board views this legislation. The board accepts the measure in principle but is unwilling to pick up the tab for what is a responsibility of the Crown to control its feral pests. Since it became mandatory to conduct helicopter baiting, costs of controlling wild dogs in New South Wales national parks have increased by 450 per cent. Bait strength must be maintained at 6 milligrams of 1080 poison per 230 grams of meat bait. Pastures protection boards will have an onerous responsibility to control wild dogs. However, those boards, probably the last bastion of a truly non-politicized voice in New South Wales, have the expertise and desire to control these feral pests. Bearing in mind that pastures protection boards form the nucleus of wild dog control boards, they certainly have the capacity, initiative and experience to adequately administer this legislation. They have an awesome responsibility in many ways in that they are totally self-funding; perhaps they could be known as the silent service to look after many of the agricultural problems of this State.

I hope that the Minister is prepared to accept full responsibility for and the ramifications of this move to abolish the board. In the present economic climate, and bearing in mind the plight of agricultural New South Wales, we cannot afford any experimentation and costly mistake. The Minister consistently bows to the wishes of the so-called greenies. Why is it that the productive sector of agriculture, those who traditionally make up the backbone of agriculture, pastoralists, breeders of sheep and cattle, have their voices placed second to the voices of minority groups? Why is it that repeatedly in this place over the past few years honourable members find themselves debating legislation introduced in the name of agriculture but emanating from pressure from a minority group? When will this House listen to the majority of people who make investment, take the risks and make profits for New South Wales? Why is it that the Government is continually bluffed by the calico handbag carrying greenies of

the State who only have to squeak and the Government rushes to help them, frightened that it will lose a few more votes—for it has few left. I hope that this legislation does work and that is why the Opposition will not oppose it. However, the Opposition expresses in no uncertain terms its reservations about the practicalities of the measure.

Mr H. F. MOORE (Tuggerah) [12.59 a.m.]: I support the Pastures Protection (Amendment) Bill. It proposes to abolish the wild dog control boards. For decades the four wild dog control boards have served coastal and tablelands areas well in controlling the wild dog problem. However, wild dog attacks on livestock are one of the main problems facing graziers in these areas. Wild dogs can cause numerous stock losses in one night. Sheep are particularly susceptible to such attacks, and if they are not killed they are often severely mutilated. Wild dog control boards were created in the 1920's. They were designed to enable a concerted effort by various concerned parties in the control of wild dogs. In 1947 I moved to the western area of Narromine. I carted wheat out of that area and was also involved in ploughing. At a place called Durry I picked up two collie dogs, a male and a female. These were domesticated animals. On numerous occasions I heard the dogs in these vast areas in the early morning. One morning the owner of the property came to see me because he was concerned that some of the lambs on the property were being killed. What was happening was the female dog was grabbing the lambs by the nose and the male dog was savaging the lambs and killing them.

Mr Armstrong: You should tie your dogs up at night.

Mr H. F. MOORE: The Deputy Leader of the National Party is a man of the land. He has owned collie dogs. I am talking about an experience I had thirty-nine years ago. Every man on the land has a collie dog. They are used to look after and round up the sheep. Though we have feral animals roaming Australia, we also have domesticated animals that violate the sheep of our country. The Deputy Leader of the National Party cannot deny that. I respect his judgment. He is a man of the land. I am relating a personal experience when I worked in the Narromine area after I got out of the army. I went west to make my fortune. The army gave me £10. I did not make my fortune. I returned from that area broke. The cocky for whom I worked did not care whether I survived or died. He told me that he would help me get home if I did his ploughing. I was carrying bales of oats for 3d a bale. Though the bill deals with feral dogs, domestic animals also kill sheep. That probably still happens today because it is inbred in collie dogs.

The pastures protection boards are already vested with the duty of administering the control of all noxious animals, including wild dogs. The superimposition of the wild dog control boards on to the pastures protection boards is a matter that needs rectifying. The abolition of the wild dog control boards will save on overhead expenses and will avoid duplication of effort pertaining to wild dog control by the respective boards. The pastures protection boards are well equipped to administer wild dog control activities, and by co-ordinating their work on wild dogs with their work on other noxious species the overall effort will become more efficient. The proposal should not result in an increase in the rates charged by pastures protection boards to landholders. Pastures protection boards will not be required to pay an annual levy to their local wild dog control board. The grants previously paid by the State Government to wild dog control boards will henceforth be paid to the pastures protection boards. The proposed abolition of the wild dog control boards has

much merit and should assist in combating the wild dog problems experienced by graziers. I support the bill.

Mr JEFFERY (Oxley) [1.6 a.m.]: The prime purpose of the Pastures Protection (Amendment) Bill is to abolish the four wild dog control boards in this State and transfer their duties to the local pastures protection boards. As a former secretary of a pastures protection board and a former secretary of a wild dog control board, I oppose the bill. I oppose it not because for many years I was the secretary of a pastures protection board and the secretary of a wild dog control board; I oppose it because I realize that the wild dog control boards have played a major and vital role in achieving success in the eradication of wild dogs. The wild dog boards were first constituted in 1946. Over the past forty years they have been efficiently administered.

As the Deputy Leader of the National Party said, the main reason for wild dogs getting out of control is the increase in the number of dogs coming out of national parks. The problem will escalate further with the declaration of wilderness areas. It is proposed to establish another national park in the Willi Willi area, which is located just west of Kempsey. Another 12 000 hectares of timber resources will be locked up, as well as private freehold land, if that proposal goes ahead. More dogs will wander out of that area also. Unless the National Parks and Wildlife Service can prevent wild dogs leaving these areas—and that is impossible because of its lack of management practices—the problem will get worse.

These areas form the breeding grounds for wild dogs. I refer in particular to national parks in the dividing range and the coastal areas. Because of the type of terrain in this fairly inaccessible, rough country, it is difficult to eradicate wild dogs. That result will not be achieved unless aerial baiting is carried out by the use of fixed wing aircraft or helicopters. It will be a complete waste of time abolishing the wild dog control boards. The Minister admitted that they have performed efficiently in the past forty years. In his second reading speech he justified at great length the existence of these boards and then said that they should be abolished. By analogy, should we say that because the upper House has been responsible in the administration of its duties it should now be abolished and its duties should be taken over by the lower House?

The wild dog control boards are grower representative boards. The lower North Coast and Tablelands Wild Dog Control Board had five constituent boards: they were the Upper Hunter, Gloucester, Tamworth, Armidale and Kempsey pastures protection boards. Each pastures protection board elected one representative to the wild dog control board. That representative had expertise in the control of wild dogs and the administration thereof. Unlike members of any local government council, members of pastures protection boards are not butchers, bakers and candlestick makers. The eight directors of a pastures protection board might not all have expertise in wild dog control but they would elect to the wild dog control board someone who did. What resulted was an effective body in the control of wild dogs.

In late 1981 the honourable member for Tamworth led a deputation to the Minister for Agriculture, the Hon. J. R. Hallam. I was a member of that deputation as I was secretary of a board. That deputation asked the Minister to increase the strength of 1080 poison from 4 milligrammes to 6 milligrammes per 230-gramme bait. The 4 milligramme dose was not killing the dogs; they were eating the meat and enjoying it. At least when the dose was increased to 6 milligrammes the dogs had to increase their tolerance. Some people say such

a dose might affect birdlife. However, that is not correct. By a body weight comparison, it takes 150 times more poison to kill a chook than to kill a dog—because of a dog's low tolerance to 1080 poison. For more than forty years many public spirited men, at no cost to the taxpayers, have voluntarily given their time to participate in the work of wild dog boards. Those boards are now to be abolished and their functions are to be taken over by pastures protection boards.

The honourable member for Tuggerah said that will do away with duplication of services, and result in the provision of cheaper services. That is not so. When I served as secretary of a wild dog board I received a pittance. However, I did not mind that; I was performing a public spirited function for the pastures protection board at low cost to the taxpayer, the ratepayers and landholders because, like so many others, I believed in what I was doing. As a result of this legislation all pastures protection boards will have a secretary and administrative staff. That will result in duplication and additional cost. Reference has been made to the Government's subsidizing wild dog control by 70¢ in the dollar. That subsidy of 70¢ in the dollar applies only to the purchase of meat, and aeroplane hire. It does not take into account wages for pastures protection board staff, maintenance of vehicles or anything else.

Mr Akister: It will pay for trappers.

Mr JEFFERY: It will not pay for the trappers at all. The Minister is familiar only with the Southern Tablelands Wild Dog Control Board. I suggest that he should find out from other boards in other parts of the State exactly what the position is. The Southern Tablelands Wild Dog Control Board originally gave only lukewarm support to this measure, but it has now changed its tactics. That board was fed up with fighting this Government because of its lack of a dog eradication programme in national parks; fed up fighting with the department, and fed up fighting with the bureaucracy. I have considerable respect for the departmental officers employed by the Department of Agriculture. However, on this matter they were wrong. Certain officers wanted to abolish all wild dog control boards in this State in order to obtain further power for themselves.

During the years that I was secretary of a wild dog control board many restrictions were placed on those boards and, in particular, on aerial baiting. Boards were forced to apply those restrictions to try to satisfy and pacify conservationist and animal liberation sympathizers. However, the number of wild dogs has increased, and they are spreading to areas in which stock attacks have never previously been experienced. Because of the work conducted by control boards, including aerial baiting, in national parks and surrounding lands, wildlife and fauna have increased. I refer particularly to lyre birds, koalas and scrub turkeys, all of which are now reappearing because we were able to reduce the number of wild dogs and feral cats, which had been increasing. If the wild dog boards are disbanded, that effective eradication programme will cease.

Mr J. H. Murray: The honourable member said they were increasing.

Mr JEFFERY: The honourable member for Drummoyne would not know, because his only country stints were at Finley when he was a schoolteacher. He has never been in areas where these problems are prevalent. The Opposition is seeking to conserve flora and fauna. If the Government has its way it will do away with the wild dog boards, but that will be only the thin end of the wedge. Honourable members will be aware that in the past, pastures protection boards have been misled by the Government. If I remember

correctly, in the Minister's second reading speech he said this legislation had widespread acceptance among wild dog boards. Is that correct?

Mr Akister: I shall reply to the debate in due course.

Mr JEFFERY: There was not widespread acceptance. Only five out of fifty-two boards throughout the State agreed to the abolition of wild dog control boards in New South Wales. That does not include those boards in the Western Division, which will remain in operation. So, there is not widespread acceptance of this measure. There are twenty-eight boards that want to remain as they are; four boards want increased powers; and eighteen did not reply. Of course, those eighteen boards do not have wild dog problems. The people who supported this legislation probably have noxious insect problems, yet the coastal boards must pay a levy for noxious insects, and that argument could be extended further. In my opinion the review committee put only one side of the argument. There was not one representative of the east coast on the pastures protection board review committee. With respect to the review committee, it was stacked. The board did not understand the problems of containing wild dogs.

The work of the committee was aimed at obtaining only the answers that it wanted. It is unfortunate that the pastures protection boards and the wild dog control boards were not given the opportunity to comment on the review committee's decision. I believe that that committee was in effect a kangaroo court—or perhaps one could call it a dog court. Whatever one calls it, it was definitely one-sided. I shall quote from a board minute dated 30th March, 1984:

At this meeting of the Lower North Coast and Tablelands Wild Dog Control Board a member of the review committee stated, "There is no intention in the review to abolish wild dog control boards. It is not in the terms of reference. It is certainly not one of the objectives though obviously that does not preclude the fact that it may happen".

It is obvious from reading the review committee's report that the committee only included matters that would have the effect of justifying the abolition of dog boards. The wild dog control boards have achieved considerable success since their formation, particularly since the introduction of aerial baiting. The board's control work with dingoes and wild dogs has involved a tremendous amount of hard work, organization and co-operation with local organizations, landholders and pastures protection boards. It is vital that primary producers and landholders have a say in wild dog control. The income of farmers and graziers is being eroded, because the wild dog is the white ant of their income, eating away that income. Unlike a kangaroo, which is a competitor of the farmer and grazier, the wild dog is a predator that eats away the farmer's and grazier's livestock and income.

Mr J. H. Murray: Why do not you shoot them?

Mr JEFFERY: We would, if the wild dog control boards retained control of the problem. I thank the honourable member for Drummoyne for his support. I shall be interested to see how he votes on this legislation. I ask the Minister to consider my request, and that of the honourable member for Tamworth who will support me in this debate, that the wild dog boards, which have played a commendable role in dog eradication during the past forty years, remain as they are. I strongly oppose the bill which, once again, will eliminate grower representatives and grower control on New South Wales wild dog control boards.

Mr J. H. MURRAY (Drummoyne) [1.18 a.m.]: Times are changing in rural areas. Obviously the first tenet of survival is the development of efficient and effective cost control measures. At present there is a partial duplication of wild dog control by the pastures protection boards and the wild dog control boards. Already the pasture protection boards' activities include such matters as the declaration of noxious pests. One of the main functions of pastures protection boards is to administer the control of noxious animals, which, apart from wild dogs, include rabbits and feral pigs. If pastures protection boards administer the control of all noxious animals, duplication of effort will be eliminated and there will be greater efficiency in the control of such pests. Overhead costs will be reduced also. I sympathize with graziers who have lost livestock as a result of the depredations of wild dogs. I can tell the honourable member for Oxley that I was born on the land and spent my first fourteen years living on four different properties. I was involved in chasing a few wild dogs in the west during those years.

Stock losses can be quite serious. In the area covered by the Southern Tablelands Wild Dog Control Board, about 23 000 sheep were reported to have been lost to wild dogs in the past ten years. This is in addition to reported losses of goats, calves and horses. These figures are quoted by the census, and obviously are correct. Wild dog attacks are often not for the purpose of obtaining food but merely for the canine thrill of harassing and mauling stock. The cost to the grazing industry is many thousands of dollars a year. The proposed abolition of the wild dog control boards is in no way an adverse comment on their performance. Indeed, as the honourable member for Oxley pointed out, they have fulfilled their task admirably. But it is a task that can be just as effectively undertaken by local pastures protection boards.

The proposed abolition of bounties on wild dog scalps in eastern central New South Wales is also a progressive move. The present system is open to abuse. The system may have been appropriate many years ago but it is now outdated in the more closely settled areas of the State. These proposals have been the consequence of a detailed study into wild dog control in eastern New South Wales. A report prepared by personnel involved in that study shows that pastures protection boards can effectively take over the role of the four wild dog control boards, and the proposal is thus supported by the Government. This proposal will remove an obvious duplication of effort currently prescribed in the legislation. It will be interesting, when the matter comes to the vote this evening, to observe the Deputy Leader of the National Party supporting the bill and the honourable member for Oxley voting against it. Obviously, they have not been listening to their federal leader who has called for uniformity and unity in the Opposition benches. Here we have members of the Opposition divided on this matter. I support the bill.

Mr PARK (Tamworth) [1.22 a.m.]: The primary object of this bill is to amend the Pastures Protection Act, to abolish wild dog control boards in the central and eastern divisions of this State and to provide for pastures protection boards to take over their functions and responsibilities, with effect from 1st January, 1987. The Deputy Leader of the National Party and the honourable member for Oxley referred to the build-up of the number of wild dogs in national parks. Not all pastures protection boards are in favour of this bill. Most believe there should be a body representative of the affected landholders to co-ordinate aerial baiting programmes. The Tamworth Pastures Protection Board is of this view and is in favour of the retention of the four wild dog control boards outside the Western Lands district.

The lower North Coast and Tablelands Wild Dog Control Board is representative of Kempsey, Gloucester, Upper Hunter, Tamworth and Armidale pastures protection boards. There are thirty-six landholder associations in this wild dog control board area, comprising approximately 1.65 million hectares. Through their control board, these associations provide an effective voice for pastures protection boards on wild dog control matters. Tamworth is one pastures protection board which believes that it will be losing an effective voice on wild dog control and also will be losing a tried and proven co-ordinating system.

We have lost and won a few rounds with the present Minister for Agriculture and his department. Prior to 1981 the Minister bowed to pressure from so-called environmentalists, conservationists—perhaps more appropriately called greenies—and we went through a period when the permitted strength of 1080 poison was limited to 4 milligrammes for each 230 grammes of meat bait. This proved seriously inadequate. Wild dogs increased alarmingly. Stock losses soared and forms of native fauna, about which the greenies said they were concerned, decreased alarmingly because the wild dogs were attacking them. On 14th April, 1981, I led a deputation to meet the Minister at Parliament House. The deputation was representative of affected landholders and included the chairman of the Lower North Coast and Tablelands Wild Dog Control Board, Mr John Landers, and the secretary, Mr Bruce Jeffery, who is now the member for Oxley.

The deputation had its facts straight and put across such a convincing story that the Minister relented, and wild dog baits were upgraded to 6 milligrammes of 1080 for each 230 grammes of meat. The deputation proved beyond doubt that 1080 was the most effective, economical and humane way to control wild dog numbers. Thus, the 6 milligramme bait came to be regarded as the standard wild dog bait. If wild dog baits, as determined by the Department of Agriculture, are below effective strength with less than the requisite amount of 1080 poison, landholders, being enterprising people who do not take things lying down, will resort to other means to control wild dogs. Other poisons such as Lucy-Jet will kill dingoes but will also poison native fauna as well, and there is no way landholders want to do that if it can be avoided. It must be appreciated that even though the strength of 1080 has been sufficient—though only just—the level of annual aerial baiting programmes approved by the Government has been less than adequate. This has resulted in a general increase in wild dog numbers. In fact, wild dogs are now being seen in some areas where they have never been seen before.

The Minister representing the Minister for Agriculture in this House spoke of the review the committee carried out after it was appointed by the Minister for Agriculture in 1984. In my mind there is no doubt the committee was biased. One need only consider the personalities: Dr Giles, Assistant Director (Wildlife) National Parks and Wildlife Service; Mr Terry Korn, a long-time opponent of the use of 1080; and Mr Glen Saunders—the latter two people from the Department of Agriculture. I have no doubt the Minister for Agriculture wanted to get rid of the four wild dog control boards, and why would not these three people report accordingly? The pastures protection boards were not really given the opportunity to provide an input into the report; they were not allowed to comment on a draft bill or anything like that.

Well-known and well-respected pastures protection board members have told me that the wild dog control boards are the most worthwhile and effective groups they have ever had to work with. In my view the Minister for Agriculture

is playing to the greenies again, and therefore the effectiveness of 1080 control of wild dogs will be under threat in the future. Under this Government, the Minister wants to defeat the pastures protection boards in detail, by an exercise in divide and conquer. For example, the five pastures protection boards involved in my area have drawn together and depend very much on the voice and co-ordinating effect of the thirty-six associations.

If this legislation goes through, as I expect it will, I appeal to the pastures protection boards concerned to maintain some kind of association to ensure that an effective aerial baiting programme can continue in the future. Otherwise, vast areas of good grazing land will be sterilized, particularly for sheep, by increasing numbers of wild dogs. In May this year, in my electorate, and in the electorate of the member for Northern Tablelands, aerial baiting was undertaken. Several meetings of landholders were held, one at Nundle and two at Walcha, which were well attended. Aerial baiting was fully co-ordinated. The programme moved through the board area progressively.

In the last year or two the board has been under increasing pressure from the Government to use helicopters in lieu of fixed-wing aircraft for aerial baiting. A helicopter was used on a trial basis for the first time in late 1985, and was paid for by the board. A helicopter allows for baits to be applied more exactly to the specially designated areas, as compared with fixed-wing aircraft, which tend to result in baits being scattered throughout an area. The problem is that the cost of a helicopter is at least four times the cost of a fixed-wing aircraft. In the Barnard River area, southeast of Nundle, in my electorate, half the baits were distributed by each type of equipment in order to compare the cost. The fixed-wing aircraft cost \$325 and the helicopter \$1,475 in exactly the same area. On the basis of a Government subsidy of 70c in the dollar of costs, less the costs the honourable member for Oxley spoke about which are borne by the board from the landholders, there was a shortfall in Government funds this year. The board was asked to carry this over until 1987. This means that the pastures protection boards have had to bear this additional cost.

I wonder whether the Government will ever catch up. No doubt the cost of helicopters looms as a major problem. However, I believe that the type of equipment should be optional. Although I am willing to concede that helicopters are preferred in particular places, fixed-wing aircraft have proved to be most effective generally. The cost factor is important. If the cost of the aerial baiting programme becomes prohibitive for landholders, they will resort to other means for wild dog control, which I am sure no one wants. The bill provides that each pastures protection board will establish a wild dog fund. The proposal is that the Government will continue to provide 70c in the dollar. The present 1080 aerial baiting programme needs to be increased. A great responsibility will rest with the relevant pastures protection boards when this legislation becomes law. The present groups of pastures protection boards should retain some type of organization. The landholders association should be retained also to assist with co-ordination and to be willing to fight a government that appears ever-ready to reduce this vital control programme.

Mr AKISTER (Monaro), Minister for Corrective Services and Assistant Minister for Transport [1.32 a.m.], in reply: I thank all honourable members who have spoken in this debate. It is obvious that the members of the Opposition are in disarray. The Deputy Leader of the National Party supported enthusiastically the legislation, with some minor reservations. The honourable member for Oxley vehemently opposed it. The honourable member for Tamworth was somewhere in the middle. The Deputy Leader of the National

Party claimed that the Government has downgraded agricultural issues by discussing these issues at this stage of the session. I inform honourable members that as the Minister representing the Minister for Agriculture in this House I have been faced with but one urgency motion, and no questions on agriculture, lands, and forest matters by members of the National Party. I do not expect any improvement of that record tomorrow or Wednesday.

The Deputy Leader of the National Party claimed that the National Parks and Wildlife Service in the Kosciuszko National Park was protecting wild dogs. This is the usual complaint; every wild dog, noxious plant and noxious insect comes from national parks or Forestry Commission land. They never originate from private land. I ask: where do these noxious plants and noxious animals originate? They do not grow naturally in national parks. Thistles, wild dogs, pigs and goats, and other noxious animals, do not grow spontaneously in national parks and go out on to private land. Noxious animals are usually the result of bad husbandry practices. Such animals have escaped from domestic areas on to public land. In many cases, as the honourable member for Tuggerah said, wild dogs are domestic dogs gone wild.

In the past ten years, I have worked in the Southern Tablelands Wild Dog Control Board area. In the area of the Australian Capital Territory the most wonderful dogs one could ever want to see, such as Irish wolfhounds and Rhodesian ridgebacks, have escaped and gone wild. They are monsters, roaming the outback in my electorate. Many of the dogs that are caught killing stock are usually domestic dogs gone wild. As the honourable member for Tuggerah said, many are in fact the owner's dogs that are killing their stock at night. There was the famous instance in Monaro when trappers sat up all night on the outskirts of a property hoping to intercept a wild dog coming from an adjoining national park. It was not until the trappers went to the middle of the property that it was found that the killer was the owner's dog, which was coming out at night killing his stock. It is not always the case that every dog that offends the man on the land comes from public lands.

In the past eight years I have attended most of the Southern Tablelands Wild Dog Control Board meetings and I was instrumental in achieving many concessions. There is now a 2 kilometre buffer strip inside the Kosciuszko National Park in which the killing and baiting of dogs is permitted to reduce the pressure on adjacent landowners. Any dog identified as a killer may be chased as deep into the park as the trapper thinks is necessary to catch the dog. However, the indiscriminate killing of animals in national parks is prohibited. The animals may or may not at some time in the future do damage outside the park. As anyone who lives in the country would know, the vast majority of dogs do not kill wildlife. Usually when one or two dogs get a taste for meat they do a tremendous amount of damage. If they are chased by unskilled trappers and amateurs, the animals get to know the tricks and become harder to track and kill. These activities should be left to the professional trapper. The National Parks and Wildlife Service paid full-time and part-time trappers to operate inside and outside their parks. Many of the stories related by members of the National Party about the Government's inaction about wild dogs are untrue.

Mr Armstrong: The Minister should read his correspondence sometimes.

Mr AKISTER: I read it quite often. I go back through my files because I do not make decisions on the spur of the moment; I refer to my files for more detailed information. I am experienced with wild dog destruction. The honourable member for Oxley referred to the doubts concerning the

Government's paying for wild dog destruction. The Department of Agriculture, the National Parks and Wildlife Service, the Forestry Commission, the Lands Department, and most of the major departmental landowners, contribute to the destruction of noxious animals and plants on their land. As well as paying for full-time and part-time trappers in Kosciuszko National Park, the National Parks and Wildlife Service has provided for electric fences in its parks.

Fixed-wing aircraft are used especially in State forests to reduce the number of noxious animals and plants. The honourable member for Tamworth promoted the argument of fixed-wing aircraft against helicopters, and said that helicopters were four times more expensive than fixed-wing aircraft in the delivery of baits to a targeted area. Unless the area is saturated and everything that eats meat is killed, one cannot guarantee that fixed-wing aircraft will hit the dogs that are doing the killing. Fixed-wing aircraft are very effective at delivering baits. One just shovels the baits out the backdoor and hopes they will land where the dogs might be. Of course, in many cases they do not hit the target area at all and it is a waste of time and effort. As well, the landowner can get fifty baits at any time and bait his own land and tackle the dogs that are causing problems. The Government commends this legislation. It will be beneficial to the people on the land. The Government thanks those members of the National Party who supported the legislation and pities those who did not.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**SOIL CONSERVATION (FURTHER AMENDMENT) BILL
WATER (SOIL CONSERVATION) AMENDMENT BILL
HUNTER VALLEY FLOOD MITIGATION (SOIL CONSERVATION)
AMENDMENT BILL**

Second Reading

Debate resumed from 21st November.

Mr ARMSTRONG (Lachlan), Deputy Leader of the National Party [1.40 a.m.]: I lead on behalf of the Opposition on this legislation. I make it clear at the outset that the Opposition totally opposes this legislation. Once again I wish to register my formal protest at the treatment being handed out to agricultural legislation in this Parliament. Again it is another example of agricultural legislation being left not only until the end of the session, but until 20 minutes to 2 in the morning. It is shabby treatment of the major income earner of this State. That is totally unacceptable. A few moments ago in debate to other legislation the Minister for Corrective Services tried to justify the Government's action in some way and tried to bring in some imputation about lack of questions to himself in this place representing the Minister in another place. As honourable members know, if one wants an answer in this world, one speaks to the organ-grinder, not the monkey. We have the monkey here and the organ-grinder has enough to do giving his answers in another place.

The Soil Conservation (Further Amendment) Bill seeks to extend the prohibition against felling trees without the authority of the Catchment Areas Protection Board to additional areas of protected land. Of course, soil conservation is a highly contentious issue in New South Wales and since the

Government came to power in 1976 it has been continually using soil conservation issues for various purposes. I am talking about the deprivation of soil and the necessity for embarking upon proper soil conservation programmes. Yet funding for soil conservation has remained static for well over four years at a miserly \$2.5 million in real terms. During that time the Minister has made much political mileage. Again we have further evidence of the Government endeavouring to make mileage out of soil conservation legislation. That has done nothing really but impose quite draconian provisions on landholders. It is important that we look at the Minister's speech. The Minister said:

First, section 21C of the Soil Conservation Act provides that, with certain exceptions, nobody shall, without the authority of the board, destroy or damage, or cause to be destroyed or damaged, any tree or sapling on "protected land". Protected land is land having a slope generally in excess of 18 degrees slope from the horizontal within notified catchment areas and marked on maps approved by the board. Second, section 26D of the Water Act provides that nobody shall, without the permission of the board, destroy or damage, or cause to be destroyed or damaged, any tree, sapling, shrub or scrub in the bed or within 20 metres of the banks of a prescribed river or lake.

Later the Minister went on to say:

The Soil Conservation Service of New South Wales services the board with some assistance from member organizations and meets monthly to consider applications from landholders for authorities and permits. Applications are the subject of inspections and technical reports by field officers, and it is on the basis of this information that the board makes its decisions, each application being examined and considered individually.

I should like to take honourable members to the definition provisions of the bill. It is essential that honourable members be quite clear in their own minds what the definition of a river is under this legislation. The bill defines river as follows:

"River" includes—

- (a) a stream of water (whether or not consisting of or including saline water), whether perennial or intermittent, flowing in a natural channel, or in a natural channel artificially improved, or in an artificial channel which has changed the course of the stream; and
- (b) an affluent, confluent, branch or other stream of water (whether or not consisting of or including saline water) into or from which a stream referred to in paragraph (a) flows.

That definition of a river encompasses virtually any flow of water be it permanent or temporary within an artificial stream in an artificial bed or in a natural bed. I put it to honourable members on both sides of the House that under that definition it takes in virtually every area of land in New South Wales. Further in the definitions list is the definition of tree. Under this legislation a tree includes sapling, shrub and scrub. By definition, this legislation includes just about every type of vegetation that grows naturally in New South Wales. It includes also live trees and dead trees. According to the Minister's second reading speech the main reason for this amendment is to include the current provisions of section 26D of the Water Act so that the 20-metre strips of land along prescribed water courses in effect became a new category of protected land. Later in his speech the Minister said:

This will require persons to make application to the board if they wish to lop or destroy trees on such land. This new category of protected land will be shown on the present protected lands maps displayed in departmental and council offices in many parts of the State.

When one looks at the definition of river and the definition of tree and at the provisions pertaining to those strips of land that the Minister speaks about alongside prescribed watercourses and at the powers of the committee to declare land prescribed land under the legislation, one can see that this legislation, being sneaked through just forty-eight hours before the end of this session of Parliament, is quite draconian. It is extraordinary that the Government thought it could get away with this sort of legislation. If the Government is not willing to fund soil conservation adequately in this State—which would be an enormous job—surely the management of land should be left to landholders. By taking away the right of landholders to manage their own land in a commonsense manner, let alone to act in an almost insulting manner to the individual capacity of landholders to manage their land, and absolutely insulting their intelligence by saying they are not capable of managing their lands, it is effectively saying that they are only custodians for a passing period. They have no power over their land and the Government is effectively working against the best interests of soil conservation. There is nothing like taking away incentive from people, nothing like taking away a bit of pride from people. To say thou wilt do it instead of will you do it in your own interests is certain to destroy peoples' incentive. Yet, continually we have this socialist Government, which is totally committed to the overall exclusive control of land in New South Wales, destroying the incentive of primary producers and people on the land. Protected land is referred to in schedule 1 of the bill in the following manner:

21B. (1) The Board may, from time to time, cause to be prepared maps identifying, as protected land—

- (a) land within a catchment area, being land of which the surface generally has, in the opinion of the Board, a slope greater than 18 degrees from the horizontal;
- (b) land (whether or not within a catchment area), being land that is situated within, or within 20 metres of, the bed or bank of any part of a river or lake shown on any such map in some distinctive manner; or
- (c) land (whether or not within a catchment area), being land that is, in the opinion of the Board—

That is the important part; this is the bite:

—environmentally sensitive or affected or liable to be affected by soil erosion, siltation or land degradation.

I hope that the Minister will explain in clear terms, so that members on both sides of the House understand, what is environmentally insensitive or affected or liable to be affected by soil erosion. If the Minister achieves that, he might explain something to the greenies that the Government seems so hell bent on supporting. Clause (c) of clause 21B is one of the most wide-reaching pieces of legislation that has come through this Parliament. I have some sympathy for the Minister. He represents a country electorate. Sometimes he must be embarrassed by the type of legislation introduced into this Parliament. He has some knowledge of the land, and would realize the reaction to this legislation will have in his electorate. Soil conservation is a sensitive issue in electorates. The Minister must sell that clause, which is all-embracing in its intention. The Government did not make a mistake. The legislation did not happen accidentally and the clause did not slip in. Some bureaucrat just did not insert the clause. The Government knew darn well what it was doing when it had the legislation drafted. The legislation has been carefully orchestrated to take away the rights of the New South Wales individual landholder. The Opposition will not have a bar of it.

Mr MAIR (Albury) [1.52 a.m.]: I support the bills. I was rather suprised to hear the Deputy Leader of the National Party make the comments he did on the legislation. He is a man of the land. He must realize, as would all honourable members, that 95 per cent of landholders are quite willing to meet their environmental commitments, the protection of trees and other environmental needs. There is always 5 per cent of people on the land who are willing to strip their land without any controls. These bills will give some protection to the environment. I was on the land for some years after the war. My family and I were very keen to protect the environment, because we considered it necessary to do so. I was called out to a property at Culcairn—I shall not mention the name of the property—two years after very heavy rain. Not one tree was on that property of 200 acres. With the heavy rain and the slope of the property all the topsoil had washed into a running creek and cluttered it up. Protection of that topsoil should have been provided many years previously. Instead of having grown trees and provided other obstacles to stop the washing away of the topsoil, the property-owner had not taken the necessary steps to protect the environment. If he had taken an interest in his property, he would not have had this problem. Fortunately the Soil Conservation Service helped him, at my request. The situation revealed to me that problems to the environment are caused by property-owners.

Another matter that bears some relationship to what I have just spoken about is the bushfires that occurred in January 1985. They wiped out a considerable area of land, trees, shrubs and other vegetation in an area close to the Murray River. Very few trees were left; most of them had been burnt. As a result the soil had washed down into the Murray River into Lake Hume and caused a considerable amount of trouble. A meeting of the Murray River Commission was set up to inquire into the problem. That meeting was attended by representatives of the Soil Conservation Service and other interested people. A considerable amount of money was spent to overcome the problem. The problems were caused by an act of God, which clearly indicated to me that we must protect the environment.

Under this legislation the Catchment Areas Protection Board will be given much wider involvement in the protection of the environment when giving approval to destroy trees, rather than being restricted to imposing conditions only in respect of soil erosion, siltation and restrictions of river flows. The new types of protected land that the board will be able to map include arid, semi-arid, landslip, saline areas and areas containing wetlands, beautiful scenery, bird breeding grounds and sites of archaeological or historical interest.

As applied in conjunction with section 26D of the Water Act, nothing in any other Act will permit a person to destroy trees on protected land unless an authority to do so is granted by the board. That also means that compliance with any environmental conditions included in authorities by the board cannot be negated by the provisions of any other Act. The Deputy Leader of the National Party mentioned rivers, waterways and other matters. The Act of 1947 specified 2000 rivers and lakes to be included under the provisions of that Act. The Deputy Leader of the National Party should examine that Act more carefully. Provision is made in the legislation to extend the current exemptions that apply to steeply sloping land to the two new categories of protected land if and when circumstances permit; that is, if someone wishes to destroy no more than seven trees of any area of one hectare of protected land, he may be exempted from applying to the board for approval to do so.

The purpose of attaching environmental conditions to authorities is to control, for example, adverse effects on endangered species of birds and animals, scenic views, historic buildings, recreation areas, popular camping areas, and to safeguard Aboriginal burial grounds, small stands of timber, and habitats of scientific interest, and so forth. By amending the notice provisions, the situation will be obviated whereby a person upon whom a notice is served, requiring him to cease the illegal destruction of trees on protected land, will have to do so immediately. As the Act stands, a person on whom such a notice is served can legally continue for thirty days to cut down trees the subject of the notice.

Action is now being taken to correct an amendment made to the Water Act some years ago. The previous amendment had unforeseen results for the protection of trees along rivers. The new amendment will make it quite clear once and for all that all rivers, streams, lakes, lagoons and swamps may be protected whether or not their waters are tidal or saline. The use of the word wilfully in section 21CA (12) (A) in regard to a person who fails to comply with the requirements of a notice introduces an element into this offence that is totally non-existent in all the other offences and notice powers in the Act. Being quite inconsistent with the remainder of the Act, it is not felt that such a qualitative element should be retained in this context.

At present the board when issuing permits only attaches conditions that refer to the mitigation of soil erosion, high water quality, and minimum obstruction of the flow of rivers. The board has no power to include other conditions for the protection of the environment without first obtaining an environmental impact statement. That statement is an unnecessarily formal, lengthy and costly exercise and cannot be justified. The amendment will allow the board to regulate tree destruction in environmentally sensitive areas and give added protection to the environment other than protection from soil erosion and siltation of waterways. I commend the bills.

Mr CRUICKSHANK: Mr Speaker—

Mr WADE (Newcastle), Government Whip [2 a.m.]: I move:

That the question be now put.

The House divided.

Ayes, 49

Mr Akister	Mr Doyle	Mr Newman
Mr Amery	Mr Face	Mr Page
Mr Anderson	Mr Ferguson	Mr Petersen
Mr Aquilina	Mr Gabb	Mr Price
Mr K. G. Booth	Mr Hills	Mr Quinn
Mr Bowman	Mr Hunter	Dr Refshauge
Mr Brereton	Mr Irwin	Mr Rogan
Mr Carr	Mr Knight	Mr Sheahan
Mr Cavalier	Mr Knowles	Mr Unsworth
Mr Christie	Mr Langton	Mr Walker
Mr Cleary	Mr McGowan	Mr Walsh
Mr R. J. Clough	Mr McIlwaine	Mr Whelan
Mr Cox	Mr Mair	Mr Wilde
Mr Crawford	Mr H. F. Moore	
Mrs Crosio	Mr Moss	<i>Tellers,</i>
Mr Davoren	Mr J. H. Murray	Mr Beckroge
Mr Debus	Mr Neilly	Mr Wade

Noes, 31

Mr Armstrong	Mr Hay	Mr Singleton
Mr Baird	Mr Jeffery	Mr Small
Mr Beck	Mr Kerr	Mr Smiles
Mr J. D. Booth	Mr Longley	Mr Webster
Mr Caterson	Miss Machin	Mr Wotton
Mr J. A. Clough	Mr W. T. J. Murray	Mr Yeomans
Mr Collins	Mr Park	Mr Zammit
Mr Cruickshank	Mr Peacocke	
Mr Dowd	Mr Pickard	<i>Tellers,</i>
Mr Fahey	Mr Rozzoli	Mr T. J. Moore
Mr Fisher	Mr Schipp	Mr West

Pair

Mr Mulock

Mr Greiner

Resolved in the affirmative.

Question—That these bills be now read a second time—proposed.

Mr AKISTER (Monaro), Minister for Corrective Services and Assistant Minister for Transport [2.6 a.m.] in reply: My comments shall be brief. It is always a source of great amusement to members on the Treasury benches who have been members of this House for some time to hear the newer members on the coalition benches repudiating the schemes that the former coalition Government introduced when it occupied the Treasury benches more than ten years ago. Most of the proposals in the bill are similar to provisions introduced by Tom Lewis when he was Minister for Lands and introduced amendments to the coastal lands protection scheme. Honourable members will recall the maps brought into the House by the former Minister that were coloured in yellow and red depicting watercourses and catchment areas and indicated slopes of eighteen degrees and so forth. It is most amusing to hear Opposition members repudiating the policies and principles of some years ago.

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

Mr AKISTER: The Deputy Leader of the National Party said that this year the Government was spending only \$2.2 million on soil conservation. In fact the figure will be more than \$17 million. The definitions of trees and rivers to which he objected have been in the Water Act since 1947. The coalition parties had ten years in which to change the definitions.

Mr SPEAKER: Order! I ask the honourable member for Hurstville either to resume his seat or to leave the Chamber. It is difficult for the Hansard reporters to hear the Minister addressing the Chamber.

Mr AKISTER: During those ten years the coalition parties did nothing to amend the definitions. I commend the bills.

Question—That these bills be now read a second time—put.

The House divided.

Ayes, 49

Mr Akister	Mr Doyle	Mr Newman
Mr Amery	Mr Face	Mr Page
Mr Anderson	Mr Ferguson	Mr Petersen
Mr Aquilina	Mr Gabb	Mr Price
Mr K. G. Booth	Mr Hills	Mr Quinn
Mr Bowman	Mr Hunter	Dr Refshauge
Mr Brereton	Mr Irwin	Mr Rogan
Mr Carr	Mr Knight	Mr Sheahan
Mr Cavalier	Mr Knowles	Mr Unsworth
Mr Christie	Mr Langton	Mr Walker
Mr Cleary	Mr McGowan	Mr Walsh
Mr R. J. Clough	Mr McIlwaine	Mr Whelan
Mr Cox	Mr Mair	Mr Wilde
Mr Crawford	Mr H. F. Moore	
Mrs Crosio	Mr Moss	<i>Tellers,</i>
Mr Davoren	Mr J. H. Murray	Mr Beckroge
Mr Debus	Mr Neilly	Mr Wade

Noes, 31

Mr Armstrong	Mr Hay	Mr Singleton
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Mr J. D. Booth	Mr Longley	Mr Webster
Mr Caterson	Miss Machin	Mr Wotton
Mr J. A. Clough	Mr W. T. J. Murray	Mr Yeomans
Mr Collins	Mr Park	Mr Zammit
Mr Cruickshank	Mr Peacock	
Mr Dowd	Mr Pickard	<i>Tellers,</i>
Mr Fahey	Mr Rozzoli	Mr T. J. Moore
Mr Fisher	Mr Schipp	Mr West

Pair

Mr Mulock Mr Greiner

Question so resolved in the affirmative.

Motion agreed to.

Bills read a second time.

In Committee

The CHAIRMAN: Order! The Committee will deal first with the Soil Conservation (Amendment) Bill.

Mr SHEAHAN (Burrinjuck), Attorney General and Minister Assisting the Premier [2.11 a.m.]: I move:

That you do now leave the chair, report progress and seek leave to sit again tomorrow.

Question put.

The Committee divided.

Ayes, 48

Mr Akister	Mr Doyle	Mr Page
Mr Amery	Mr Ferguson	Mr Petersen
Mr Anderson	Mr Gabb	Mr Price
Mr Aquilina	Mr Hills	Mr Quinn
Mr K. G. Booth	Mr Hunter	Dr Refshauge
Mr Bowman	Mr Irwin	Mr Rogan
Mr Brereton	Mr Knight	Mr Sheahan
Mr Carr	Mr Knowles	Mr Unsworth
Mr Cavalier	Mr Langton	Mr Walker
Mr Christie	Mr McGowan	Mr Walsh
Mr Cleary	Mr McIlwaine	Mr Whelan
Mr R. J. Clough	Mr Mair	Mr Wilde
Mr Cox	Mr H. F. Moore	
Mr Crawford	Mr Moss	
Mrs Crosio	Mr J. H. Murray	<i>Tellers,</i>
Mr Davoren	Mr Neilly	Mr Beckroge
Mr Debus	Mr Newman	Mr Wade

Noes, 31

Mr Armstrong	Mr Hay	Mr Singleton
Mr Baird	Mr Jeffery	Mr Small
Mr Beck	Mr Kerr	Mr Smiles
Mr J. D. Booth	Mr Longley	Mr Webster
Mr Catterson	Miss Machin	Mr Wotton
Mr J. A. Clough	Mr W. T. J. Murray	Mr Yeomans
Mr Collins	Mr Park	Mr Zammit
Mr Cruickshank	Mr Peacocke	
Mr Dowd	Mr Pickard	<i>Tellers,</i>
Mr Fahey	Mr Rozzoli	Mr T. J. Moore
Mr Fisher	Mr Schipp	Mr West

Pair

Mr Mulock

Mr Causley

Question so resolved in the affirmative.

Progress reported.

Mr SPEAKER: Order! The question is, That leave be granted to sit again tomorrow.

The House divided.

Ayes, 49

Mr Akister	Mr Doyle	Mr Newman
Mr Amery	Mr Face	Mr Page
Mr Anderson	Mr Ferguson	Mr Petersen
Mr Aquilina	Mr Gabb	Mr Price
Mr K. G. Booth	Mr Hills	Mr Quinn
Mr Bowman	Mr Hunter	Dr Refshauge
Mr Brereton	Mr Irwin	Mr Rogan
Mr Carr	Mr Knight	Mr Sheahan
Mr Cavalier	Mr Knowles	Mr Unsworth
Mr Christie	Mr Langton	Mr Walker
Mr Cleary	Mr McGowan	Mr Walsh
Mr R. J. Clough	Mr McIlwaine	Mr Whelan
Mr Cox	Mr Mair	Mr Wilde
Mr Crawford	Mr H. F. Moore	
Mrs Crosio	Mr Moss	<i>Tellers,</i>
Mr Davoren	Mr J. H. Murray	Mr Beckroge
Mr Debus	Mr Neilly	Mr Wade

Noes, 31

Mr Armstrong	Mr Hay	Mr Singleton
Mr Baird	Mr Jeffery	Mr Small
Mr Beck	Mr Kerr	Mr Smiles
Mr J. D. Booth	Mr Longley	Mr Webster
Mr Caterson	Miss Machin	Mr Wotton
Mr J. A. Clough	Mr W. T. J. Murray	Mr Yeomans
Mr Collins	Mr Park	Mr Zammit
Mr Cruickshank	Mr Peacocke	
Mr Dowd	Mr Pickard	<i>Tellers,</i>
Mr Fahey	Mr Rozzoli	Mr T. J. Moore
Mr Fisher	Mr Schipp	Mr West

Pairs

Mr Mulock Mr Greiner

Question so resolved in the affirmative.

Motion agreed to.

Leave granted to sit again tomorrow.

GOVERNMENT AND RELATED EMPLOYEES APPEAL TRIBUNAL (AMENDMENT) BILL

Second Reading

Debate resumed from 23rd October.

Mr KERR (Cronulla) [2.21 a.m.]: I indicate that I lead for the Opposition on this bill.

Mr Whelan: A failed lawyer.

Mr SPEAKER: Order! The honourable member for Cronulla has the call.

Mr KERR: I am surprised that the honourable member for Ashfield would mention the words failed lawyer.

Mr SPEAKER: Order!

Mr KERR: In dealing with this bill it is necessary to look back, as the Premier did in his second reading speech, to the purpose for which the bill was introduced. In his second reading speech the Premier said:

The main purpose of the bill is to amend the Government and Related Employees Appeal Tribunal Act to enhance the effectiveness and efficiency of the system of promotions appeals instituted by that legislation. In 1980 the Government introduced legislation to establish a new body to hear promotions and disciplinary appeals in respect of employees in the public sector.

In 1986 apparently the Government does not think that was such a great idea. It is necessary to examine the history of the legislation and its effects to determine where this legislation has failed and why it is in need of reform. In an endeavour to establish the need for reform I turn to an article written not by a member of the Opposition but by a senior government official, Mr D. L. Mulcahy, the assistant director of the Land Titles Office. In an article entitled "The promotions appeals system administered by the Government and Related Employees Appeal Tribunal—a public service right or a costly anachronism", dealing with some of the mechanical defects of this legislation, he said:

Regrettably GREAT does not release comprehensive statistical information upon appeals activities and that is the exercise of extrapolating activity identified in one department across the entire public sector to arrive at some general estimates of the economic resources consumed is not possible. Comprehensive statistics are, however, maintained by GREAT and apparently have been made available to the Public Service Board on a confidential basis to assist a review taken by the board itself on several aspects of the promotion appeals system.

Mr Whelan: Where is Nick?

Mr SPEAKER: Order!

Mr KERR: So much for open government in relation to this matter. But, of course, there are more serious deficiencies, as Mr Mulcahy mentioned in his article. For example, the cost of the operation is unknown. It seems that no department or authority in the State discloses to the Government or the Parliament the amount of resources devoted to the promotion appeal system. Mr Mulcahy continued:

The New South Wales sector already possesses a system of selection of officers for appointment which is likely to be the equal of if not better than existing in the private sector or the public sector of the Commonwealth or any other State or Territory.

The New South Wales public sector selection process almost certainly achieves in most cases the broad aims of the Government and Related Employees Appeal Tribunal. The tribunal, with the potential to repeat the selection process in most parts of the public sector, is an unnecessary duplication and safeguard. That is it. It is an unnecessary duplication, because instead of reviewing the selection process, as was the general intent of the enabling legislation, in practice the tribunal makes a fresh selection with a different panel of selectors. The honourable member for Ryde ought to pay more attention, because after the next election he might go back to the State Superannuation Board, and he will cause a lot of problems for this tribunal. If there is one thing that the honourable member for Ryde has learnt during his brief political career, it is how to

promote himself. So he might be hauled before the tribunal when he pulls those sorts of stunts in the future.

The operation of the appeal tribunal in effect produces three consequences that militate against the efficiency of the public sector. First, as has been observed already, it encourages a system of appeal based on a discredited concept of seniority. That is one of the most important considerations in the selection. Second, it delays considerably the decisions of management in completing and implementing the selection process. These delays inhibit efficiency and speedy appointment of staff to vacant positions. They disrupt management planning and may have an unsettling effect upon staff morale. Third, and perhaps most important, they impose an unwarranted burden on the management and functioning of organizations in the public sector. Those are three considerations vital to the administration of the public sector. The system further devalues the confidence of the Government in public sector management and reduces the usefulness of a well developed and fair selection system.

Those are some of the deficiencies that the legislation has brought about. In dealing with those deficiencies one should also go back to what the Premier said when he released a statement on the directions of the Unsworth Government. There was a heading in that statement "Efficiency and Accountability in Government". Members of the House might have entertained hopes that because of that statement and because of the importance the Government attached to efficiency and accountability in government there would be a determined and worthwhile reform that would make possible a greater efficiency in the public sector and a greater management of the public sector's resources, including personnel.

Unfortunately, the Government has chosen a soft option. I shall look at the reforms that have been proposed by the Government in the bill. I shall summarize those matters that have been brought before the House by the Government, this Government that is supposedly committed under this new Premier to efficiency and accountability. First, in relation to these reforms, once an employer has made a decision to appoint someone, he must publish details of that appointment within fourteen days of the applicant's accepting the position. Unsuccessful applicants must be advised that an appointment has been made, within fourteen days of the appointment of a successful applicant. The cut-off level for promotion and appeals is grade 12. That is a rather arbitrary limit.

It seems that justice is to be confined to those of grade 12 or below. I shall mention more about that later because the Opposition believes that the cut-off level should be grade 11, as it was previously. There is no real justification given for increasing the ceiling to grade 12. Appeals must be lodged within twelve days of the appointment being made. The senior chairperson is now to consider whether law or procedure need to be dealt with before hearing an appeal; that is, he will consider anything that might affect the appeal. That is a new provision. All appeals should now be heard in the informal mode, unless the presiding chairperson is satisfied that an appeal should be heard in the formal mode. Previously, the appellant was able to choose between a hearing in the formal and informal mode.

At informal hearings only the appellant and recommended appointee may make oral submissions. In certain cases the registrar may terminate an appeal. Apparently the Minister for Corrective Services says "bad lawyer". I

am not aware whether he is referring to the draftsman or anyone else, but I am summarizing the provisions of the bill. In relation to those things one ought to look at the response of the Public Service Association. I have a letter that was probably sent to all members of this House. It is dated 13th November, 1986.

Mr J. H. Murray: The honourable member is drinking a lot of water, perhaps he has been eating dim sims.

Mr KERR: Fortunately, I am not as dim as the honourable member for Drummoyne sims. The Public Service Association, a body affiliated with the Australian Council of Trade Unions, and a body of which I was a member, says:

Our major concern rests with the failure of the Public Service Board to agree on effective reform of the tribunal's informal mode of hearing promotional appeals.

The Public Service Association gave two options. Option one was for the departments to provide full and detailed information prior to the commencement of the hearing; the departmental representatives not to sit in on the hearing of the appeal, but to be within the precincts of the tribunal's premises, to be called upon to clarify technical or contentious matters. This method would substantially reduce hearing time. Option two, the one favoured by the Opposition, is that appellants be permitted to have advisers present during a hearing. The role of advisers would not be to present the appellants' cases, but to assist the appellants in presenting their best possible cases. Under the present and proposed informal mode, the departmental representatives, apart from presenting the department's cases, advise appointees on the conduct of their cases during hearings.

Before dealing with the shortcomings of the legislation perhaps I should give the Public Service Association some gratuitous advice on lobbying. If the association wants to lobby members of this House, they should do so well before legislation is presented. As I said, the Public Service Association's letter is dated 13th November. If meaningful discussion is to take place with interested organizations such as the Public Service Association, in fairness to its members and members of this House, the association should state its objections far sooner in response to proposals of this Government or any other government.

Let me deal with some of the real deficiencies in the legislation. In his second reading speech the Premier contended that efficiency and cost effectiveness will result from the proposed amendments to the Government and Related Employees Appeal Tribunal Act. The proposed amendments could lead to a situation where heavier costs will be incurred by both the departments and appellants. Further, the proposal allows for interlocutory proceedings, which will delay the hearing process. In his second reading speech the Premier said that the introduction of an informal mode under the Government and Related Employees Appeal Tribunal Act will be a new approach to hearing appeals in this State. At the time of its introduction it was expected that the number of appellants who would choose the informal mode would grow as experience with the new system was gained.

Despite this expectation, figures show that the majority of promotion appeals before the tribunal have been conducted in the formal mode. Does the Premier suggest the reasons why that is so? I will suggest a few for the benefit of the House. First, officers in the public service often want the chance to properly rebut what the selection committees say about them. That can be done only by the proper questioning of the convenor of the selection committee. The informal process does not allow for that to happen. Second, the informal process

does not allow for the questioning of either a recommended officer's or the appellant's case. Therefore material presented can be exaggerated, or can simply be wrong, and there is no process whereby this problem can be adequately dealt with.

Third, whether a hearing is formal or informal, the setting is by necessity formal, and the results obtained in either mode can affect the career of an officer for many years. Therefore public servants going before the tribunal often feel intimidated and give a better reflection of their true efficiency if represented. Fourth, many public servants simply do not trust the management of their departments to fairly present their performance at the interview in the departments' written cases. They therefore wish to test the findings of the selection committees. Those findings are considered by the tribunal and appropriate weight is given to them. Clearly, after living with the system for the past six years, public servants are showing their preference for the formal mode by choosing it. Why has the Government decided that the popular choice is not the best choice? The Premier gives reasons in his second reading speech when he says, *inter alia*—

Mr J. H. Murray: *Inter alia*?

Mr KERR: *Inter alia*, for the benefit of the honourable member for Drummoyne, means among other things. The Premier said in his second reading speech: "These formal appeals are extremely time consuming. In any event, a corollary of the longer hearing time is the greater cost of the formal appeals". However the Premier does not give statistics, so the House is left to speculate as to what costs he is considering. Moreover, though suggesting that appeals are time consuming, the Premier gives no statistics on the average time length of a formal appeal. If this House is to sit in judgment on which mode is best, it is entitled to that sort of information.

The House should be made aware of the following. First, no party before the tribunal is obliged to have a representative present at the formal hearing. Indeed, at the present time, many are representing themselves. Second, an appellant who wishes to be represented either has to gain the support of his or her trade union or pay for an advocate. Third, the tribunal is not overworked under the present system and can deal with its list. That is not disputed. Fourth, there is no suggestion that there will be a cutback in the cost of running the tribunal. Fifth, it is for the chairman at each hearing to control the proceedings, and there are often good reasons why some hearings take longer than others. I suggest that the main reason is the need for government departments to cut costs for they are employing barristers to present their cases.

Mr Amery: It is a waste of money.

Mr KERR: The honourable member for Riverstone says that is a waste of money. He ought to examine present work practices of various departments, because the use of barristers by government departments is unnecessary. I agree with the honourable member on that point. Indeed, it is a great waste of money.

Mr Sheahan: That puts an end to the career of the honourable member for Cronulla.

Mr KERR: The Attorney General might be interested to know that I have a career in this House for some time to come. Numerous industrial officers in the public sector who do a competent job before the tribunal are presently underused. It is for the Government to bring order to its departments and

restrict unnecessary expenditure of this type. Further, the informal mode will require the preparation of a written case, so there will be no savings in departmental time simply by removing formal appeals. Indeed, it may be necessary to spend additional time to cover those matters that have been heard orally at a formal hearing.

The real need is to review the departmental procedures to lessen the time wasted preparing appeal documents. The time-consuming nature of a minority of formal appeals could be much reduced by departments taking note of what the tribunal says in its written decisions and in directions it gives orally. For example, departments often put unsubstantiated material in their written cases and unnecessarily denigrate appellants. The Premier, in his second reading speech, said:

... at informal hearings, officers are not subject to a court-like process that may lead to acrimony between them and adversely affect their performance before the tribunal.

Officers go before the tribunal because they feel that they have been unfairly treated by a selection committee. If they are not allowed to fully put their case the likelihood of acrimony, not just at the hearing but after, is greatly increased. The Premier, in his second reading speech said also:

... informal hearings often enable the tribunal to make a better decision on the relevant attributes and abilities of the appellants and recommended officers as they hear from such persons themselves rather than through an advocate.

At a formal hearing the recommended officer and appellant are heard by the tribunal and their relevant attributes and abilities can be judged from not only what they say but also from their written case. The advantages of having an advocate are, *inter alia*, the following: first, to ensure that the officer concerned covers all the material that he or she wishes to present; second, to recommend the removal of irrelevant material that would only take the time of the tribunal and not necessarily assist in an evaluation; and, third, to sum up for the tribunal on the relative merits of the parties. Many people—and members on the Government side will be able to identify with this—are not at their best when communicating in an official setting. This does not, however, mean that they might not be the best person for the job under dispute. An advocate can often ensure that a party is given a fair go and that he or she is not nervous. The Premier set out in his second reading speech the primary reason why this legislation will not be effective when he said:

... the bill will ensure that hearings of promotions appeals will be informal unless the senior chairperson or presiding chairperson is satisfied that there is good and sufficient reason for the hearing to be formal.

That allows for applications to be made before and during hearings for the matter to be heard formally. In the light of experience one expects that there will be many applications to have a matter formally heard. This must result in extra time being taken in evaluating the reasons for the request. If, however, the decision is taken during the hearing, the hearing has effectively been aborted. It would then be necessary for both sides to obtain representation. This delay would be manifestly unfair to all parties concerned. The Premier has provided the House with simplistic arguments that do not have any foundation. If, as he claims, there are to be cost savings, where are these savings to come from? How much will be saved, and on what does he base his estimate? Is this legislation being brought forward on the recommendation of disgruntled senior bureaucrats who have had their decisions questioned? Those are just some of the deficiencies to be found in this reform and in the original legislation. I commend to the Premier and his speech writers a recently published book called *Promotion and*

Disciplinary Appeals in Government Service. It is written by an officer well known to honourable members—Mr Geoff Cahill. He illustrates his book with cartoons. I am not sure whether he kept a record—

[*Interruption*]

Mr SPEAKER: Order! The honourable member Cronulla has the call. I ask honourable members to desist from interjecting to allow the honourable member to conclude his address.

Mr KERR: I wonder whether the author of that book collected illustrations when he was an officer in the Labor Party. Perhaps we will have to wait for his biography or autobiography to be written before we are provided with that information. As I said, the bill is a pathetic attempt to address real problems. The real issue is not just the time and cost of implementing the proposals but their impact on the quality of the public sector. I outlined the response to the measure of the Public Service Association and I indicated the two options that are available. The Opposition finds the second option preferable by far. The amendments treat merely the symptoms and not the cause of the problem. Basically the bill is designed to reduce the time spent on promotion appeals. It makes no attempt to tighten the grounds for appeal. It will not reduce the number of appeals going before the tribunal. By raising the cut-off point, it will increase the number of appeals.

The amendments will do nothing to discourage the chronic litigant. There are chronic litigants and they ought to be discouraged. The money that is spent in hearing these appeals is taxpayers' money. What the Wran Government was in the reform of public administration, so is this Government. It chooses mildness rather than management. The bill will be used by the Government as a convenient excuse not to update or refine the selection procedures. Instead of putting time and energy into a system that aims to rectify errors made during the selection and appointment process, the Government should be trying to find ways of improving that selection process. A more sophisticated approach to selection would mean that the tribunal would be used as it should be used—as a place of last resort. However, this Government, like the Wran Government, is devoted to the occupation of office for its own sweet, hollow and echoing self. It is devoted to the moral equivalent of the ministerial limousine.

Mr UNSWORTH (Rockdale), Premier, Minister for State Development and Minister for Ethnic Affairs [2.47 a.m.], in reply: The arguments put forward by the honourable member for Cronulla in opposing the bill are very confused. At the outset the honourable member for Cronulla gave a clear indication that the Opposition is completely opposed to the concept of appeal against promotion determinations by quoting from an article by Mr Mulcahy of the Land Titles Office. To confuse the situation further, the honourable member for Cronulla tried to compare the informal mode and the formal mode of appeal and to draw some analogy in terms of cost saving. In addressing this matter in my second reading speech I made it perfectly clear that there is a cost saving and that we have quantified the cost saving at a minimum of \$2 million.

The cost saving can be immediately attributed to the time spent by all persons associated with the appeals process: the appellants, the nominated officers and the departmental officers. Instead of those officers occupying their places in the public service, they are involved in procedures before the tribunal. If the appeal process can be streamlined and the time taken on appeals reduced, the time of public servants will be saved and will be used in doing the work for

which they are employed. If the honourable member for Cronulla had taken the trouble to read my second reading speech he would know that I pointed out the comparative time taken in the formal mode, which can range from half a day to five days, and the time taken in the informal mode, which is a much shorter period. I made that clear when I presented the bill to the House.

The honourable member for Cronulla suggested also that extending the classifications that come within the provisions of the GREAT legislation to include class 12 employees will result in more appeals. Anyone would know, particularly officers seeking such positions, that there are very few class 12 positions in the public service. Because of their seniority, and their relatively small number, grade 12 positions do not usually attract appeals.

Mr Kerr: There will be some.

Mr UNSWORTH: There will be some and I could tell the House where they are. Section 116 of the Public Service Act now provides that grade 12 employees may appeal to the Public Service Board. All that the legislation will do is transfer an appeal involving that class of employee from the Public Service Board to the Government and Related Employees Appeal Tribunal. There is no extension of the concept of the classification for whom an appeal lies.

This matter has been extensively discussed with the trade unions—not only the Public Service Association, but all other unions that come within the purview of the tribunal. The other unions expressed their desire not to be involved in the continuation of extensive and expensive formal appeals. The impetus from those organizations has resulted in this proposed change. I have had discussions with the unions, the Labor Council, and the Public Service Association about the details of how the informal mode should be conducted, and how appellants should appear in the proceedings. I am satisfied from those discussions that the unions, with the possible exception of the Public Service Association, accept the compromise agreed to between the Public Service Board and the Labor Council. I believe this legislation will save a substantial amount of State funds, will result in a reduction of time taken to deal with appeals, and will ensure that management, as suggested by the honourable member for Cronulla, will not be unduly burdened by involvement in extensive appeals. The process will flow from a greater emphasis on the informal mode of appeal. I commend the bill.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr KERR (Cronulla) [2.54 a.m.]: I move:

That at page 5, all words on lines 7 to 10 be omitted.

I shall not detain the Committee at any length, as I foreshadowed my reasons for moving the amendment. The Premier confirmed my reasons when he said that the legislation will attract additional appeals. The way in which members on the Government benches vote will reveal the Government's bona fides on cost effectiveness in public administration.

Amendment negatived.

Schedule agreed to.

Bill reported without amendment and passed through remaining stages.

ALLOCATION OF TIME FOR DISCUSSION

Mr SHEAHAN: On behalf of the Premier I give notice of business to be dealt with under Standing Order 175B: Director of Public Prosecutions Bill and cognate bills, completion of all remaining stages by 8 p.m., Tuesday, 2nd December, 1986; Soil Conservation (Further Amendment) Bill and cognate bills, all remaining stages by 9 p.m., Tuesday, 2nd December, 1986; and, Darling Harbour Authority (Amendment) Bill, all remaining stages by 10 p.m., Tuesday, 2nd December, 1986.

ADJOURNMENT

Central Coast Companies—Department of Housing Contract Payments—A'Beckett's Creek Flooding—Wentworth Shire Land—Traffic Signals for Albion Park Rail.

Mr SHEAHAN (Burrinjuck), Attorney General and Minister Assisting the Premier [2.59 a.m.]: I move:

That this House do now adjourn.

Mr McGOWAN (Gosford) [2.59 a.m.]: Most of the businessmen in my electorate are fair traders, people who act ethically and properly in their dealings with the public. However, I wish to draw to the attention of the House some of the people who are not like that. In particular, I wish to mention Hooker Homes and Citicorp, a company called Standish and Company Pty Limited trading as Electronic Sales and Rentals, Kewba Pools and Arnmor Kitchens. Hooker Homes and Citicorp together, as we have heard before in this House, do not break any laws but what they do is morally wrong. Constituents complain to me they are given the impression that after having managed to pay the repayments for a period of one year they will have no trouble getting refinanced by a bank or building society. Indeed, this is not the case. Constituents have told me that when they have approached banks or building societies for inspection and valuation of their house, it has shown to be not worth as much as they paid for it, and also, because of the high interest rates Citicorp charges, even though they may have paid \$6,000 or \$7,000 deposit, they owe Citicorp the total amount, with the result that they have no equity whatever in the property.

Standish and Company Pty Limited, trading as Electronic Sales and Rentals, over its five or six years of trading on the Central Coast has developed an unenviable reputation. Its latest act has been to take \$200 or \$300 deposit as a bond for the hire of video machines. When the people eventually turn up to get their bond back they find Standish and Company Pty Limited are no longer trading as Electronic Sales and Rentals; they have gone into liquidation, and the same people are operating as Nebara Pty Limited and trading as Televid in exactly the same place. They are exactly the same people.

Mr Pickard: On a point of order. Mr Speaker, your ruling previously has been that contributions to an adjournment debate should be confined to one issue and that it should be related closely to the member's own electorate. The honourable member is raising five assorted issues.

Mr McGowan: They all deal with the one issue.

Mr Pickard: A connection has not been established. If there is one, it should be made clear.

Mr SPEAKER: Order! My ruling has been that, in speaking in an adjournment debate, a member may raise any one matter of interest to his electorate in particular or to the State in general. I am sure that is what the member is about to do.

Mr McGOWAN: The other matter I wish to raise in the short time I have left concerns Armnor Pty Limited, which makes and installs kitchens. One of my constituents, over a long period of time, has tried to get them to do exactly that. Eventually she reached the stage where she took out a garnishee order. She went through the consumer tribunals and, after getting the garnishee enforcement order from the Sheriff turned up at the bank to hand the garnishee order over and found the company had gone out of business the day before, had no money in the bank, and was no longer trading as Armnor Pty Limited but as Armnor Kitchens Pty Limited. Thus, the order was not enforceable against the new company. This company, run by Mr Ian Sterling and his wife, does not act ethically. I urge the people of the Central Coast not to trade with them in the future or with Kewba Pools.

Mr SPEAKER: Order! The honourable member has exhausted his time for speaking.

Mr SCHIPP (Wagga Wagga) [3.4 a.m.]: The matter I raise is of increasing concern in the administration of the contract division of the Department of Housing. Specifically, it is the need for prompt payment of contractors who carry out work for the department. An increasing number of matters are being brought to my attention where contractors engaged on dwelling construction or maintenance contracts are having their viability jeopardized by delayed payment of money owing to them under those contracts. In recent weeks examples of this disadvantage to builders and tradesmen have been brought to my attention by a number of members whose constituents raised the problem of debt servicing when money owing to them remained unpaid for protracted periods. One can imagine that for relatively small tradesmen a delay of just a few hundred dollars or, in some cases, many thousands of dollars, can compound into serious losses when the cost of interest and other bank charges are taken into account at today's super high interest rates being maintained by the Hawke federal Government.

Many of these tradesmen depend to a large extent on contracts from the Department of Housing for their livelihood and cash flow. When they are denied the moneys owed to them, they have to go cap in hand to their bankers seeking accommodation to pay their subcontractors and suppliers, upon whom they depend to carry out their contractual obligations. The credibility of these contractors depends on their ability to settle their accounts promptly. Any excuse that delays have occurred in receipt of payment due to them from the Government is not acceptable and does not help those dependent on the contractor for their livelihoods. In other words, when the Government breaks the chain of payments made on time, the entire system breaks down unless the principal contractor is willing to borrow at high interest rates to meet his obligations to others.

I cite the case of a small contractor in the Kempsey area who carries out general maintenance contracts for the Department of Housing. This particular contractor has experienced delays of up to ten weeks in receiving payment for work completed satisfactorily and documented with the

department's Kempsey office. That contractor believes that the problem does not exist at the Kempsey office but more likely elsewhere in the system, as date-stamping will reveal. At the time of writing to his local member early in November, this contractor was owed almost \$7,000, much of which was made up of substantial out-of-pocket costs. Towards the end of August the contractor was owed more than \$13,000 for work that had been completed. Prior to that, in the months of June, July and early August, the department demonstrated its ability to pay promptly when payments were received—seldom more than twenty-one days from completion of the work. The contractor noted that since then the department has reverted to its old ways.

A perusal of his worksheet reveals that there is no rhyme or reason for the processing of advice notices, for payments being made out of order of date of lodgment, ranging from seventeen days to fifty-six days from lodgment to payment. In the words of the contractor, who I trust will not in any way have his position jeopardized by my bringing his plight to the attention of the Parliament: "The way things are at present, it is neither possible to make our payments in a reasonable time without making extra arrangements with the bank, thus incurring extra charges, nor to plan ahead at all. This situation is intolerable". The contractor makes this plea, "I hope the information I have provided will be substantial enough for the Minister to appreciate the problems that I and many other small contractors are facing with the current payments system".

As I stated, this is not an isolated case. I could just as easily have cited among others the instance of a North Coast builder, trading under the name J. L. and L. J. Harris, who is facing bankruptcy and who blames the department's late payments system for many of his problems. As I said at the outset, there is increasing concern among contractors and suppliers to the Government about the problems caused by delays in being paid for goods and services. For this reason the Opposition, through the shadow minister for small business, last year moved a private member's bill that sought to have government departments and authorities pay their accounts on time, or pay penalty interest for late payment, just as the Government compels the ordinary citizen to pay if he does not meet his obligations on time. My purpose for raising this matter is not for a witch hunt or to apportion blame, but to bring to the attention of the Parliament the plight of small and medium contractors throughout the State who are feeling the strain of today's economic circumstances and who are therefore dependent on the Government to responsibly settle its accounts. If the Minister, as a result of my raising this problem, will cause a review of the payments processes to ensure that a fair and responsible payments system is in place, I will be satisfied with that outcome as will, I am sure, many small-businessmen who suffer from the current administration of payments by his department. I wish the Minister had been present to hear what I have had to say. I gave notice to the Minister of what I would raise in this debate. It is a serious situation and should not be dismissed lightly. It does not affect housing alone, but other—

Mr SPEAKER: Order! The honourable member has exhausted his time for speaking.

Mr WILDE (Parramatta) [3.9 a.m.]: Regrettably I rise again in this adjournment debate to speak about matters that affect my constituents in the vicinity of A'Beckett's Creek, Granville. On two recent occasions A'Beckett's Creek has been flooded, not as a result of a one-hundred year, a fifty-year, or a twenty-year flood, but because of work that has been carried out on the channel

by contractors employed by the Department of Main Roads. These contractors are constructing a link between the F4 freeway and James Ruse Drive and have erected two piers to support a road across the A'Beckett's Creek stormwater drain. In the course of constructing bridgework across the creek an enormous amount of steel fabricating work was carried out. When it rained, this held up the flow of floodwater which had brought debris down the creek. The debris formed a wall or a dam and many houses were flooded.

I am pleased to say that at least the steel fabricating material has been removed. But, as I said the last time I spoke on this matter, these two substantial piers are located right in the middle of the stormwater channel. This channel was designed more than fifty years ago to carry a certain quantity of water. With two piers, each at least a metre and a half wide, in the middle of it, obviously there is a substantial effect upon the flow of water through that channel. It is essential that work be undertaken immediately to widen the stormwater channel at that point to compensate for the reduced flow capacity caused by these piers. Strangely enough, when the contractors were building these piers they damaged the wall of the channel. That offered a readymade opportunity for them to widen the channel at that point and increase the capacity. On Sunday, when I went to inspect the area I found that new concrete channel walls have been constructed, in effect repairing the damage for a substantial length of the channel. I think it is ludicrous that that should have been done. It is essential that the Minister for Water Resources, who is responsible for the channel, should take up the matter with the Department of Main Roads, which is obviously responsible for approving the design that resulted in these piers being built in the middle of the channel. Work should be undertaken immediately to widen the channel.

In addition, the contractors have laid substantial amounts of concrete footings or piers on top of the embankments of the channel. I presume these were footings for the steel stanchions supporting the bridgeway. There is no indication that they are to be moved but it is essential that they are. The main thing is that this channel needs to be widened to compensate for the reduced capacity as a result of these piers being placed in the middle of the channel. Inevitably, debris will be caught against the piers. They have been tapered so that debris will bounce off them but that will not work as in the past two floods trees have been washed down the channel. A tree would lodge against these piers and catch other rubbish flowing along the channel. A substantial widening of the channel must be carried out at this point.

I might mention a constituent who came to see me the other day, Mr Cyril Kearns, a racehorse trainer who has been training horses in this region for many years. Members of his family have lived in these properties for eighty years. They have never had any flooding at all other than these last two occasions in recent years. Now they find their properties zoned as flood-prone. This is not a result of a hundred-year flood or anything of that nature; it is a result of the blocking of the channel by the contractors. A permanent blight has been placed upon Mr Kearns' property and other properties. I ask that the matter be investigated and rectified.

Mr SMALL (Murray) [3.14 a.m.]: I raise an issue that concerns constituents in the western part of my electorate within the Wentworth shire in the towns of Buronga, Gol Gol, Coomealla, Dareton, and Wentworth over the release of land for residential purposes along the Murray River. This land is under the control of the Western Lands Division as well as the Water Resources Commission. Under new legislation, that land will now come under

the control of the Department of Lands. There are many beautiful sites right along the Murray River in the Western Division in the Wentworth shire which are most desirable for residential purposes.

Most housing development is taking place in the Mildura area, on the Victorian side of the river. The problem is that if land is not released towns in the area will not develop further. I have approached the Minister for Agriculture and Minister for Lands and the previous Minister for Water Resources and asked them to look at the area and work together with the Wentworth shire to release land for residential purposes. A number of people have land that fronts the river. They are engaged in agricultural pursuits. Large areas of land here are ideally suited for agricultural development. However, people are told that insufficient land is available to allow agricultural pursuits to continue should land be released for residential purposes. That is bad policy.

It is most important that the Minister responsible for the portfolios concerning this matter be made aware of these facts. They should inspect the areas and examine the position to see that the Wentworth shire is further developed. The areas in question are elevated sandy rises fronting the Murray River. This particular area is a retirement and tourist region used by many people, and is most attractive. It is a shame that development there is restricted. I ask the Ministers responsible to help develop the region. I ask also that accommodation be provided for retired people. The area should be developed for future recreational purposes as well.

Some areas I have referred to encompass irrigation regions. A large-scale region of irrigation land is available. It would not create a problem for the Department of Water Resources. New areas along the river could be identified for further housing development. The Buronga-Gol Gol region is opposite Mildura. The new Chaffey bridge has been of much benefit for the areas transport needs. The Gol Gol-Buronga-Wentworth areas would be greatly enhanced through the release of the land in question. Western land could also be released to develop the Wentworth shire. Again I ask the Minister to assist the development of residential areas in the region.

Mr PETERSEN (Illawarra) [3.19 a.m.]: My purpose in speaking tonight is to draw attention to the need for traffic lights at the T-intersection of Princes Highway, and Creamery Road, Albion Park Rail, which runs east from the highway. During the years I have made many representations about this crossing. Typical of the replies that I have received is one dated 29th August, 1983, from the then Minister for Transport, the Hon. Peter Cox, in which I was advised that Shellharbour council traffic committee concluded that the conditions at the junction did not meet the warrant for the provision of a stop sign or pedestrian crossing. In December 1985 my federal colleague, Mr Colin Hollis, MHR, was advised by the divisional engineer of the Department of Main Roads that the warrants for installation of traffic signals as laid down by the Traffic Authority of New South Wales are not presently being met and that the department has no current proposals for signal installation at this location.

After eighteen years in this Parliament I must confess that I am getting somewhat tired of the concept apparently held by the traffic authorities that traffic lights and signals must wait until there is sufficient volume of traffic or pedestrian traffic to warrant them. In 1959, as secretary of the Unanderra branch of the Australian Labor Party I made representations, following an accident to a pedestrian, for traffic lights at the intersection of Princes Highway and Farnborough Road. We got them in 1984. I remember that in 1973

following an accident I took a delegation to the federal Minister for Transport, the Hon. W. C. Fife, for traffic lights at the intersection of Shellharbour road and Lake Entrance Road, Warilla. We did not get those lights until several years after.

In respect of the intersection of Creamery Road and the Princes Highway, on Tuesday 25th November I attended a public meeting held at the fire station located on Princes Highway, Albion Park Rail, presided over by the honourable member for Kiama in his capacity as mayor of Shellharbour. Several hundred people attending the meeting were most angry because six days previously a little girl had been run down and seriously injured. They pointed out that since August 1984 four children had been hit trying to cross the road at that point, but the Department of Main Roads said that there was no possibility of a pedestrian crossing because the actual usage by pedestrians is quite low. An officer of the Shellharbour council said that the council had a record of five accidents between 14th August, 1985, and 30th October, 1986. Alderman Frank Smithers said that the matter would be referred again to the traffic committee. The meeting made several suggestions about the re-routing of school buses, but clearly these are difficult of application and would not solve the problem. Besides, they do not affect elderly people who, after all, must cross the street to reach the shops on the eastern side.

There is another problem. There is an urgent need for traffic lights to control the traffic coming out of Creamery Road and turning north. The Princes Highway is now an extremely busy road both ways and I have waited seven minutes to get out of Creamery Road. Impatient drivers will take considerable risks to get out. It is only a matter of time before a really serious accident occurs. Several people at the meeting spoke of accidents and near accidents. The meeting decided to hold a demonstration to put their point of view. The demonstration will be held on Monday 15th December. The meeting decided also that it wanted lights urgently and if definite information is not made available in the near future on installation of the lights within six months, they will have to consider a more active campaign.

A man present at the meeting, Mr Jack Clarke, who has lived in Creamery Road for fourteen years, pointed out that since the expressway was extended beyond Dapto to Yallah it has meant that more drivers are using the highway west of Lake Illawarra to go south instead of travelling east of Lake Illawarra along Springhill Road and Shellharbour Road. It is rather pointless to speak of a small volume of pedestrian traffic; the question is one of the level of dangerous vehicular traffic. I urge the Minister to cut the red tape and to get rid of the criteria being used in cases such as these. The need for lights is urgent. It would be silly to treat this case as other cases have been treated. I do not wish to wait twenty-five years for these lights. I suggest that if this severe problem of safety is not solved in the near future by the installation of traffic lights, we as a government will have ourselves only to blame if the people of Albion Park Rail blame us for the accidents and take more serious action to bring about a solution to the problem. This is a particular case in which the volume of vehicular traffic demands that lights be installed both for people coming out of Creamery Road and for pedestrians crossing the Princes Highway at Albion Park Rail. In the interests of safety I urge the Government to do something about it.

Mr SPEAKER: Order! The honourable member's time for speaking has expired.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 31

Mr Akister	Mr Doyle	Mr Page
Mr Amery	Mr Face	Mr Petersen
Mr Anderson	Mr Ferguson	Mr Quinn
Mr Aquilina	Mr Gabb	Mr Rogan
Mr Bowman	Mr Irwin	Mr Sheahan
Mr Cavalier	Mr Knight	Mr Walsh
Mr Cleary	Mr Knowles	Mr Wilde
Mr R. J. Clough	Mr McGowan	
Mr Crawford	Mr McIlwaine	<i>Tellers,</i>
Mrs Crosio	Mr Moss	Mr Christie
Mr Davoren	Mr Neilly	Mr Wade

Noes, 22

Mr Armstrong	Mr Kerr	Mr Schipp
Mr Beck	Mr Longley	Mr Small
Mr J. D. Booth	Miss Machin	Mr Smiles
Mr J. A. Clough	Mr W. T. J. Murray	Mr Wotton
Mr Cruickshank	Mr Park	
Mr Fahey	Mr Peacocke	<i>Tellers,</i>
Mr Hay	Mr Pickard	Mr T. J. Moore
Mr Jeffery	Mr Rozzoli	Mr West

Pair

Mr Mulock Mr Greiner

Question so resolved in the affirmative.

Motion agreed to.

House adjourned at 3.31 a.m., Tuesday, until 10.30 a.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers* this day.

DEPARTMENT OF YOUTH AND COMMUNITY SERVICES

Mr T. J. MOORE asked the **Minister for Youth and Community Services and Assistant Minister for Ethnic Affairs**—

Will he draw to the attention of members of the staff of the Department of Youth and Community Services, particularly the officer who drafted the ministerial response on Ministerial File Y 5125298, that the honourable member for Tuggerah and the honourable member for Gordon share the same surname but represent different electorates and political philosophies?

Answer—

The honourable member's inquiry has been noted and appropriate procedures implemented to avoid a recurrence.

COMMUNITY YOUTH SERVICES

Mr YEOMANS asked the Minister for Youth and Community Services and Assistant Minister for Ethnic Affairs—

What services are specifically developed and provided by the staff referred to under the heading "Development and Provision of Services for Youth in the Community" on page 652 of the Budget Estimates?

Answer—

These services are financial assistance, accommodation assistance, travel assistance, clothing assistance, non-specialist case work, child at risk notification of adolescents and liaison work with community services or other Government Departments which can provide assistance to young people.

REGISTRY OF BIRTHS, DEATHS AND MARRIAGES

Mr BAIRD asked the Attorney General and Minister Assisting the Premier—

(1) Are there any plans to improve the speed and efficiency of the processing of certificates and other documentation by the Registry of Births, Deaths and Marriages?

(2) If so, what measures are being considered and when will these be implemented?

(3) If not, why not?

Answer—

(1), (2) and (3) Yes.

Many improvements have been introduced which have resulted in certificates being processed, with the exception of some of the more complex family history type applications, in less than two weeks. It is anticipated this period will be reduced to one week in the near future.

It is proposed to introduce a fully computerized system into the Registry with a facility for the automated production of certificates. Tenders have been evaluated and a recommendation made to the State Contracts Control Board for the acquisition of equipment and systems to allow the project to commence early in the new year.

HEAVY VEHICLE OVERLOADING

Mr BAIRD asked the Minister for Public Works and Ports and Minister for Roads—

(1) What are the maximum fines for overloading of heavy vehicles?

- (2) Is there a sliding scale for fines depending on how much the weight is exceeded?
- (3) If not, why not?
- (4) How many drivers were prosecuted for overloading during 1985-86?
- (5) How many owners were prosecuted?
- (6) What was the total of fines collected for overloading during 1985-86?
- (7) What does the Department estimate the cost of damage to New South Wales roads by overloaded vehicles during 1985-86 is?
- (8) What was the average fine imposed?
- (9) How many maximum penalties were imposed?

Answer—

- (1) \$1,000 for first offence and \$2,000 for each subsequent offence.
- (2) No.
- (3) The extent of the fines is at the discretion of the Magistrate.
- (4) 10 406.
- (5) 1 965.
- (6) \$4,331,010.
- (7) \$24 million.
- (8) \$400 (includes Court costs).
- (9) 29.

REPRESENTATIONS BY Ms P. BRADLEY

Mr ARKELL asked the **Minister for Education—**

- (1) Has the Director-General of Education received representations from the Member for Wollongong on behalf of Ms P. Bradley?
- (2) Has he been approached by Ms P. Bradley personally?
- (3) Has he been apprized of my representations by the Director-General?

Answer—

- (1) Yes.
- (2) Yes.
- (3) Yes.

SERVICE STATION SITES

Mr BAIRD asked the **Minister for Public Works and Ports and Minister for Roads—**

- (1) Have previously stringent guidelines for service station site approvals in the vicinity of traffic lights been relaxed?

- (2) If so, why?
- (3) What is the closest distance a service station can be from a set of traffic lights?
- (4) Has this minimum distance changed over the last two years and if so, by how much?

Answer—

- (1) and (2) No.
- (3) The desirable minimum distance of a driveway to a service station from an intersection controlled by traffic signals is 25 metres. The minimum acceptable distance is 6 metres.
- (4) No.

DEPARTMENT OF INDUSTRIAL DEVELOPMENT

Mr BAIRD asked the **Minister for Industry and Small Business and Minister for Energy and Technology—**

- (1) Will the Department of Industrial Development be conducting any trade missions this year and, if so, what will these involve?
- (2) Will New South Wales be participating in any international trade fairs this year and, if not, why not?
- (3) Is the Department of Industrial Development considering any plans to arrange free staff training overseas for New South Wales industries involving new technological skills?
- (4) If not, why not?
- (5) What liaison does the department have with countries that have run successful industrial development programmes?
- (6) Have any of the Department's initiatives in the past resulted from such liaison and, if so, what are some recent examples?

Answer—

- (1) No, however in July 1986 the Minister for Industry and Small Business and Minister for Energy and Technology led a trade mission to Thailand and Malaysia.
- (2) No, because other trade promotion activities in the remainder of this year are considered the best use of resources at this time. In September 1986, the Department was involved in co-ordinating the State's presence in a major transport exhibition in Canton, China, promoting the State's products and expertise in the fields of traffic control systems and railway equipment.
- (3) Yes, particularly in the context of technology transfer through companies OFFSET obligations under the Government's purchasing policy.
- (4) Not applicable.

(5) The Department maintains liaison with similar authorities undertaking development roles in other countries by means of discussions with visiting representatives of such authorities in Australia, contacts via the State's overseas offices, or during Ministerial trade and investment missions, and by correspondence.

(6) Not specifically, although inevitably there are similarities between such programmes in different countries, as "ideas" are modified to suit local circumstances, etc.

The Department participates in the Teaching Company Scheme which was introduced by the Commonwealth Government following success overseas.

DRAFTING OF ANSWER TO QUESTION UPON NOTICE 441

Mr T. J. MOORE asked the **Minister for Housing and Minister for the Arts**—

Who drafted the answer to question 441 on notice during the current session of parliament?

Answer—

In order that this question be answered accurately and fully the honourable member should make it clear which draft he is referring to.

DARLING HARBOUR PROMOTIONS MAGAZINE

Mr BAIRD asked the **Minister for Public Works and Ports and Minister for Roads**—

(1) In which newspapers did the magazine promoting Darling Harbour appear on Saturday, 1 November?

(2) How many of the magazines were printed?

(3) Was the magazine funded by New South Wales taxpayers?

(4) If so, how much was spent on the magazine?

(5) If not, how was the magazine financed?

(6) Are there any plans for similar publications in the future?

Answer—

(1) *Sydney Morning Herald*.

(2) 540 000 copies were printed which would have reached more than 1 million people in New South Wales.

(3) to (6) As with any high quality *Good Weekend Magazine*, the Darling Harbour magazine basically paid for itself through advertisements. The advertising support is a clear endorsement of Darling Harbour by the private sector.

The 40 000 "run-on" required by the Darling Harbour Authority because of the many inquiries it receives from the public, cost approximately 22 cents a copy.

Darling Harbour is a partnership between private enterprise and the Government. But the Government has overall control and is contributing important public facilities including the largest Convention and Exhibition Centres in Australia.

The Government has a responsibility to inform the public how the taxpayer's money is being spent. This is especially so when Darling Harbour is the greatest urban redevelopment ever undertaken in our nation.

Naturally, there will be an updated version of this magazine produced on a similar basis.

LOCAL GOVERNMENT BY-ELECTIONS

Mr FAHEY asked the Minister for Local Government and Minister for Water Resources—

- (1) What will be the cost to ratepayers of the Campbelltown City Council by-election to be held later this month for the election of one alderman?
- (2) Will the political control of the Council be altered following the election, during the remaining 10-month life of the council?
- (3) Will she amend the Act to facilitate the election of an alderman to fill a casual vacancy in all local government areas in New South Wales without the need to hold expensive by-elections?
- (4) If so, when and on what basis?

Answer—

- (1) While it will not be possible to state until some time after the election has been held what its total cost will be, the Town Clerk of the Campbelltown City Council has estimated that the cost will be between \$40,000 and \$50,000.
- (2) The effect of the election on the Council will not be apparent until after the result of the election is known.
- (3) and (4) The law was amended earlier this year to allow extraordinary vacancies on the Newcastle City Council to be filled by a method which does not necessitate the holding of an election and which is similar to the procedure used in the Legislative Council. The use of this method will assist the Government in determining whether it should be extended to cover all councils in the State at some future time.