

criterion. The Attorney-General has adopted the right approach by wanting to be sure that proper investigations are made before charges are laid.

The Hon. R. C. Packer has raised a good point by suggesting that outside counsel be employed to speed up these investigations by the Crown law authorities. I shall certainly refer his suggestion to my colleague the Attorney-General to determine whether it would be possible to hasten inquiries like these. The honourable member raised other questions about the length of time that it takes to produce reports of this nature. I am sure that the Hon. R. R. Downing and other members who appreciate the complications of company law realize that these inquiries take a tremendous amount of time. I have great confidence in the Attorney-General. I shall certainly convey the honourable member's useful suggestion to him.

Motion agreed to.

House adjourned at 5.15 p.m.

Legislative Assembly

Tuesday, 16 March, 1971

First Session of the Forty-third Parliament—Opening of Session—Oath of Allegiance—Members Sworn—Election of Speaker—Presentation of Mr Speaker—New Administration (Government Whip)—Leader and Deputy Leader of the Country Party: Country Party Whip—Leader and Deputy Leader of the Opposition: Opposition Whip—Senate Vacancy (Death of Senator James Patrick Ormonde)—Assent to Bills—State Forests (Revocation of Dedications)—Law of Evidence Bill (*pro forma*) (first reading)—Death of Thomas Howard Morrow, Esquire, a former Member of the Legislative Assembly—Senate Vacancy (Death of Senator James Patrick Ormonde)—Legislative Assembly Members Provident Fund—Electoral District of Campbelltown (Election Petition)—Election of Chairmen of Committees—Special Adjournment.

FIRST SESSION OF THE FORTY-THIRD PARLIAMENT

The House met at noon, pursuant to the proclamation of His Excellency the Governor convening Parliament.

The Clerk read the proclamation.

The Clerk announced that he had received a list, certified by His Excellency the Governor, of the names of the members to serve in this Parliament, together with the writs on which they had been returned; with His Excellency's certification that the writs had been returned prior to the day by which they were by law returnable.

OPENING OF SESSION

The Usher of the Black Rod, being admitted, delivered a message from the Commissioners requesting the immediate attendance of this honourable House in the Legislative Council Chamber to hear the Commission for the opening of Parliament read.

The House went, and members having returned,

OATH OF ALLEGIANCE

The Clerk informed the House that His Excellency the Governor had issued a Commission authorizing the Hon. Robin William Askin, the Hon. Charles Benjamin Cutler and the Hon. Eric Archibald Willis to administer the oath or affirmation of allegiance to Her Majesty the Queen required by law to be taken or made by members of the Assembly. The Clerk read the Commission.

MEMBERS SWORN

All members took the oath or made an affirmation, and subscribed the roll.

ELECTION OF SPEAKER

Mr GRIFFITH (Cronulla) [12.45]: I move:

That the Honourable Sir Kevin Ellis, K.B.E., LL.B., B.Ec., do take the Chair of this House as Speaker.

Just three years ago I had the privilege of moving a similar motion for the election of Mr Kevin Ellis, as he then was, as Speaker of the Forty-second Parliament. Sir Kevin Ellis, having been elected Speaker of this House in May, 1965, was the first Liberal member ever to occupy that position. The office of Speaker is the highest position to

which this Parliament can elect any member. To be a good Speaker requires a lot of ability and great knowledge of the standing orders, as well as wisdom to be able to apply those standing orders in fairness to all members. To be an excellent Speaker requires still greater talents. To be an excellent and an outstanding Speaker requires those rare qualities possessed by Sir Kevin Ellis.

Sir Kevin's whole life seems to have been directed step by step and stage by stage until eventually it was inevitable that he would occupy one of the highest positions in the land. He had a brilliant academic career in his early life, graduating in law at the University of Sydney, obtaining first-class honours and winning the university medal for the most distinguished student graduating in law in that year. His further intellectual capabilities were soon shown when after completing law so remarkably well he turned to economics and graduated as a Bachelor of Economics, winning the John S. D'Arcy memorial prize for public administration. Even while he was so busy with his brilliant academic studies he found time to devote himself to the affairs of the university, at one stage being president of the Students' Representative Council at the University of Sydney. Sir Kevin was president of the Sydney University Evening Students Association and was foundation president of the National Union of Australian University Students. Sir Kevin Ellis had truly a first-class academic background with which to commence a quite brilliant career.

Upon completion of his formal studies Sir Kevin set about establishing a legal practice in Sydney. For almost forty years he has worked to build up one of the most successful legal practices in this city. After the outbreak of World War II he enlisted in the Royal Australian Air Force. His talents were soon recognized and he was attached to the Royal Air Force with which he saw action and activities in the Middle East, North Africa, Italy, and Britain, attaining the rank of flight lieutenant. At the conclusion of his war service Sir Kevin returned to civilian life and set about successfully re-establishing his legal

practice in Sydney. However, the call to civic duty must have been strong in him. In 1948 he turned his attention to politics. In that year he was elected to this House as member for Coogee and he has represented that electorate for 17 years. I am happy to say he was re-elected at the recent State general election.

Although Sir Kevin has had a long and full political career, he has been defeated twice at elections. I am sure that those defeats had tremendous influence upon him, as only those who know the bitterness of defeat would understand. A defeat must have a great effect on the attitude of a member and his feelings towards fellow members. It certainly has a softening effect and gives a person an understanding of the problems of members of this Parliament. I am sure that this is so with Sir Kevin Ellis. In his long career of 17 years in this Parliament, Sir Kevin has experienced every aspect of parliamentary life. Newer members who have known Sir Kevin Ellis only as Speaker of this Parliament would do well to go back through the records of *Hansard* and read some of his speeches as the member for Coogee. He has made many worthwhile contributions to debates in this House. Having known all aspects of political life, its glories and its defeats, he has an attitude and a bearing that well fit him for the position of Speaker. In 1965, after that particularly historical and happy event, the change of government in this State, Mr Kevin Ellis was elected Speaker of the Forty-first Parliament. In that Parliament and again in the Forty-second Parliament Sir Kevin has clearly shown that the confidence placed in him by members of this House was by no means misplaced.

Though Sir Kevin Ellis was representing a borderline seat with all its attendant difficulties and he had to cope with all the additional work necessary in his office as Speaker, he still found time to take part in activities outside the Parliament in general community life. He was for twelve years—in fact until quite recently—honorary secretary and director of the National Heart Foundation of Australia, but he had to relinquish this position reluctantly in

order to devote more time to his university activities. At the same time he was on the boards of Prince Henry Hospital and the Prince of Wales Hospital, and he was a councillor of the University of New South Wales. He is presently the president of the Psychiatric Rehabilitation Association, a very worthwhile organization in our community, and also deputy chancellor of the University of New South Wales, that great university which is growing rapidly and requires the experience and ability of men like Sir Kevin Ellis.

Few men can claim such a record of parliamentary service and service to the community generally. In 1969, in recognition of this excellent record, Her Majesty the Queen elevated Sir Kevin to the rank of Knight Commander of the Most Excellent Order of the British Empire—a knighthood which I am certain every member of this Parliament, and indeed the community generally, would say was well and truly deserved. Those of us who have been privileged to serve in the Forty-first and Forty-second Parliaments under the speakership of Sir Kevin Ellis will readily recognize and appreciate his unique ability in this role. We all know that long after we are dead and buried there will be Speakers in that chair who for years to come will quote his decisions and writings.

Sir Kevin Ellis has one other attribute which I think is tremendously important in fulfilling the office of Speaker: he possesses that rare quality of supreme dignity so utterly essential to the speakership of this Parliament. Sir Kevin has brought back to this House a dignity to which the chair is entitled, and to which the Parliament is entitled. At all times of heat, stress and emotion generated in this place there has been in evidence Sir Kevin's quiet dignity, which I am certain has allowed for the smooth running of Parliament. I know that all members present today who have served under the speakership of Sir Kevin Ellis will agree with all I have said. All fair-minded members will certainly support this motion for the election of Sir Kevin as Speaker of the Forty-third Parliament.

Mr Griffith]

Mr BROWN (Raleigh) [1.3]: I am very pleased indeed to second the nomination of Sir Kevin Ellis as Speaker, so ably proposed by my colleague, the honourable member for Cronulla. I want to say that this nomination has the full support of all members of the Country Party. The honourable member who nominated Sir Kevin outlined clearly the personal qualities that have made him such an outstanding Speaker. I think the importance of the office is obvious to all those who have served in this House, and that it will soon become clear to those serving here for the first time. In every action that he has taken in his six years as Speaker, Sir Kevin has shown himself to be the man most fitted for this position. He has at all times kept himself entirely free from and apart from the politics of the Parliament. He has never attended a party meeting and he has never engaged in political activity outside his own electorate, though he has, of course, at all times reserved the right to promote and to defend his position in his own electorate. The measure of his success is demonstrated by the fact that he has been returned as member for that area for the seventh time, and on completion of this Parliament he will have represented the people of Coogee for 20 years.

There is an expression that a man is born to be king. I firmly believe that Sir Kevin Ellis was born to be Speaker. One has only to read his remarks upon his elevation to the office of Speaker in 1965 to appreciate his great insight and knowledge of a position that he had never before held. I shall quote for the benefit of the House certain things that he said at that time. He said:

I am sincerely conscious that the exacting demands of the task . . . are above and beyond my limited talents.

I approach it therefore with humble feelings of anxiety created, on the one hand, by the very magnitude of the task and, on the other, by the weakness and manifest inadequacy of my capacity for it.

Here he demonstrated his great quality of humility. He continued:

I have already learned that rarely does it fall to the lot of imperfect man in due course to retire from this distinguished position with the same favour and the same goodwill and

confidence as brought him to it. I ask all honourable members for so much of their confidence as will ensure from this high office proper protection of the rights and privileges of this institution and its members, firmness and dignity in the conduct of its proceedings, exemplary standards of integrity in the administration of its affairs, and what is equally important to all of us—the rightful esteem and approbation of the public, whose humble servants we all are.

At all times he has shown a keen regard for the rights of the minority, and possibly he is the first Speaker who has offered the first call at question time to the Leader of the Opposition. He indicated in his initial acceptance of the high office that he intended to do this. He said:

In the nature of this democratic institution the will of the majority must prevail, but the minority have their equal and inalienable rights. To allow violation of these rights would be to suffer unworthy and unconscionable oppression. It will be my constant endeavour therefore to protect the rights and privileges of the minority.

When the history of this Parliament is written and we look back—and there are a number of members of this Parliament who have served under many Speakers—members will say that no other Speaker has recognized the rights of the minority to the same degree as Sir Kevin Ellis. He realizes, too, that being human, he may make decisions that do not find the full favour of Parliament and on that aspect he had this to say:

Doubtless, through inexperience, want of knowledge or defect of judgment, I shall often go wrong. Doubtless, when right, I shall often be thought wrong by others whose personal opinions and positions might perhaps not command an impartial and clear view of the whole ground. I crave the indulgence of honourable members for my own errors which, I assure you, will never be intentional, and I ask for your support against the errors of others who might perhaps condemn that which they would not if they could see and fully appreciate all its parts.

Later today, following his election, Sir Kevin Ellis will proceed to Government House where, on behalf of this House, he will lay claim to all the undoubted rights and privileges of honourable members, particularly freedom of speech in debate and free access to His Excellency when occasion should require, and he will ask that on all occasions the most favourable con-

struction be put upon their language and proceedings. These privileges, which have not lightly been won, are not sought lightly. To learn something about the difficulties that members of Parliament had to overcome to win these privileges I undertook some research into the history of the speakership. Though I do not intend to go into great detail on my inquiries, I shall mention some facts.

The line of Speaker from Sir Thomas Hungerford, who was appointed Speaker in 1377 and was the first to be so designated, is almost unbroken. Earlier presiding officers were variously styled parlour, prolocutor and procurator. The person who presided over the Mad Parliament in Oxford in 1258 is the earliest Speaker on record. There were great battles with the Kings in those days and it has been stated that the role of Speaker was often an unenviable task. At least nine Speakers are known to have died a violent death, four of them during the turbulent period of the Wars of the Roses. During the reign of Charles I the right of the Speaker was firmly established when in 1642 Mr Speaker Lenthall resisted the efforts of Charles I to hand over to him some members of the Parliament. So the rights to which we expect our Speaker to lay claim today have been won with the blood of members who were elected to their respective Parliaments.

Over a period of six years Sir Kevin Ellis has shown by his actions not only that he possesses the qualities that are necessary in a Speaker. He has also demonstrated his additional ability to translate these high qualities into practical application in this the mother of parliaments. I am certain that his election by Parliament today will further enhance the dignity and authority that he has given to the high office of Speaker. I strongly commend him to honourable members.

Sir KEVIN ELLIS (Coogee) [1.14]: I appreciate the honour that honourable members have in mind to confer upon me. I accept the nomination and, in accordance with ancient usage, I submit myself to the will and pleasure of the House.

Mr HILLS (Phillip), Leader of the Opposition [1.15]: I move:

That Robert Joseph Kelly, Esquire, do take the Chair of this House as Speaker.

[*Interruption*]

Mr HILLS: Members on this side of the House did not interrupt the remarks, though some of them might have been funny, that were made by the honourable members who proposed and seconded the motion that Sir Kevin Ellis should occupy the position of Speaker of this honourable House. It is with pleasure that I propose on behalf of members on this side the nomination of Robert Joseph Kelly, the honourable member for East Hills, who has represented that electorate in this Parliament for the past fifteen years. During that time he represented this Parliament at a conference of the Commonwealth Parliamentary Association and while abroad on that occasion he took the opportunity to extend his knowledge so that he could bring back to this Parliament a great deal of information. It is to be regretted that the Parliament rarely derives any benefit from the trips overseas of Government members, including Ministers of the Crown. Mr Kelly has regarded it as his paramount duty as a member of this Parliament to impart to the House the knowledge that he had an opportunity to gain overseas.

Obviously it will be stated by Government members that because there are forty-nine members in the coalition they will be able to ensure the election of Sir Kevin as Speaker of the Forty-third Parliament of New South Wales. However, this occasion gives the Opposition an opportunity to indicate to the House and to Sir Kevin, in particular, that my colleagues and I have not been satisfied with a considerable number of his decisions. When he is occupying the chair we do not get an opportunity to express this view for he then exercises certain power and authority in this Parliament. Between 1969 and 1971 no fewer than thirteen members on the Opposition side were excluded from the service of the House, but not one member of the Government was treated in that way.

[*Interruption*]

Mr HILLS: Today we are discussing the impartiality of the Speaker and the preservation of the rights and privileges not merely of Government members but of all members. I should imagine that there would be no greater offender in this House than the Minister for Lands. In my view, he should have been excluded from the service of the House on a number of occasions. The point of order procedure has been misused by Government members, particularly when Opposition members have moved for the suspension of sessional orders so that important matters may be debated urgently. Because the Government was not anxious that our view be expressed effectively, members on the Government side consistently misused the rules of the House by taking frivolous points of order. The handling of that situation by the former Speaker has not been acceptable to Opposition members.

This procedure gives members on this side an opportunity to put a specific view. Few rights are available to the ordinary members of this Parliament because the carriage of the business of the House is mainly in the hands of the Government. The Speaker should take a more definite attitude on this matter. It is obvious that the taking of frivolous points of order in these circumstances is done for no purpose other than to interrupt the debate, thus restricting the rights and privileges of members. The honourable member for Raleigh has said that after his election today the Speaker will inform His Excellency the Governor that he will protect the rights and privileges of members. Opposition members now have an opportunity to indicate to the former Speaker and the House their objections to the partiality that he displayed by excluding many Opposition members from the service of the House whereas not one member of the Government was dealt with in that way.

Mr DOYLE: How many times have Opposition members moved dissent?

Mr HILLS: On one occasion I attempted to move dissent but Mr Speaker withdrew from his point of view and asked that the

motion be withdrawn so that he might look into the matter further. Let there be no argument about that.

MR HEALEY: That is not true.

MR HILLS: It is quite true and I invite the honourable member to check the record. Quite frequently in the last Parliament debate was restricted when Government supporters objected to what was being said by the Opposition and they sought the application of the *sub judice* rule. No body in this State is higher than the Parliament of New South Wales, which is the place where the important issues of the day should be debated adequately. It is obvious that sometimes debate on matters must be restricted if what is said here is likely to prejudice the fair trial of persons then before the courts. However, in our view the *sub judice* rule has been too frequently applied, to prevent debate and the expression of views from this side of the House.

For those reasons I have great pleasure in recommending to the Parliament the election to the high office of Speaker of Robert Joseph Kelly, member for East Hills.

MR RENSHAW (Castlereagh) [1.21]: I support the nomination by the Leader of the Opposition of Robert Joseph Kelly, member for East Hills, for election as Speaker of the Legislative Assembly. Today honourable members have heard expressions of opinion about the qualifications necessary for this office. Basically there are three qualifications. The first is a knowledge of the standing orders. Perhaps no honourable member ever had a greater knowledge of standing orders than a former Premier and Treasurer, the Hon. J. T. Lang, who was never elected Speaker. The second important qualification is impartiality. Association with a political party makes it most difficult for an honourable member to be impartial, and I understand that fact. The third qualification is common sense.

I agree partly with the honourable member for Orange that the Hon. Sir Kevin Ellis was the best presiding officer we have had since Mr H. T. Fowles. There have been many great Speakers in the history

of this Parliament, and I do not intend to compare the qualifications of others with the qualifications of the honourable gentlemen now nominated for election to that office. However, I point out that Robert Joseph Kelly is impartial and is sympathetic to and has a knowledge of the other person's problems. I venture to suggest that, because of the period in which he grew up, the honourable member for East Hills learned more in the university of hard knocks and thus came to have sympathy for the viewpoints of minorities.

MR HEALEY: He did not graduate from that university.

MR RENSHAW: I know, Mr Clerk, that you cannot establish a precedent by ejecting a Government supporter from the Chamber, but the holder of the office of Speaker in the last Parliament did not do this either. Everybody who has spoken in the debate today has been given a fair hearing, despite the nature of the dissertations by Government supporters in relation to their nomination. It is true, as the honourable member for Raleigh has said, that traditionally the Speaker in the British Parliament held his office in circumstances that removed him from a sense of competition, from the atmosphere of elections and electorates. Of course, a different set of circumstances exists in this State. I point out, even to the honourable member for Barwon, who was washed in here a few weeks ago, that we are supposed to be men of common sense, but the difficulty is to know where our interest in politics ends and our concern for impartiality starts.

Do not let us fool ourselves. We all have political viewpoints, and whatever may have been the behaviour of honourable members in the past three years, the fact is that the Opposition got all the "outs" and the Government got all the "ins". That is the practical effect of Mr Speaker's impartiality, irrespective of who holds the office. One of the heaviest burdens carried by Mr Speaker is the obligation to distinguish between political responsibility and the duties of his office. One cannot divorce oneself from political beliefs. I do not restrict these remarks to the Hon. Sir Kevin Ellis. Do not let us fool ourselves: we

have all seen Speakers act with a lack of impartiality and I doubt whether any person elected to that office could be completely impartial.

I like the Hon. Sir Kevin Ellis personally. I know him well. I say so despite the fact that he has the crazy idea that the Liberal Party philosophy is the right one. However, I disagree with some of his rulings. They were made for better or for worse, but always seemed to be better for the Government and worse for the Opposition. Let us be realistic: that is the way his decisions appeared to the Opposition, and they must have appeared so to Government supporters. A report from the Standing Orders Committee has been circulated but never presented to this House. I hope that that report will be presented soon.

Mr WILLIS: It has not been brought in because the Opposition will not agree to it.

Mr RENSHAW: The interjection by the Minister highlights what I have been saying for the past few minutes. Mr Speaker has a duty to treat impartially the views of minority groups as well as those of the majority. I appreciate that on occasions Mr Speaker must have found it difficult not to have the Minister removed from the Chamber, but the fact remains that he did not exercise that right.

When important problems are brought before this House on the motion for adjournment of the House and the Government does not want to have them ventilated, its supporters incessantly interrupt, interject and take points of order during the ten minutes allowed for the debate. They are within their rights in doing that, but I think that Mr Speaker, equally, would be within his rights in preventing them from doing so. I believe that any member who speaks on the adjournment of the House should have a full ten minutes in which to submit his case, and that appropriate provision for this should be written into the standing orders.

Robert Joseph Kelly has had much parliamentary experience; he has an extensive knowledge of parliamentary procedure, and he is impartial. Any member elected unanimously as chairman of the parliamen-

tary Labor Party Caucus certainly must be impartial. As time is against me, let me suggest merely that we do away with all the irrelevant points put in support of any honourable member's candidature and consider the three principal requirements. Common sense, impartiality and a knowledge of standing orders, of which Mr Kelly has made a keen study, are three qualities possessed by the honourable member for East Hills. The Opposition democratically is entitled to nominate an alternative member for the office of Speaker and I suggest that on this occasion our nomination be accepted. The change would provide a new experience, and it would throw new light on the procedures of this House. One result would be to change the pattern of removing members of the Opposition from the Chamber but never Government supporters.

Mr R. J. KELLY (East Hills) [1.30]: I thank my mover and seconder for the honour they have done me and, despite the cheers and jeers from the power-drunk members of the Government, I submit myself to the will of the House.

Mr SHEAHAN (Burrinjuck) [1.31]: I rise on this occasion in order particularly to assert the rights and privileges of members of this House and to put certain matters before the honourable member who ultimately will be elected as Speaker. I suppose one does not need a crystal ball to know what the result will be. Although I believe that we have changed a little from the mouldy mists of time that were referred to by the honourable member for Raleigh, we have long ago passed out of the days when nominees for speakership suddenly become shrinking violets, with a modesty more feigned than actual, asserting that they had not the qualifications to fill the Speaker's chair and were unworthy of the proposed confidence in their capacity to protect the rights and privileges of members. Our problem today is to see that the Speaker has the support of Parliament to ensure that the privileges of members of Parliament are not reduced by the application of certain rules of the House. In this context I ask the honourable member who is elected as Speaker to adopt a new

approach to the *sub judice* rule. Many rulings in the book that was submitted by the Minister were given by the former Speaker as a result of points of order that were taken by me and by other honourable members from this side of the House when we raised questions of privilege. The subject is of tremendous importance to the rights of members of this House.

On 10th November last I moved in this Chamber a motion of urgency that related to the Riverina Insurance Company. Under the rules of the House, I was able to mention only meagre details. If the Speaker had been in possession of the information I had, and if he had known all the circumstances, his ruling could have enhanced the speakership and given him an opportunity to preserve the rights and privileges of members. Honourable members will recall that after I had given only those meagre details that I was able to put when proposing urgency, the Premier rose and objected to urgency on the ground that it was a matter more appropriate for the courts; he also made the assertion that it was an assassination of these people. The Premier was entitled to do that, but the point I am making is that when I had further information on the following Tuesday I rose in my place and pointed out to the House and to the Premier that the very things he asserted had been complied with in regard to this particular company. However, at that stage the Attorney-General took the point of order that the matter was *sub judice*, and so precluded the Premier from answering my question.

This is where the privileges of members should be preserved by the Speaker. On that occasion not only did a newspaper outside mention the matter but also one of the commercial radio stations made two commercial broadcasts relating to the insurance company. At the same time I, as an elected member of Parliament, acting on behalf of my constituents, was unable to refer to this matter in this deliberative Assembly, although people outside were able to do so. I ask the honourable member who is elected as Speaker to give attention to this matter. I realize that the previous Speaker had some concern on occasions when discussion took place on the *sub judice* rule. To his credit,

he looked into this matter, but I ask the honourable member who is elected today as Speaker to look into this matter. The previous Speaker has already given a ruling that a member should refrain from reflecting on private citizens unless he is satisfied that it is in the public interest that he do so. Where a public company is involved in reprehensive practices, the *sub judice* rule should be dissected by the Speaker so that the matter can be ventilated.

I have here a leading article written by the finance editor and published in the finance columns of a newspaper, justifying the action I had taken against this company. In the country newspapers it appeared that I was guilty of private assassination, and there has been no contradiction. I submit to the House that, in order to preserve the rights and privileges of members, the *sub judice* rule should be subjected to dissection by the Speaker so that members are not prevented from bringing before this House what newspapers and commentators outside can refer to. That was not the only occasion on which this matter has come up, for I objected on another occasion when the former member for Dulwich Hill raised a question.

These matters must give any Speaker a great deal of trouble, but I am mentioning them now in order to assert the rights and privileges of members in regard to them. I have made great use of this newspaper article that said that it is quite right and proper for companies to be named and that members should not be accused of assassinating them. However, the Attorney-General rose and prevented the Premier from answering my question, which complied with the very conditions the Premier had laid down when the House was considering the urgency motion.

I have taken many points of order in this House, and I hope to be taking them for a long time yet. Perhaps I might last to serve in the Forty-fourth Parliament, although if the doctors keep snipping me away, bit by bit, I might not be able to do so. However, I have already expressed my views on this subject, and I hope that the honourable member who is elected to Speakership will give them consideration.

I am sorry that other honourable members are unable to make their submissions on this matter. Indeed, I should have liked to hear the honourable member for East Hills on how he would deal with certain matters if he were in the chair. I am sure that it would have made an interesting contribution to these proceedings, for he has proved his competence on the front bench on this side of the Chamber.

My purpose in rising on this occasion is to ask the Speaker, whoever he might be, to act in a judicial capacity and to make parliamentary law in the same way as a judge, when exercising his powers, makes judicial law in the courts of our land. I ask the Speaker to do this in order to preserve the privileges of members when they raise matters of privilege, and I ask that abuse of *sub judice* rule be abolished so that members will have every opportunity to speak when their constituents are being publicly defrauded, as in this case. Who were the persons being prejudiced? The company was not prejudiced, for it made an application to go into liquidation. Did some one give them the office that I would raise this matter and that such an application was the only way in which they could prevent its being raised in Parliament?

If that were so, why was it not taken up on the next Tuesday? What I did was not merely in the interests of the two apprentices and a lot of others who have been defrauded, but to warn the public at large against this particular company. In the past five years there has been a greater demand for what I might call scrutiny of the activities of public companies and a fear of their avarice and greed and of their attitude to sections of the investing public.

Mr CHAFFEY (Tamworth) [1.41]: I have a great deal of sympathy for the Clerk of the House who, having to preside at this simple procedure for election of a Speaker, at the same time is subjected to a great deal of argument on which he has not the authority of this House to adjudicate. We are asked to elect one man from among the members to preside over the proceedings of this House. Whatever may be involved in *sub judice* rules or similar problems is a matter for whomsoever we elect

to preside over our deliberations. The Clerk cannot give a ruling on these matters. Some of the matters put before the Clerk of the Legislative Assembly today have been, in a parliamentary sense, very improper: they are matters to be dealt with by the new Speaker who will be elected by the members of this House. Whatever rulings are given by the Chair, whether by Mr Speaker or by the Chairman of Committees, the correct procedures of this House are clear.

The honourable member for Castlereagh complained about the ten-minute limit upon debate on the motion for the adjournment of the House. This provision, to which I have personally always had violent objection, was written into the standing orders when the honourable member for Castlereagh himself was in government and had the numbers to force it through. It is on record that I objected to it. Members now in Opposition cut their own throats, so to speak, by amending the orders to prevent an ordinary member from taking full advantage of his rights against the executive government. The honourable member for Castlereagh is one of the guilty men.

The simple question before the House is the election of one person to be Speaker. In all my experience, I have never served under a better Speaker than Sir Kevin Ellis.

[*Interruption*]

Mr CHAFFEY: There is no back scratching here—I do not want to usurp the prerogative of the Leader of the Opposition. I have been a member of this Chamber for a long time and I have never served under a better Speaker than Sir Kevin Ellis. We have reached the stage at which there are two nominees, Sir Kevin Ellis and Mr R. J. Kelly. I do not want to say anything against the honourable member for East Hills, who has enough trouble being chairman of the Labor caucus. I now exercise my privilege of moving. That the question be now put.

Mr JACKSON (Bulli) [1.45]: I support the candidature of Mr Robert Joseph Kelly for the position of Speaker. Under the procedures laid down for this sitting today I am precluded from raising an important matter. Mr Kelly will be the new Speaker,

no doubt, if everyone exercises his mind and votes according to his conscience. Our opponents on the Government side of the House tell us that they are always free to vote according to their conscience. I am sure that, if they analyse the qualifications of both men, and take into account his experience in hard times—the honourable member for Castlereagh said that the honourable member for East Hills had experience in one of the most important and valuable universities of all, the university of hard knocks—Mr Kelly should be elected. The Whips of the Liberal Party and the Country Party have told us of the community service that their nominee has given. I can say, as a close colleague of Mr R. J. Kelly, that he can more than match that service to the community. Every worthwhile local and State charitable organization has received the support of Mr Robert Joseph Kelly, who is a humanitarian of the first order.

I want to raise through you, Mr Clerk, to the Speaker elect—and I know that Mr Robert Joseph Kelly will be elected—a matter of privilege affecting the new honourable member for Campbelltown. Though he has been sworn in, he has been unable to approach the Speaker on a matter of privilege that is important to every member of this House. I refer to the issuing of a gold pass, which is a means of availing himself of government transport not only in this State but also throughout the Commonwealth of Australia. To this very moment, the new member for Campbelltown has been able to obtain only a pass limited to travel in this State, and it is no means of identification. The reason he cannot obtain this very important privilege associated with the business of this Parliament is that the gold pass issued for this electorate has not been made available by the former member for Campbelltown. This is a very serious situation.

I make an appeal to the new Speaker, that the very moment he is elected he should ensure that, if this pass is not made available to the new honourable member for Campbelltown today, legal action is taken to recover the pass. The new honourable member for Campbelltown

might have wanted to go to Victoria yesterday to look into the transport situation there. Alternatively, he might have wanted to go to Queensland to inquire into some important administrative matter, so that he would be better equipped to perform his duties in this Parliament. Though the honourable member is entitled to this gold pass, all that the authorities can produce for him today is a book pass for all lines in New South Wales.

The new member has been returned by a majority of the electors in his constituency, and has been sworn in today. The Chief Secretary and Minister for Tourism and Sport, the deposed Minister for Labour and Industry, supervised the administration of the oath to the new honourable member. Although the returning officer has declared the election of the new honourable member for Campbelltown and he has been sworn in, he has not been given the vitally important privilege pass to which I have referred. The gold pass is a means of identification as well as an authority to travel, but the new honourable member has been deprived of it. I suggest that the new Speaker should not wait until tomorrow or the next day to settle this serious matter; he should do it today. We have heard a discussion on privilege today by the Government Whip, or the Country Party Whip, and we want to know what action is to be taken to see that the new honourable member for Campbelltown and all other members shall obtain the privileges associated with their very high office.

I support the nomination of Mr R. J. Kelly and repeat my appeal that the Speaker, when elected, investigate the very important matter that I have raised.

Question—That the Hon. Sir Kevin Ellis, K.B.E., LL.B., B.Ec., do take the Chair of this House as Speaker—put. The House divided:

AYES, 51

Mr Askin	Mr Clough
Mr Barraclough	Mr Coates
Mr Jack Beale	Mr Coleman
Mr Brewer	Mr Cowan
Mr Brown	Mr Crawford
Mr Bruxner	Mr Cutler
Mr Cameron	Mr Darby
Mr Chaffey	Mr Deane

Mr Doyle	Mr Maddison
Mr Duncan	Mr Mauger
Sir Kevin Ellis	Mr Mead
Mr Fife	Mr Morris
Mr Fischer	Mr Morton
Mr Fisher	Mr Mutton
Mr Freudenstein	Mr Osborne
Mr Griffith	Mr Punch
Mr Healey	Mr Ruddock
Mr Hughes	Mr Singleton
Mr D. B. Hunter	Mr Stephens
Mr Jackett	Mr Viney
Mr Jago	Mr Waddy
Mr Lawson	Mr N. D. Walker
Mr Lewis	Mr Willis
Mr McCaw	<i>Tellers,</i>
Mr McGinty	Mr Mason
Mr Mackie	Mr Taylor

NOES, 45

Mr Bannon	Mr L. B. Kelly
Mr Barnier	Mr R. J. Kelly
Mr Bedford	Mr Mahoney
Mr Booth	Mr Mallam
Mr Cahill	Mr Mulock
Mr Coady	Mr Neilly
Mr Crabtree	Mr Nott
Mr Day	Mr O'Connell
Mr Degen	Mr Paciullo
Mr Durick	Mr Petersen
Mr Earl	Mr Ramsay
Mr Einfeld	Mr Renshaw
Mr Ferguson	Mr Ryan
Mr Flaherty	Mr Sheahan
Mr Gordon	Mr Sloss
Mr Haigh	Mr Southee
Mr Hills	Mr J. J. T. Stewart
Mr M. L. Hunter	Mr K. J. Stewart
Mr Jackson	Mr Wade
Mr Jensen	Mr F. J. Walker
Mr Johnstone	<i>Tellers,</i>
Mr Jones	Mr Cox
Mr Kearns	Mr Quinn

Question so resolved in the affirmative.

Motion agreed to.

[The Hon. Sir Kevin Ellis was then taken out of his place by Mr Griffith and Mr Brown and conducted to the chair.]

Mr SPEAKER, standing on the upper step, said: It was a great honour six years ago to be first called to this most exalted station within the gift of Parliament. Three years later, honourable members again looked with kindly favour upon my modest claims and again accorded this honour to me—on that occasion with a better knowledge of my limited talents and capacities. Now, after six years of tolerance and patience and sympathetic understanding, and doubtless sometimes some disappointment, perhaps even anger and frustration, now for the third time honourable members

have resolved again to underwrite my manifest imperfections and to assign this illustrious post to me. To the honourable member for Cronulla and the honourable member for Raleigh for their gracious compliments, for the co-operation and indulgence of all honourable members during the past six years, for your present suffrages and for your trust and confidence in the future—for all these favours—I am deeply grateful.

The occupant of the office of Speaker is in a sense at once both the servant and the master of the House. It might be objected—and rightly so—that the Speaker does not control the House; he merely serves it. So he does, and this is his dominant function; but as honourable members well know, almost daily Mr Speaker is called upon to make a significant choice or to give an important ruling; and in doing this, in fact if not in theory, he controls the House and is the master of it.

Down through the ages, in the House of Commons and in this mother of Australian parliaments, a love of justice and fair play, coupled with an abiding sense of the high moral obligation involved in the duties and responsibilities of the position—these attributes and qualities abundant in Speakers of the past—have hitherto prevented any degradation of this high office by any capricious display of arbitrary power. So too, the independent spirit of criticism and resistance to any form of oppression which has always animated our free society has restrained any abuse of power through mere indiscretion or through want of knowledge or defect of judgment. It is my earnest hope that it may not be too much to expect that under my continued guidance and with the co-operation of all honourable members, these qualities and these attributes will suffice in the future as they have done in the past to uphold the dignity and preserve the integrity of the office of Speaker.

As honourable members will be aware, it is a rule of our parliamentary democracy that once he is elected, the antecedents of Mr Speaker may never again be referred to, however lurid they may be. It was therefore very appropriate that the honourable

the Leader of the Opposition and some of his colleagues should have taken this opportunity, as is their right, to signify their disappointment or even their indignation concerning my shortcomings during the past six years. Without any hard feelings, I hasten to assure these honourable members and the House that so much of their observations as may appear upon close study and examination to be truly objective will be given my earnest consideration and attention.

Under our system of government, Parliament is the forum wherein the fiercest controversy may rightly take place. This controversy may be conducted only within an atmosphere of mutual respect for each other's right to differ, for each other's personal honour and integrity, for ordered and regular procedure, and for the protection of all opinions, including those of the smallest minority, however unwarranted or untenable they may be thought to be. It is the acknowledged right of the majority to govern but it is the undoubted right of the minority to be heard adequately, always of course within the limits and the framework of the forms and procedures laid down and prescribed by the Parliament itself. These concepts and these principles lie at the heart of our democratic system of parliamentary government and the role of the Speaker in their protection and observance is vital and significant.

And so gentlemen, relying as I have done in the last two parliaments upon your good will and co-operation, I move again to this distinguished position, with ill will towards none and equal favour towards all, assuring you that it will be my constant solicitude always to collect my duty from a fair and impartial consideration of every fact and every circumstance that may seem relevant to the duties and responsibilities of this office.

MR SPEAKER took the chair.

MR ASKIN (Collaroy), Premier and Treasurer [2.3]: Mr Speaker, I offer you warmest congratulations on your election for a third term as Speaker of this honourable House. You have lived up to the highest traditions of the important post

that you now occupy and have occupied so successfully for the past six years. I congratulate you and wish you well in office.

MR HILLS (Phillip), Leader of the Opposition [2.4]: Mr Speaker, I join with the honourable the Premier in congratulating you on your election again to the high office of Speaker of this Parliament. I assure you of the helpful co-operation of members on this side of the House to ensure that this, the mother of parliaments, works more effectively than it has in the past.

MR R. J. KELLY (East Hills) [2.5]: Mr Speaker, may I most sincerely offer you my congratulations upon your election. I should like you to understand that despite anything that has taken place in this House today, nothing will lessen my personal regard for you. Any disagreement we might have will be left in this Chamber and outside we will be the best of friends. I hope that your forthcoming three years in the chair will be not too turbulent.

MR SPEAKER: I thank the Premier, the Leader of the Opposition and the honourable member for East Hills for their congratulations and kind observations, which are much appreciated.

PRESENTATION OF MR SPEAKER

The Premier announced that His Excellency the Governor would be pleased to receive Mr Speaker at Government House at 3 o'clock, p.m.

[Mr Speaker left the Chair at 2.7 p.m. The House resumed at 2.45 p.m., and proceeded to Government House.]

The House having returned,

MR SPEAKER: Order! I have to report that the Assembly has been to Government House where I informed His Excellency the Governor that, immediately after the opening of Parliament today, the Legislative Assembly, in the exercise of their undoubted right, had proceeded to the election of their Speaker, that the choice had fallen upon me, and that I had to present myself to His Excellency as their Speaker; whereupon His Excellency was pleased to offer me his congratulations.

I then, in the name of and on behalf of the House, laid claim to all their undoubted rights and privileges, particularly on freedom of speech in debate, and to free access to His Excellency when occasion should require, and asked that the most favourable construction should, on all occasions, be put upon their language and proceedings; to all of which His Excellency readily assented. I again thank honourable members for the honour they have conferred upon me and for their cordial good wishes.

NEW ADMINISTRATION: GOVERNMENT WHIP

Mr ASKIN (Collaroy), Premier and Treasurer [4.23]: I desire to inform the House that on 11th March, 1971, with a view to reconstructing the Ministry, I submitted to the Governor my resignation as Premier and Treasurer and as a member of the Executive Council, an action which involved the resignations of the whole of my colleagues. His Excellency immediately commissioned me to form a new Ministry and on the same date the following gentlemen were appointed by His Excellency as members of the Executive Council and to the offices indicated: the Honourable Robin William Askin, M.L.A., Premier and Treasurer; the Honourable Charles Benjamin Cutler, E.D., M.L.A., Deputy Premier, Minister for Education and Minister for Science; the Honourable Eric Archibald Willis, B.A., M.L.A., Chief Secretary and Minister for Tourism and Sport; the Honourable John Bryan Munro Fuller, M.L.C., Minister for Decentralisation and Development and Vice-President of the Executive Council; the Honourable Davis Hughes, M.L.A., Minister for Public Works; the Honourable Kenneth Malcolm McCaw, M.L.A., Attorney-General; the Honourable Philip Henry Morton, M.L.A., Minister for Local Government and Minister for Highways; the Honourable Milton Arthur Morris, M.L.A., Attorney-General; the Honourable Thomas Lancelot Lewis, M.L.A., Minister for Lands; the Honourable Jack Gordon Beale, M.E., M.L.A., Minister for Environment Control; the Honourable Geoffrey Robertson Crawford, D.C.M., M.L.A., Minister for Agriculture; the Honourable Stanley Tunstall Stephens, M.L.A.,

Minister for Housing and Minister for Co-operative Societies; the Honourable John Clarkson Maddison, B.A., LL.B., M.L.A., Minister of Justice; the Honourable Arnold Henry Jago, M.L.A., Minister for Health; the Honourable Wallace Clyde Fife, M.L.A., Minister for Mines and Minister for Conservation; the Honourable Frederick Maclean Hewitt, M.L.C., Minister for Labour and Industry; the Honourable John Lloyd Waddy, O.B.E., D.F.C., M.L.A., Minister for Child Welfare and Minister for Social Welfare; and the Honourable George Francis Freudenstein, M.L.A., Minister for Cultural Activities and Assistant Treasurer.

The Minister for Labour and Industry will be represented in the Legislative Assembly by the Chief Secretary and the Minister for Decentralisation and Development will be represented in this House by the Minister for Public Works.

I desire to inform the House also that the Honourable E. A. Willis, M.L.A., Chief Secretary and Minister for Tourism and Sport will be the Leader of the Government in the House, and that the honourable member for Cronulla, Mr I. R. Griffith, has been re-appointed Government Whip.

Mr CHAFFEY: On a point of order. Is the statement that has just been read out by the Premier in respect of the new Ministry to be accepted as a formal statement, or is any debate allowed on it?

Mr SPEAKER: Order! There can be no debate on it.

LEADER AND DEPUTY LEADER OF THE COUNTRY PARTY: COUNTRY PARTY WHIP

Mr CUTLER: I desire to inform the House that on 9th March I was re-elected Leader of the Country Party, the Hon. Davis Hughes, Deputy Leader of the Country Party, and Mr James Hill Brown, Country Party Whip.

LEADER AND DEPUTY LEADER OF THE OPPOSITION: OPPOSITION WHIP

Mr HILLS: I have to inform the House that on 10th March I was re-elected Leader of the Opposition, Mr S. D. Einfeld, Deputy Leader of the Opposition, and Mr B. J. Bannon, Opposition Whip.

SENATE VACANCY

DEATH OF SENATOR JAMES PATRICK ORMONDE

Mr SPEAKER reported the receipt of a message from His Excellency the Governor covering a copy of a despatch from the President of the Senate of the Commonwealth dated 4th December, 1970, notifying that a vacancy had happened in the representation of the State of New South Wales in the Senate, through the death of Senator James Patrick Ormonde, which occurred on 30th November, 1970.

Motion (by Mr Askin, seconded by Mr Hills) agreed to:

That this House meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator James Patrick Ormonde.

Motion (by Mr Askin) agreed to:

That the following Message be sent to the Legislative Council:

MR PRESIDENT—

The Legislative Assembly having resolved to meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator James Patrick Ormonde, requests the Legislative Council to name the place and hour for such meeting.

*Legislative Assembly Chamber,
Sydney, 16 March, 1971.*

ASSENT TO BILLS

Royal assent to the following bills reported:

- Brogo Dam and Associated Works Bill
- Fisheries and Oyster Farms (Amendment) Bill
- Gaming and Betting (Poker Machines) Amendment Bill
- Gaming and Betting (Poker Machines) Taxation Further Amendment Bill
- Marketable Securities Bill
- Public Hospitals (Amendment) Bill
- Traffic Safety Bill
- University of New South Wales (Amendment) Bill
- Windamere Dam Bill
- Cattle Compensation (Amendment) Bill
- Clean Waters Bill
- Clutha Development Pty. Limited Agreement Bill

- Commonwealth Places (Administration of Laws) Bill
- Consumer Protection (Amendment) Bill
- Co-operation (Amendment) Bill
- Factories, Shops and Industries (Amendment) Bill
- Gosford Cemeteries Bill
- Justices (Amendment) Bill
- Library (Amendment) Bill
- Local Government (Rating of Coal Mines) Amendment Bill
- Mining (Further Amendment) Bill
- Motor Traffic (Amendment) Bill
- Periodic Detention of Prisoners Bill
- Pharmacy (Amendment) Bill
- Real Property (Legal Proceedings) Bill
- Registration of Births Deaths and Marriages (Amendment) Bill
- Stamp Duties (Amendment) Bill
- State Pollution Control Commission Bill
- Summary Offences Bill
- Waste Disposal Bill

STATE FORESTS: REVOCATION OF DEDICATIONS

Mr SPEAKER reported receipt of a communication from His Excellency the Governor acknowledging receipt of the resolution adopted by the Legislative Assembly on 26th November, 1970, regarding the revocation of the dedication of parts of certain State forests.

LAW OF EVIDENCE BILL (*pro forma*)

FIRST READING

Bill presented and, on motion by Mr Askin, read a first time.

MESSAGE FROM THE COMMISSIONERS

Mr SPEAKER: I have to report that the House this day attended the Commissioners in the Legislative Council Chamber where a commission for the opening of Parliament was read, and the following message to the Assembly was delivered:

Honourable members of the Legislative Council and members of the Legislative Assembly—

We have it in command from His Excellency the Governor to acquaint you that His Excellency desires that you take into your earnest consideration such matters as may be submitted to you.

Members of the Legislative Assembly—

It being necessary that a Speaker of the Legislative Assembly be first chosen, it is His Excellency's pleasure that you, members of the Legislative Assembly repair to your Chamber, and there, after members shall have been sworn, proceed to the election of one of your number to be your Speaker.

DEATH OF THOMAS HOWARD
MORROW, ESQUIRE, A FORMER
MEMBER OF THE LEGISLATIVE
ASSEMBLY

Mr SPEAKER: Order! It is with regret that I have to announce to the House the death of Thomas Howard Morrow, Esquire, a former member of the Legislative Assembly, who represented the electorate of Parramatta from 1922 to 1925. On behalf of the House I have extended to the family of the late gentleman the deep sympathy of members of the Legislative Assembly in the loss they have sustained. Will honourable members please stand as a mark of respect?

Members and officers of the House stood in their places.

SENATE VACANCY

DEATH OF SENATOR JAMES PATRICK ORMONDE

Mr SPEAKER reported the receipt of a message from the Legislative Council agreeing to meet the Legislative Assembly in the Legislative Council Chamber on Tuesday, 16th March, 1971, at 4.40 p.m. to choose a Senator in the place of Senator James Patrick Ormonde, deceased.

ELECTION OF SENATOR

At 4.36 p.m. the House proceeded to the Legislative Council Chamber to attend a sitting to choose a Senator in the place of Senator James Patrick Ormonde, deceased.

The House having reassembled at 4.50 p.m.,

Mr SPEAKER reported that at a Joint Sitting this day James Robert McCjélland, Esq., had been chosen as Senator in the place of the Hon. James Patrick Ormonde, deceased.

Mr SPEAKER tabled the Minutes of Proceedings of the Joint Sitting.

Ordered to be printed.

LEGISLATIVE ASSEMBLY MEMBERS
PROVIDENT FUND

Motion, by consent, (by Mr Askin) agreed to:

That, in accordance with the provisions of the Legislative Assembly Members Superannuation Act, 1946, the following Members of the Legislative Assembly be and are hereby appointed as Managing Trustees of the Legislative Assembly Members Provident Fund as from the commencement of the present Parliament:

The Honourable Arnold Henry Jago.
Mr James Arthur Clough.
Mr David Bruce Cowan.
Mr James Hugh Taylor.
Mr Peter Francis Cox.
Mr Ernest Neville Quinn.

ELECTORAL DISTRICT OF
CAMPBELLTOWN
ELECTION PETITION

Mr SPEAKER reported that the Clerk had received from the Prothonotary of the Supreme Court a copy of an election petition from Maxwell John Dunbier against the election of Heathcote Clifford Mallam as member of the Legislative Assembly for Campbelltown.

By direction of Mr Speaker, the Clerk laid the document on the table.

Ordered to be printed.

ELECTION OF CHAIRMAN OF
COMMITTEES

Mr TAYLOR (Temora) [4.55] I move:

That Leon Ashton Punch, Esquire, be Chairman of Committees of the Whole House.

It is an honour and a privilege for me to move that my colleague Leon Punch be appointed to the position of Chairman of Committees of the Whole House. This is an important office, second only to that of the high office of Speaker of this House. This morning honourable members referred to the importance of the office of

Speaker and those same considerations apply to the office of Chairman of Committees. The honourable member filling this position has responsibility at the Committee stage of a debate to ensure that the standing orders are applied in a way that gives every member an opportunity of playing the part members must play if this Parliament is to do the job it is set up to do. Additionally, the Chairman of Committees carries the responsibility of acting for Mr Speaker in the Speaker's absence. This is a heavy responsibility. The Chairman of Committees presides over the whole of the debate following the Treasurer's budget speech, as well as the detailed discussions on bills. Often it is at the Committee stage of a bill that the most vigorous debate takes place. The task of the Chairman of Committees is a heavy one.

With sincerity I believe that Mr Leon Punch, with the experience he has had in the performance of this office over the past three years, is the outstanding person in this Chamber to accept the nomination. Mr Punch is the son of a much-loved general practitioner in a country area. Leon Punch grew up in the country. He is an efficient farmer and a capable parliamentarian, having served in this parliament for more than twelve years. He has served in many capacities in this Chamber and has always displayed a keen interest in the needs of his constituents and electorate. Confirmation of this is borne out by the tremendous support Mr Punch has enjoyed in his electorate, especially at the recent election. Leon Punch is a member of the council of the University of Newcastle. He represented New South Wales at the Commonwealth Parliamentary Association conference in Canada and brought credit to this State and to himself. During the past three years as Chairman of Committees he has performed his tasks with distinction.

The person who fills the office of Chairman of Committees is called upon to make decisions. Admittedly the chairman must operate in accordance with the standing orders and be guided by them, but his job goes further than that, as we all well know. A great deal depends upon the way the standing orders are applied, the calm that

the chairman can display in the heat of debate, and his capability of making the right decision clearly and cleanly. I believe without doubt that Mr Punch has shown that he is capable of all these things. He has been an outstanding chairman of committees and has served this House with distinction. He has made debate possible at times when, had someone been chairman who was not quite as calm and knowledgeable in the standing orders, all members would have been frustrated. I believe that his performances in this regard make him one of the most outstanding chairmen of committees that this House has ever had. In 1968, on election to the position of Chairman of Committees, Mr Leon Punch said:

I assure the House that during my term as Chairman and Deputy Speaker I shall realize fully that my duty is to subserve the will of the Assembly rather than to restrain it, and to facilitate rather than to obstruct its expression.

Leon Ashton Punch in office has matched his actions to his words. I have every confidence in recommending him to this House on his performance and on his ability to handle the responsibilities that he accepted in the last Parliament. I am sure he would again fulfil this office with great distinction and with the support of members of this Chamber. I have much pleasure in nominating Mr Punch as Chairman of Committees.

Mr MASON (Dubbo) [5.1]: It is with pleasure that I support the nomination of Mr Leon Punch for Chairman of Committees. This is one of the two very important elected offices in this Chamber. In nominating him I have the wholehearted and unanimous support of all members of the parliamentary Liberal Party. The honourable member for Temora has indicated to the House something of the career of Mr Punch, who has with distinction represented a very important area of the North Coast of this State since 1959. In Canada he had the opportunity of representing this Parliament. His ability to learn from the experience gained on that trip was evidenced during the last term in which he served this Parliament as a worthy Chairman of Committees.

I am sure that no Chairman of Committees could expect to have the wholehearted agreement of every member of the House. Therefore, it is a position that calls for strength, integrity, sincerity and a belief in the correctness of decisions made. All of these qualities are found in Mr Leon Ashton Punch. I am sure he will again serve this Parliament with all his ability and with all his sincerity, as he did in the past three years. It is with pleasure that I support the nomination of Mr Leon Ashton Punch

Mr K. J. STEWART (Canterbury) [5.4]:
I move:

That James Bernard Southee, Esquire, be Chairman of Committees of the Whole House.

I move his appointment for the same reasons as were given by the proposer and seconder of Mr Punch. The office of Chairman of Committees and Deputy Speaker is important and I submit that Mr Southee will, of course, fill it with great distinction. Mr Southee was member for Blacktown in the New South Wales Parliament from 1962 until the recent election on 13th February, 1971, when, after the electoral redistribution, he contested and was returned for the Mt Druitt seat. He was born in the Murrumbidgee Irrigation Area at Leeton on—I cannot read the date but I think it was 1913. He has a country background and a vast rural knowledge. He comes from a family imbued with the pioneering spirit and is himself a pioneer. For many years he worked at Leeton as an orchardist and, as many country people are wont to do, migrated to the city. During 1927 he worked on construction work in Canberra, in the Australian Capital Territory. When he came to this city, he worked in many government departments, including the Water Conservation and Irrigation Commission and the Department of Main Roads. Then he took a position as organizer for that great rural union, the Australian Workers' Union, which is so dear to the heart of members of the Labor Party and is well known to members of the Country Party in this House.

Mr MORTON: There is not much unity there.

Mr K. J. STEWART: There is about as much unity as there is in Canberra at the moment, so we shall not mention unity at present. Mr Southee worked as an organizer for the Australian Workers' Union and rose to the high office of president of the New South Wales branch of that organization, a position of prestige, which he filled with great distinction. He is a man of great tact and diplomacy, as we have seen from his work in this Parliament. He told us that on one occasion as an organizer for the Australian Workers' Union he went to a water conservation and irrigation site where a strike had been called over conditions in the camp. A big Irish delegate informed Jim Southee that the strike had been called because "the sanitary arrangements were not fit for human consumption".

Mr Southee was a man with a good background and was able to exercise diplomacy. He led the fight for a 40-hour week in the rural sector, a struggle in which he was opposed most vehemently by the Liberal and Country parties in this House. The Country Party, like the Liberal Party, has always opposed any reduction of working hours, right back to the time when people were working 48 hours a week. When we proposed in this Parliament that rural workers have a 40-hour working week, that, too, was opposed by the Liberal and Country parties.

In 1965 Mr Southee was, by unanimous decision of this House, appointed a temporary chairman of committees. Such a unanimous verdict is in itself a distinction. Every one will agree that he is the soul of dignity and impartiality. On one occasion, during the Committee stage of a bill, he called the Attorney-General to order twice. Supporters of the Government were not used to this sort of impartiality from the Chair, and the Chairman of Committees was hastily summoned. Mr Southee was asked to vacate the Chair so that impartiality could again be enjoyed by government members and the Attorney-General could act in the way he was used to acting under the impartial chairmanship of Mr Leon Punch. This nomination today takes on special significance, especially in view

of the fiasco that we are witnessing in Canberra at the moment, of which we have not heard the last word. The Parliamentary Labor Party has offered Mr Southee the nomination in his own right as a capable, honest and trustworthy person. The Hon. W. McMahon—

Mr SPEAKER: Order! The honourable gentleman must keep to the motion.

Mr K. J. STEWART: Thank you, Mr Speaker, for a wise decision. Mr Southee's voting result on the proposal that he should fill this position did not come out at 33 to 34; he was nominated by the unanimous decision of the parliamentary Labor Party, a unified Labor Party in New South Wales. Mr Southee has never been rejected by his colleagues for appointment for this important post. This is the first time that Mr Southee has sought nomination as Chairman of Committees in this Parliament and he has been accepted by his colleagues for this position. He has never been rejected by his colleagues for this important position, unlike some persons in another place whose names I may not mention.

We are happy to nominate Mr James Bernard Southee as Chairman of Committees of this House. Mr Southee is the unanimous choice of a united parliamentary Labor Party. He was so chosen on the first occasion on which he sought nomination for the position of Chairman of Committees. I assure the House that Mr Southee comes to it with a great background of parliamentary experience. He has served six years as a temporary chairman of committees, and in that time he has always acted with great dignity and integrity in the chair. He is a man who gives his decisions without fear or favour; he gives his decisions, to friend or foe alike, in accordance with the facts placed before him. Those who know Mr Southee would understand that this is a very great principle of his. I have very great pleasure in nominating Mr James Bernard Southee for the position of Chairman of Committees of the Whole House.

Mr JACKSON (Heathcote) [5.11]: I second the motion. I am amazed that the Government parties have again nominated Mr Punch for the position of Chairman of Committees. Obviously they were frightened of rocking the boat while their numbers are so small. I do not think anyone could support the remarks made today by the mover and seconder of that motion.

Mr MAUGER: Wait till the numbers are counted.

Mr JACKSON: His own leader has no confidence in him. His leader is so ashamed of him that he is not even in the Chamber now.

[*Interruption*]

Mr JACKSON: Do not talk to me about numbers. No one has brought more disgrace to this Parliament—not only to the Government parties. History was made when as chairman of the drought committee, he brought discredit upon this Parliament, and particularly the Country Party. Although that parliamentary committee was the property of this Parliament, it had to be dissolved by Parliament itself. The Government had a majority of members on that committee, but they could not come to agreement to dissolve that committee themselves. Although that is one of the reasons why the Country Party was absolutely annihilated at the recent general election, the Government parties now have had the hide to nominate someone who was responsible for this sort of thing. The office of Chairman of Committees is a most important one, particularly as in the absence of Mr Speaker, the Chairman of Committees becomes the custodian of the rights and privileges of members of this House. This is a grave responsibility. I shudder to think of how my rights and privileges would be protected if the Government nominee is selected and you, sir, happen to be absent temporarily from the important position of Speaker of this House.

Let us look at another aspect of the situation. The honourable member for Monaro mentioned numbers and figures. I shall give him some numbers and figures. In 1965 our nominee, Mr James Bernard Southee, had an overall majority of 1,808 votes; Mr

Punch's majority was 9,088 votes, an enormous one. In 1968, Mr Southee received an overall majority of 2,026 and Mr Punch 3,658. What happened a few weeks ago in this year's elections? Mr Southee received an overall majority over his opponents of 7,949. What did Mr Punch receive? His majority was only 4,676. Looking at the percentage, one sees that Mr Southee has increased his majority since 1965—

Mr JAGO: That is a lie, Mr Speaker. It is a different seat.

Mr SPEAKER: Order! We have had enough interjections, gentlemen.

Mr JACKSON: I am stating the facts. Mr Southee's seat is still the same, but Mr Punch's seat was strengthened for his party when some Labor voters were taken out of it. Mr Southee, by the manner in which he has conducted himself in this Parliament and carried out his parliamentary duties, has increased his majority in six years by 330 per cent. What about the nominee of the Liberal-Country party Government? He has gone back 173 per cent. There has been a vote of no confidence in the Government nominee by the people its parties represent. Members on the Government side talk about democracy. These figures must indicate to every sound-thinking person in this Parliament that he must support Mr Southee. I challenge all members opposite, who boast about voting according to conscience, to support our nominee, Mr Southee. If they have any conscience they must do so.

Mr CRAWFORD: I would never vote for anybody you nominated.

Mr JACKSON: You are lucky to be here. You thieved another man's job.

Mr SPEAKER: Order!

Mr JACKSON: Our nominee has the respect and admiration of all sections of this House. He is the nominee of the political party with the largest number of members in this House; he does not belong to any splinter group. I shall give some more numbers. Mr Southee has the support of forty-five members in this House, the largest number of members of any poli-

tical party in this House. If democracy works, he should be elected here today. In his own area there are monuments that will stand to his everlasting credit in the form of schools, hospitals and government buildings. He is the chairman of the board of the Blacktown Hospital, of which he can be very proud. It was built during the reign of a Labor government as a result of the tenacity of Mr Southee, our nominee.

As my colleague said, Mr Southee has had many years of experience in the trade-union movement. He is a tireless worker. Mr Southee came from the ranks, a humble place in the community, to the position he holds today as a member of Parliament. I appeal to the common sense and judgment of all members on the Government side, and I ask them to support our nominee who has a history that is unequalled, or not surpassed, by any other member of this House. I support this nomination of a member of outstanding quality who has already proved himself as a temporary chairman of committees, and has proved beyond shadow of doubt that he would conduct the affairs of the Committee of this House without any partiality; he has proved this to the embarrassment of other people in this Chamber. I submit that Mr Southee's qualifications, experience and ability must be taken into consideration, and I commend his nomination as Chairman of Committees of this House.

Mr SPEAKER: The question is—

Mr MEAD: That speech killed him.

Mr SPEAKER: Gentlemen, we will have no interjections in this Parliament while the Speaker is on his feet, from either side of the House. The question is:

That Leon Ashton Punch, Esquire, be Chairman of Committees of the Whole House.

The House divided:

AYES, 49

Mr Askin	Mr Chaffey
Mr Barraclough	Mr Clough
Mr Jack Beale	Mr Coates
Mr Brewer	Mr Cowan
Mr Brown	Mr Crawford
Mr Bruxner	Mr Cutler
Mr Cameron	Mr Darby

Mr Deane	Mr Mauger
Mr Doyle	Mr Mead
Mr Duncan	Mr Morris
Mr Fife	Mr Morton
Mr Fischer	Mr Mutton
Mr Fisher	Mr Osborne
Mr Freudenstein	Mr Punch
Mr Griffith	Mr Ruddock
Mr Healey	Mr Singleton
Mr Hughes	Mr Stephens
Mr D. B. Hunter	Mr Taylor
Mr Jackett	Mr Viney
Mr Jago	Mr Waddy
Mr Lewis	Mr N. D. Walker
Mr McCaw	Mr Willis
Mr McGinty	<i>Tellers,</i>
Mr Mackie	Mr Coleman
Mr Maddison	Mr Mason

NOES, 45

Mr Bannon	Mr R. J. Kelly
Mr Barnier	Mr Lawson
Mr Bedford	Mr Mahoney
Mr Booth	Mr Mallam
Mr Cahill	Mr Mulock
Mr Cox	Mr Neilly
Mr Day	Mr Nott
Mr Degen	Mr O'Connell
Mr Durick	Mr Paciullo
Mr Earl	Mr Quinn
Mr Einfeld	Mr Ramsay
Mr Ferguson	Mr Renshaw
Mr Flaherty	Mr Ryan
Mr Gordon	Mr Sheahan
Mr Haigh	Mr Sloss
Mr Hills	Mr Southee
Mr M. L. Hunter	Mr J. J. T. Stewart
Mr Jackson	Mr K. J. Stewart
Mr Jensen	Mr Wade
Mr Johnstone	Mr F. J. Walker
Mr Jones	<i>Tellers,</i>
Mr Kearns	Mr Crabtree
Mr L. B. Kelly	Mr Petersen

Question so resolved in the affirmative.

Mr PUNCH (Gloucester) [5.23]: May I express appreciation for the continued confidence shown in me by honourable members in electing me Chairman of Committees of the Whole House. In particular, I thank the honourable member for Temora and the honourable member for Dubbo for their kind words in nominating and seconding me for the position. I am mindful of the responsibilities attaching to the office of Chairman of Committees—responsibilities that entail a considerable amount of effort and require impartiality and fairness in their performance. I feel that in the past three years during which time I have been privileged to occupy the position, I have attempted at all times to apply those beliefs.

I have been fortunate to serve as Chairman of Committees and Deputy Speaker under the present occupant of the position of Speaker of the House. The guidelines that you have set, Mr Speaker, and the leadership that you have given from the chair are widely recognized inside and outside of Parliament. May I offer you my sincere congratulations on your re-election to that office. You may rest assured that I shall continue to perform my duties to the best of my ability and so justify the further confidence shown in me by the House on this occasion.

Mr SOUTHEE (Mount Druitt) [5.26]: I congratulate the honourable member for Gloucester upon his election as Chairman of Committees. I assure him that at all times I shall attempt to help him as much as possible. May I express appreciation to the honourable members who moved and seconded my nomination for the position, and thank them for their kind remarks, even though the mover incorrectly stated some dates.

ADJOURNMENT

PARLIAMENTARY SITTINGS: MATTERS FOR LEGISLATION

Mr ASKIN [5.27]: I move:

That this House do now adjourn until Tuesday, 20 April, 1971, at Half-past Two o'clock, p.m., unless Mr Speaker, or, if Mr Speaker be unable to act on account of illness or other cause, the Chairman of Committees shall prior to that date by telegram or letter addressed to each Member of the House fix an earlier day and/or hour of meeting.

Mr HILLS (Phillip), Leader of the Opposition [5.28]: I want to indicate quite clearly to the Premier and Treasurer that the Opposition deprecates his proposal that the House adjourn until 20th April next. This House has not sat since 26th November, which means that it will have had only one day's sitting in approximately five months. I know that an election has been held. I know also that there was an adjournment late last year on account of the visit to New South Wales of His Holiness the Pope. Arising out of that visit the Minister for Transport and other Government supporters attempted to excuse themselves for inefficiency in handling public transport in this State by saying at the commencement of the year that there was a

tremendous shortage of running staff in the Department of Railways as leave had to be given to make up for time worked during the Pope's visit. His Holiness was blamed for an intolerable situation faced by the travellers in the metropolitan area of Sydney. Now the Premier comes into the House and without explanation proposes, in effect, that the House should not sit for more than one day in five months. The people of New South Wales are not satisfied with that sort of approach by a lazy and incompetent government and there is no doubt that they showed their resentment in the recent elections. The Government may have the numbers in Parliament but it certainly does not have numbers in the State as a whole.

A majority of the people of this State voted for the party on this side of the Chamber in preference to members of the coalition. Thanks to a nice piece of redistribution done under the auspices of the Chief Secretary some members of the coalition were returned. If they have anything to thank him for they should certainly thank him for that.

[*Interruption*]

Mr SPEAKER: Order! The Leader of the Opposition is not being helped by interjections from both sides of the Chamber. These interjections must stop immediately.

Mr HILLS: Earlier this afternoon the Premier and Treasurer informed the House of the allocation of portfolios. I doubt whether any Premier has ever shown such a contemptuous approach to Parliament as the Premier did this afternoon when he announced those portfolios. For example, he has given one of the most important portfolios to one of the most junior Ministers the third most junior Minister has been given the Labour and Industry portfolio which was formerly held by the Deputy Leader of the Liberal Party. Hitherto the third senior Minister held that portfolio but now it has been transferred to the Hon. F. M. Hewitt in another place.

Mr CHAFFEY: On a point of order. The motion is for the adjournment of the House. Mr Speaker, for the benefit of the House would you please define the exact

limits of this debate, and say whether the Leader of the Opposition is entitled to enter into a general debate that could give rise to other members wishing to participate? Are other members to be prevented from participating? Has the Leader of the Opposition any amendment to move to the adjournment motion that has been moved by the Premier? Mr Speaker, would you please define these things for the benefit of honourable members? If the Leader of the Opposition wants to have a general discussion, there are quite a number of honourable members who would like to participate.

Mr SHEAHAN: On the point of order. The Leader of the Opposition is in a privileged position with regard to matters raised on the adjournment. He has a wider area to cover and can cover the whole area of the State concerning matters of public politics. This privilege is denied to ordinary members, who must confine themselves to matters relating to their constituencies. On the other hand, under the standing orders and under rulings given by yourself, Mr Speaker, the Leader of the Opposition has a wide area of debate, and I submit that he is perfectly in order when he refers to a matter that relates to the general politics covering the whole area of the State.

Mr SPEAKER: Order! I refer to a ruling that I gave on this very point on 26th March, 1970, when *Hansard* reported me as saying:

This is a motion for special adjournment of the House. I think it is in order, as an argument against a long adjournment of the House, for honourable members to make brief reference to matters that particularly affect their constituencies and in their opinion ought to be debated by Parliament without waiting as long as is proposed in the adjournment date, until next August, to do so. In so doing members must confine themselves strictly to the salient points of the matters that they think ought to be discussed by Parliament. They must not debate the issues involved in the matters they wish to bring forward as reasons why there should not be a long adjournment of the House. I emphasize that they must not debate the issues. They may make only brief reference to the salient points of the matters involved.

And I add now, which they advance to the House as reasons why there should be no adjournment or no long adjournment.

Mr HILLS: This decision by the Premier and his Government is merely to try to stifle discussion in this Chamber of matters dealing with, for instance, prices and price-cost inflation in New South Wales, which was an important factor in the recent general elections. This was a most important issue that caused the Government to lose so much support then. In the hope of damping down the situation, this portfolio has been allocated to a Minister in another place.

I should think that the Premier, in his statement to the House about allocation of portfolios, would have taken the opportunity to intimate to the Parliament in some form or other the financial position in New South Wales. If he could not have done this under the form of discussions here today, surely, with the numbers, he should have taken the opportunity to indicate the parlous situation of the financial affairs of New South Wales, and the fact that we face one of the largest deficits in our history. Yet the Premier is reluctant to tell the people what he thinks the deficit might be. Honourable members know, for example, that when he went to the Premiers' conference with the Prime Minister recently he intimated that the State's deficit would be reaching \$45,000,000 this financial year. Taking into account all the issues, we know that there will be certain automatic adjustments to the financial position as a result of the financial agreement, but instead of honourable members reading these things in two short paragraphs in a newspaper, this Parliament should have the opportunity, here and now and over the next few weeks at least, of hearing what is the financial situation of the State. It is of paramount importance to the people of New South Wales.

The Premier will be going to a conference with the Prime Minister. Prime Ministers change from day to day, and it is difficult to keep up with them; at the moment, the Prime Minister happens to be the Rt Hon. William McMahon, but goodness knows how long he will be there. There might be another change before the conference is held. As the elected representatives of the people of New South

Wales, we are entitled to know what the position is, and we should not find it out from a two-paragraph press statement by the Premier and Treasurer.

During the election campaign I challenged the Premier to make a statement on the financial affairs of New South Wales, but he refused to rise to the bait because he realized that the people would be listening and watching closely what he had to say about this most important matter. The financial affairs of the State should not be brushed aside until the middle of next month. Such important matters require debate in this Parliament and they should not be kept merely as an issue to be discussed between the Premier and his new Assistant Treasurer.

The other important issue that I want to raise this afternoon—an issue that the Government obviously thinks is unimportant—is the serious rural crisis. I am amazed that members on the Government side who represent country areas—particularly those in the Country Party and especially the Minister for Agriculture—have not wanted this matter discussed. The Minister for Agriculture, who had the life frightened out of him recently, had to have seven Ministers of the Crown in Moree in his electorate on the one day. I know that subsequently he said that he lost a tremendous amount of support because so many of these other fellows came into his electorate, but the people in the rural industries throughout New South Wales are very concerned about their future. They want to know what the State Government will do to help them and what representations will be made to the Prime Minister and the Commonwealth Treasurer to overcome their problem. They want to know these things, whether they happen to be in wool, wheat, dairy farming or other rural pursuits. These people are vitally concerned, but this afternoon the Premier has moved a motion which means virtually that the Parliament is meeting for only one day in a period of five months. Surely members of the Country Party and members of the Liberal Party who represent rural electorates should be concerned and should be asking why there should be such

a long delay. Surely they should be asking why they cannot get explanations not only from the Premier but also from the rural Ministers. In the reallocation of portfolios the former Minister for Conservation has not got even an office or a staff; he has been sidetracked into a new, fancy portfolio.

These are issues which concern the Opposition. When the Premier moved the motion he should have made a statement about the Government's proposals to deal with the rural crisis and to assist farmers who are unable to pay their local-government rates. What effect will this have on local-government bodies? What about the promises of the Government to meet the full cost of main roads and trunk roads? Does the Government propose to introduce legislation to deal with this matter when the House meets on 20th April? Will that legislation help local-government bodies at a time when primary producers are not able to pay their rates? Members on this side of the House would like to know whether the Government intends to introduce this type of legislation when the House next meets. The Premier has not indicated what sort of legislation the Government will bring before the Parliament.

What are the Government's plans for decentralization? Surely this is something that would affect the rural crisis. We have seen the antithesis of committees' reports being submitted to the Minister for Decentralisation and Development. All we ever see is the sort of thing that existed following the loan estimates approved by the Parliament last year when a mere \$2,500,000 was allocated to decentralization and development. If there is to be a cut in loan allocations will the Government regard decentralization as less essential than other allocations? The Premier has said publicly that allocations for education, health and other important services will not be cut and that only the less essential services will be cut. Does the Government regard decentralization as being of minor importance? One might be excused for thinking so when one realizes that the Government has placed decentralization second last on

Mr Hills]

its list for allocation of loan funds. If there is a cut in this \$2,500,000 allocation there will be nothing left.

Let us consider transport. There is a threat to tie up bus services in the whole of the metropolitan area and the Newcastle area over the one-man double-deck bus issue. Normally it is hard to keep the Minister for Transport off the radio and we hear many statements from him. However, he has said nothing about this dispute. What are his views on the one-man operation of double-deck buses? The Opposition sees this problem as fraught with serious consequences for the public of New South Wales. The Government would be well advised to leave the matter alone and to have two men operating double-deck buses. The Government is involved in a dispute which it will never be able to solve and the only people to suffer will be the travelling public. The Government should come clean with the Parliament and inform honourable members of the real situation. What about the train-travelling public? There has been no explanation from the Premier or his Ministers about what is to happen with regard to rust buckets and other problems of the railways.

This afternoon this House has heard the Premier announce his Ministry. Not one man has been dropped from or added to the cabinet. The Ministry is the same as it was in the last government. Therefore there is no need for Ministers to be allowed time to acquaint themselves with their new duties before Parliament meets. There have been some minor changes in the Ministry. One smart move is the transferring of the Labour and Industry portfolio to another place. No doubt the Premier felt that the Chief Secretary got the Government into enough trouble with his handling of that portfolio. The only amazing thing we heard this afternoon was that the Chief Secretary will be spokesman in this House on behalf of the new Minister for Labour and Industry. No doubt the Chief Secretary will get the Government into just as much hot water as he did when he held the portfolio himself.

There are no grounds for saying that before Parliament meets again there must be a delay to allow Ministers to acclimatize themselves in their new jobs. There are no grounds for saying that legislation is not ready to be dealt with. If one looks at the business paper issued after the House rose in November one sees that the Deputy Premier had given notice that he intended to seek leave to introduce a bill to provide for the constitution of the National Fitness Council of New South Wales. Obviously that legislation has been prepared. The Attorney-General had given notice of a bill relating to residence qualifications of adopting parents and guardianship of children, and other amendments to the Adoption of Children Act. The Minister for Transport had given notice that he intended to bring in a bill to amend the Civil Aviation (Carriers' Liability) Act. The Minister for Health had given notice that he would introduce a bill to permit the Hospitals Commission of New South Wales to take over certain activities of private hospitals and the like and to amend the Private Hospitals Act and the Public Hospitals Act. The Minister for Mines had given notice of the introduction of a bill to deal with the pension entitlements of mine workers and other persons. Also there is the famous bill introduced by the former Assistant Minister—the Public Service and Other Statutory Bodies (Extended Leave) Amendment Bill. We all remember that legislation and we know that the Government was not game to proceed any further with it. The public service generally objected to it and the Government decided to amend the legislation before dealing with it further.

In another place a couple of bills were not finalized. One of them related to the Companies Act; the other was the Securities Industry (Amendment) Bill. We are all aware of much dissatisfaction and disagreement among members of the Government over the handling of that legislation by the Attorney-General. We will all be most interested to see just how the Government proposes to get out of the difficulty in which it finds itself in relation to that legislation.

The objection the Opposition makes here today is that in moving this adjournment until 20th April next, the Premier was not even prepared to indicate to the Parliament what sort of legislation is to be brought down at that time. He was not prepared to indicate to Parliament whether the Minister for Local Government would introduce a bill relating to payment of local-government rates by instalments. This morning I heard the Minister for Local Government make a statement on the radio. He went on with his usual gobbledygook and said he hoped that the amending legislation would be brought down during the session to commence on 20th April but if not he would introduce it during the budget session. This Government has been re-elected by the skin of its teeth and obviously it does not want to meet the Parliament. The Government prefers that Parliament should remain in recess for as long as possible. The Opposition proposes to vote against this motion. We think it improper that the House should sit for only one day in five months.

Mr EINFELD (Waverley), Deputy Leader of the Opposition [5.49]: I oppose the motion moved by the Premier. On 26th November last the former Parliament met for its last sitting. Today, 16th March, we have met to deal with formal business. We have been informed by the Premier that the Government proposes that the House now adjourn until 20th April. If one can believe the statements of the Government's newspaper spokesman it is obvious that the Parliament will meet only for a short session—perhaps two or three weeks. We should examine the Government's motives in this situation. Is the Government frightened to face this House? Is it in such disarray after the mauling it took at the hands of the people that it does not even have the courage to face the Parliament, or is it because of its failure to solve the problems that confront the State of New South Wales?

Mr WILLIS: We won the elections, you know.

Mr EINFELD: You only just won, and by the skin of your teeth. The Government took a terrible mauling and a convincing defeat in every way at the hands of the electorate. This is not a new government. There is not one new face in the Cabinet. Despite what has been said by the people of New South Wales at the ballot boxes, the Premier has brought back to the Parliament as his Cabinet the same tired men. As the Leader of the Opposition said, there have been some changes but not of personnel. The Minister for Labour and Industry no longer sits in this House, and I shall have something to say about that later. We are told that the Chief Secretary is a sport but he will have to prove that to the members on this side of the House. The Minister for Mines is now also Minister for Conservation. No doubt on one hand he will dig up forests for mining and on the other hand he will preserve forests and keep them free from the invasion of mineral companies.

Let us examine the situation and find out what has happened to the bills that were supposed to be ready for the previous Parliament. What about the notices that were given of bills already prepared by the same Ministers holding the same portfolios? Could they not be presented to us today by these new Ministers? Is the Government saying that it wants to adjourn until April to get these bills ready?

[*Interruption*]

Mr SPEAKER: Order! There is too much audible conversation.

Mr EINFELD: Is the Government saying that legislation to halt rising food prices is not necessary or that legislation to deal with land prices is not required? What about legislation to deal with spiralling local-government rates? Does the Government claim that no action is needed on the rural crisis? Is that what the Government is saying to the people of New South Wales who on 13th February demonstrated clearly that they are vitally concerned and now demand action? The Government in typical fashion is starting its term in office in its usual "do nothing" way.

The Government does not possess the confidence of the people. On 13th February the majority voted for Labor and only a gerrymander kept the coalition Government in power. There was one over-riding issue in the election campaign, and that was the Government's failure to do anything to halt the spiralling rise in the cost of living. Not even the sham campaign by the chain stores could cover that up.

Mr SPEAKER: Order! I think the honourable member is outside the ambit of my ruling.

Mr EINFELD: I thank you for your guidance. The Government ought to be facing up to this situation instead of running away from issues of vital importance to the people—issues that I am mentioning only in passing. The Government will not deal with them. It is frightened to face members on this side of the House who were elected by the majority of the people of New South Wales. More than 50 per cent of electors on 13th February voted for the Labor party and just on 40 per cent voted for the combined two parties that form the Government. The Labor Party would represent nearly twice as many electors as any other party does. It represents 50 per cent of the people.

The Government wants to pass over the urgency of prices, despite the sham campaign raised by the chain stores, which tried to hoodwink the electors. The Government is trying to cloak its inability and incapacity. It has no wish to do anything about prices. It is showing the white feather and will not face up to the real situation. This is why the shrewd Premier removed the portfolio of Labour and Industry from this House to another place—so that the Minister will not be answerable on prices to the elected representatives of the people. The new Minister for Labour and Industry has not been elected by the people. The Government is trying to dodge the issue on prices. We of the Labor Party will not rest until the people of New South Wales are given real protection against exploitation and profiteering, even though the Government does not want to face up to this important issue. During the election campaign the Premier

said he would set up a Royal commission to investigate prices. He knew, as everyone who thought about the matter knew, that this was a sham answer.

Mr SPEAKER: Order! The honourable member is going into detail concerning an issue which he says should be debated. He may not do that. He may specify issues that he says should be debated but he cannot go into details. We do not want an adjournment debate on prices.

Mr EINFELD: I worry about the long delay when we ought to be sitting to discuss these matters. We hoped to learn that the Royal commission would be appointed in this session of Parliament. We want to know who is the Labor man who was to be appointed as commissioner. The Premier said that it was to be a Labor man of great standing who would be appointed and we hoped that in this session on 16th March the Premier would have announced the name of the chairman of the Royal commission.

Mr MAUGER: He cannot find him.

Mr EINFELD: Of course not: he did not exist, and the Premier knows it. That is why he is vacillating about the Labor man that he never expected to appoint. That was just one of those quibbles. I am asking the Premier why he cannot name that man today. Why can he not set up a Royal commission? Why is he postponing debate on such vital issues? Why will he not deal with this matter now? Why should we wait? Why are we not debating them at this sitting? Why is it that we cannot discuss these matters at great length?

I want to know what has happened about the Government's proposal for a second mortgage scheme which will be of such assistance to young couples seeking to purchase a home. Why cannot that matter be debated here? That was a definite promise by the Premier. Why must it wait until later this year or until next year? Why must we wait for legislation that will cut pensioners' water rates and council rates in half? The pensioners are waiting for some alleviation of their rates. Why can we not legislate for these matters? Why will the

Government not sit tonight to deal with these matters? Why is it that we cannot see whether the water board will cut rates in half as the Premier promised? Why must the people wait to see whether the Government will keep its promise? Why do we have to wait until 20th April to learn whether the Government will honour its promises? I want to know when the Government will legislate about long-service leave and superannuation for public servants.

It is proper that we should ask what is to happen to these promises. Parliament is meeting today: why is not the Government legislating today? Why will the Government not sit tomorrow? Why is it that the Government must vacillate to get a breathing space? Will the Premier say, "I meant it when we made the promise but now that Mr Gorton has gone and Mr McMahon is there he will not give us the money, so I am terribly sorry but I cannot do it"? The people of New South Wales want to know whether the legislation will be forthcoming and whether those promises will be honoured.

The Labor Party has been given a vote of confidence by the people of New South Wales. Fifty per cent of the electors asked us to ensure that the Government keeps its promises. We shall honour our obligation to the electors to keep the Government up to its promises. Though the Chief Secretary runs away from the issue of prices we shall be forcing the issue as much as we can. We shall keep on asking what will happen. Though the Premier may say that we should wait until April when New South Wales will know what is forthcoming from the Australian Loan Council, what promise have we that things will be better? The antics of the Rt Hon. W. McMahon when he was involved in discussions about loan funds were not good, as anyone who wants to read the minutes will see. He was the toughest Treasurer of the lot. We must remember that the Premier was the one who organized New South Wales federal Liberal parliamentarians to support a vote of confidence in the Rt Hon. J. Gorton; therefore the Rt

Hon. W. McMahon will not give the Premier too much leeway. We are worried that Parliament will delay its proceedings until 20th April. It is proposed to sit then for only two or three weeks and not again until August. What sort of reputation has New South Wales? It is bad enough after six years of Liberal-Country party Government. Will it get lower because of lack of action and lack of priorities? We on this side of the House want to ensure that Parliament sits frequently and does not delay proceedings. We want the Government to honour its obligations, quick and lively, so that the people of New South Wales will know what sort of faith they may have in the Askin Government. Are they to be given the same poor sort of deal or will this be a government that honours its promises?

MR CRABTREE: Mr Speaker—

Mr GRIFFITH (Cronulla), Government Whip [6.0]: I move:

That the question be now put.

The House divided:

AYES, 49

Mr Askin	Mr Jackett
Mr Barraclough	Mr Jago
Mr Jack Beale	Mr Lewis
Mr Brewer	Mr McCaw
Mr Brown	Mr McGinty
Mr Bruxner	Mr Mackie
Mr Cameron	Mr Maddison
Mr Chaffey	Mr Mason
Mr Clough	Mr Mead
Mr Coates	Mr Morris
Mr Coleman	Mr Morton
Mr Cowan	Mr Mutton
Mr Crawford	Mr Osborne
Mr Cutler	Mr Punch
Mr Darby	Mr Ruddock
Mr Doyle	Mr Singleton
Mr Duncan	Mr Stephens
Mr Fife	Mr Taylor
Mr Fischer	Mr Viney
Mr Fisher	Mr Waddy
Mr Freudenstein	Mr N. D. Walker
Mr Griffith	Mr Willis
Mr Healey	<i>Tellers,</i>
Mr Hughes	Mr Deane
Mr D. B. Hunter	Mr Mauger

NOES, 46

Mr Bannon	Mr Crabtree
Mr Barnier	Mr Day
Mr Bedford	Mr Degen
Mr Cahill	Mr Durick
Mr Coady	Mr Earl
Mr Cox	Mr Einfeld

Mr Flaherty	Mr O'Connell
Mr Gordon	Mr Paciullo
Mr Haigh	Mr Petersen
Mr Hills	Mr Quinn
Mr M. L. Hunter	Mr Ramsay
Mr Jackson	Mr Renshaw
Mr Jensen	Mr Ryan
Mr Johnstone	Mr Sheahan
Mr Jones	Mr Sloss
Mr Kearns	Mr Southee
Mr L. B. Kelly	Mr J. J. T. Stewart
Mr R. J. Kelly	Mr K. J. Stewart
Mr Lawson	Mr Wade
Mr Mahoney	Mr F. J. Walker
Mr Mallam	
Mr Mulock	
Mr Neilly	<i>Tellers,</i>
Mr Nott	Mr Booth
	Mr Ferguson

Resolved in the affirmative.

Mr ASKIN (Collaroy), Premier and Treasurer [6.4], in reply: I think I owe the Leader of the Opposition a reply to some of his comments. He offered a spirited objection to our meeting for only one day, today, and then adjourning until 20th April, next month. I should like to draw his attention to the fact that the last time the Australian Labor Party was in government, it adjourned the House early in December and did not meet the House again before the elections were held on 1st May. If it is true, as the Leader of the Opposition has said, that we as a government are lazy in meeting for only one day and then adjourning until 20th April, what does that make his party, which adjourned the House until an election on 1st May? The House was not able to meet even then. The Leader of the Opposition, at that time the leader of the government, did not concede defeat straight after the elections. I do not blame him for that; I should probably have done the same until I was sure. Labor did not concede defeat until about 11th or 12th May. Taking into account that when Labor was in government it did not meet the House from the time of the adjournment in early December, right through January, February, March, April and up to May, when there was an election, I submit that the Leader of the Opposition is advancing a false argument when he says that we are in the wrong in meeting today and then adjourning until 20th April. Had Labor been successful it would not have met the House

before the middle of May. I submit that the argument put forward by the Leader of the Opposition falls to the ground.

I deal now with the preparation of legislation. The Leader of the Opposition mentioned that notice has been given of a number of bills. This is quite true, but he has overlooked—and it is probably a genuine mistake—that I would not expect the Parliamentary Counsel, until he knew which party had won the election, to prepare a lot of bills, merely on the strength of notices of motion.

Mr HILLS: The Government had already given notice of the bills.

Mr ASKIN: The Leader of the Opposition claimed that he would win fourteen seats from the Government. It would have been futile for the Parliamentary Counsel to prepare quite a lot of bills, notice of which had been given, if a Labor government, when returned, would put them under the table. This is a serious argument. The Parliamentary Counsel needs time to prepare bills. The measures we regard as urgent will be brought up in the session, lasting two or three weeks, which will begin on 20th April. This session could go a little longer: there is no set minimum.

Another advantage of meeting on 20th April is that a meeting of Premiers is set down for 5th April. I shall certainly know much better where we stand financially when I come back from those talks. It is quite true that we are facing a large deficit: there is neither any doubt nor any secrecy about that. It is a fact also that every other State, including the two Labor-governed States, is in a similar position. On a *per capita* basis we are all in about the same position. The new Prime Minister has indicated through the press and on the floor of the federal Parliament that he intends to make far-reaching changes in Commonwealth-State financial relations. I want to see just how far he goes in this field.

The outcome of the talks early in April could make a big difference to this State's financial situation and I shall be able to tell the House how we stand. There is no secret about our being confronted with a large deficit. At this stage we do not know how

much it will be: nobody can say. This is the position in the other States as well as in New South Wales. Like New South Wales, the other States can make only an estimate. Already we are taking action to effect a number of economies. It is certain that there will be a number of cutbacks in capital works but not of urgent works. These cutbacks are unavoidable. All State governments, irrespective of their political colour, are in this position. The extent of the cutbacks will depend upon the outcome of the talks that are to be held on 5th April. I feel that it is sensible for me to ascertain exactly how this State stands financially so that I may report to the House a few days after the talks. This is what the Government has in mind.

The Leader of the Opposition referred to the Labour and Industry portfolio. He seems to think that there is something wrong in allocating it to the Hon. F. M. Hewitt as he is the third lowest in Cabinet seniority. I am sure everyone will agree that since my elevation to office I have made virtually no reference to Cabinet seniority. The exception was following the death of the Hon. A. D. Bridges. Speaking from memory, I have given no other thought to the order of seniority. Apart from that exception there has been no seniority alteration in six years. That change was due to special circumstances. One alteration in six years is not many. The reason for it—I may as well be quite frank about it—is that I do not place a lot of importance on seniority. Some Premiers have done so, but I do not. Apart from leaders and deputy leaders I believe that to all intents and purposes all Ministers of the Crown are equal in rank. The same applies to members of Parliament. I hold the view that the members who were sworn in today for the first time have as many rights and privileges as those who have been members of this Parliament for twenty years. They are all members of Parliament. I hold the same view about Ministers of the Crown. After all, the Hon. F. M. Hewitt is the Deputy Leader of the Government in the Legislative Council.

I am sure that every member knows— Opposition members might offer some criticism of him—that in the past the Chief Secretary has had too much work to do. In my view the Hon. F. M. Hewitt, who is a former president of the Chamber of Commerce and has had a lot to do with employers and employees, will prove to be well suited to this task. He is doing a job which, when Labor was in office, was done by the Hon. J. J. Maloney, a member of the Legislative Council. I assure the Leader of the Opposition that the allocation of this portfolio to the Hon. F. M. Hewitt is not in any way intended to downgrade Opposition criticism on prices and labour and industry matters. I am quite sure that this would not succeed if that were the purpose. There would soon be a roar from the Opposition if that were so.

The Government takes second place to no one in its attitude over the difficulties that are being encountered by the majority of people on the land. Due to circumstances beyond their control and our control, world prices for primary products have been depressed for some time. In addition, farmers have had to meet rising internal costs. Thus they are caught in the squeeze between depressed world prices and rising internal costs. They need help to overcome these problems. In our rural policy we propounded a number of schemes to try to help these people. These schemes are being prepared and they will be presented to the House as quickly as possible. The Opposition will have plenty of opportunity to debate them.

One of the last matters mentioned by the Leader of the Opposition—and it is only right that he should give it virtually last mention—was decentralization. It should be the last matter on which the Opposition should have anything to say. Labor in its last seven years in office spent \$3,500,000 on decentralization, compared with the \$21,000,000 spent by this Government over the past five and a half years. This Government has assisted 500 industries either to become established or to expand their activities in country areas. Labor governments neglected this field.

Mr Askin]

As the Leader of the Opposition is well aware, the transport matter to which he referred is before the Industrial Commission. When this position obtained, as it frequently did when Labor was in office, the government of the day adopted the same procedure as my colleagues and I are now following—it allowed the matter to be dealt with by the court and it refrained from interfering. I believe that was the correct course to follow, and it still is.

I cannot resist mentioning the biblical quotation referred to by the Leader of the Opposition—I think his deputy adverted to it also—about our winning by the skin of our teeth. We won the election by 49 seats to 45, with the independents holding two seats. On major issues those independent members have supported the Government. If that is winning by the skin of our teeth I hesitate to comment on the position of the first Cahill Government which after the 1950 elections had to rely on an independent member, Mr Geraghty, to establish a majority. In fairly recent years the Menzies Government in the national Parliament had a majority of one member, and it managed quite well. So I am quite satisfied to win by the skin of my teeth, if winning by 49 seats to 45 with two independents who are likely to be sympathetic to the Government on major issues, comes within that description.

I do not blame the Leader of the Opposition for his criticism. He is entitled to offer it. That is his job as Leader of the Opposition, but his criticism does not stand up to close examination. When the House meets again on 20th April I hope to place before members legislation that I am sure the Opposition will support. It will include measures in relation to long-service leave and superannuation, matters on which we are largely in agreement. The Government wants to get these measures on the statute book as quickly as possible. I do not regard it as unreasonable to adjourn for a few weeks, particularly as the Premiers' conference is to be held shortly. I shall then be able to give the House a better idea of how the State stands financially rather than to make a guess at this stage. I feel that

the motion to adjourn after sitting for a day to go through the various formalities that were necessary and to fill a vacancy in the federal Senate, is justified.

Question—That this House do now adjourn—put. The House divided:

AYES, 49

Mr Askin	Mr Jackett
Mr Barraclough	Mr Jago
Mr Jack Beale	Mr Lewis
Mr Brewer	Mr McCaw
Mr Brown	Mr McGinty
Mr Bruxner	Mr Mackie
Mr Cameron	Mr Maddison
Mr Chaffey	Mr Mason
Mr Clough	Mr Mead
Mr Coates	Mr Morris
Mr Coleman	Mr Morton
Mr Cowan	Mr Mutton
Mr Crawford	Mr Osborne
Mr Cutler	Mr Punch
Mr Darby	Mr Ruddock
Mr Doyle	Mr Singleton
Mr Duncan	Mr Stephens
Mr Fife	Mr Taylor
Mr Fischer	Mr Viney
Mr Fisher	Mr Waddy
Mr Freudenstein	Mr N. D. Walker
Mr Griffith	Mr Willis
Mr Healey	<i>Tellers,</i>
Mr Hughes	Mr Deane
Mr D. B. Hunter	Mr Mauger

NOES, 44

Mr Bannon	Mr R. J. Kelly
Mr Barnier	Mr Mahoney
Mr Bedford	Mr Mallam
Mr Cahill	Mr Mulock
Mr Coady	Mr Nott
Mr Cox	Mr O'Connell
Mr Crabtree	Mr Paciullo
Mr Day	Mr Petersen
Mr Degen	Mr Quinn
Mr Durick	Mr Ramsay
Mr Earl	Mr Renshaw
Mr Einfeld	Mr Ryan
Mr Flaherty	Mr Sheahan
Mr Gordon	Mr Sloss
Mr Haigh	Mr Southee
Mr Hills	Mr J. J. T. Stewart
Mr M. L. Hunter	Mr K. J. Stewart
Mr Jackson	Mr Wade
Mr Jensen	Mr F. J. Walker
Mr Johnstone	
Mr Jones	<i>Tellers,</i>
Mr Kearns	Mr Booth
Mr L. B. Kelly	Mr Ferguson

[In division.]

Mr CHAFFEY: On a point of order. Mr Speaker, if the House is going to oppose and vote out the adjournment, what is the alternative?

Mr SPEAKER: Order! The honourable gentleman is not raising a point of order; he is dealing with the motion.

Question so resolved in the affirmative.

Motion agreed to.

House adjourned at 6.25 p.m. until Tuesday, 20th April, at 2.30 p.m.

Legislative Assembly

Tuesday, 20 April, 1971

Death of Francis Patrick Buckley, Esq., C.B.E., a former Minister of the Crown and Agent-General for N.S.W. in London—Electoral District of Wollongong (Electoral Petition)—Abortion Laws (Petition)—Clutha Development Pty. Limited Agreement Act (Petition)—Temporary Chairmen of Committees—Select Committee Upon the Primary Industries (Urgency)—Questions without Notice—Workers' Compensation Commission of N.S.W.—Law Reform Commission—Department of Local Government—Sydney Cove Redevelopment Authority—Electricity Authority of N.S.W.—N.S.W. Dairy Products Board—Electoral District of Campbelltown (Clerk Summoned)—Committees of Supply and Ways and Means—Sessional Orders (Business Days: Hours of Meeting and Precedence of Business)—Suspension of Standing Orders—National Fitness Bill—Securities Industry (Amendment) Bill—Civil Aviation (Carriers' Liability) Amendment Bill—Privilege Committee (Notice of Motion)—Land Aggregation Tax Management Bill—Land Aggregation Tax Bill—Costs in Criminal Cases (Amendment) Bill—Private Hospitals (Amendment) Bill—Adoption of Children (Amendment) Bill—Public Service and Other Statutory Bodies (Extended Leave) Amendment Bill—Printing of Bills—Adjournment (Convalescent Homes).

Mr SPEAKER (THE HON. SIR KEVIN ELLIS) took the chair at 2.30 p.m.

Mr SPEAKER offered the Prayer.

DEATH OF FRANCIS PATRICK BUCKLEY, Esq., C.B.E., A FORMER MINISTER OF THE CROWN AND AGENT-GENERAL FOR NEW SOUTH WALES IN LONDON

Mr ASKIN (Collaroy), Premier and Treasurer [2.31]: I move:

That this House extends to Mrs Buckley and family the sympathy and sorrow of members of the Legislative Assembly in the loss they have sustained by the death of Francis Patrick Buckley, Esquire, C.B.E., a former Minister of the Crown and Agent-General for New South Wales in London.

I regret to inform the House of the death on the 2nd of this month of Mr Francis Patrick Buckley, a former Minister of the