

be unable to act on account of illness or other cause, the Chairman of Committees shall prior to that date, by communication addressed to each member of the House, fix an earlier day and/or hour of meeting.

House adjourned, on motion by the Hon. J. B. M. Fuller, at 6.3 p.m.

Legislative Assembly

Thursday, 23 March, 1972

Assent to Bills—Bill Returned—Petitions—Printed Questions and Answers—Questions without Notice—Life Funds of Australia Limited (Urgency)—Personal Explanation (Mining in National Parks)—Sale of Housing Commission Cottages at Maroubra (Adjournment)—Consumer Protection (Amendment) Bill (second reading)—Trading Stamps Bill—Supreme Court (Amendment) Bill—Special Adjournment—Printing Committee (Twenty-first Report)—Commonwealth of Australia Constitution Convention—Bills Returned—Adjournment (Ministerial Arrangements).

Mr SPEAKER (THE HON. SIR KEVIN ELLIS) took the chair at 11 a.m.

Mr SPEAKER offered the Prayer.

ASSENT TO BILLS

Royal assent to the following bills reported:

Auctioneers and Agents (Amendment) Bill
Dentists (Amendment) Bill
Therapeutic Goods and Cosmetics Bill

BILL RETURNED

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

Regional Organisation Bill

PETITIONS

EXTENDED SHOPPING HOURS

Mr DOYLE presented a petition from certain citizens and shopkeepers of Rose Bay representing that extended hours for shopping have had a disastrous effect on small local shopkeepers and praying that the Legislative Assembly take all necessary and appropriate action to abolish late shopping.

Petition received on motion by Mr Doyle.

PRESERVATION OF ANGOPHORA FOREST ON CENTRAL COAST

Mr JENSEN presented a petition from certain citizens of New South Wales praying that the Legislative Assembly will take the necessary action to ensure that an area of land situated between North Entrance, Tuggerah Lakes, and Noraville containing angophora trees and a rain forest is dedicated as a State Park without further disturbance of its natural condition.

Petition received on motion by Mr Jensen.

FORT STREET GIRLS HIGH SCHOOL

Mr SLOSS presented a petition from certain members of the parents and citizens association of Fort Street girls high school praying that the school be rebuilt on its present site.

Petition received on motion by Mr Sloss.

SALE OF ALCOHOL AT UNIVERSITIES

Mr MULOCK presented a petition from certain citizens of New South Wales opposing the granting of licences for the sale of liquor at universities and praying that the Legislative Assembly will take no action which will make alcohol available on university campuses.

Petition received on motion by Mr Mulock.

Mr MALLAM presented a petition from certain citizens of New South Wales opposing the granting of licences for the sale of liquor at universities and praying that the Legislative Assembly will take no action which will make alcohol available on university campuses.

Petition received on motion by Mr Mallam.

ZONING OF LAND AT CAMPBELLTOWN

Mr MALLAM presented a petition from certain citizens of New South Wales praying that the Legislative Assembly will take no action which will suspend certain lands within the city of Campbelltown from the

County of Cumberland planning scheme and designate them as a special use—utilities and communications—corridor.

Petition received on motion by Mr Mallam.

PRINTED QUESTIONS AND ANSWERS

RAILWAY BULK HANDLING CONTRACTS

Mr MALLAM asked the MINISTER FOR TRANSPORT—(1) Will he inform the House of—(a) The number of firms holding bulk handling contracts and the tonnage guaranteed by each? (b) The amount of annual revenue obtained from them during the last financial year? (c) What would the revenue have been had normal railway freights been charged?

Answer—The question is similar to one placed on the notice paper by the honourable member on 2nd November, 1971, and to which I replied on 9th December. For the reason I gave at that time, it is not permissible to release the information sought.

PATHOLOGISTS AT PUBLIC HOSPITALS

Mr BEDFORD asked the MINISTER FOR HEALTH—(1) (a) Which public hospitals in New South Wales have an establishment for a staff pathologist? (b) What is the award rate payable to staff pathologists? (2) (a) Which public hospitals in New South Wales have the services of visiting pathologists paid on a sessional fee basis? (b) What fees were paid to visiting pathologists for these hospitals for the 1970–71 year?

Answer—(1) (a) The following hospitals have an establishment for a staff pathologist: Auburn District Hospital; Balmain Hospital; Bankstown Hospital; Bathurst District Hospital; Blacktown District Hospital; Royal Hospital for Women; Canterbury District Memorial Hospital; Fairfield District Hospital; Grafton Base Hospital; Lewisham Hospital; Liverpool District; Mater Misericordiae Hospital, North Sydney; Mona Vale District Hospital; Newcastle Mater Misericordiae Hospital (Waratah); Parramatta District Hospital; Prince Henry Hospital;

Prince of Wales Hospital; Rachel Forster Hospital; Royal Alexandra Hospital for Children; Royal Newcastle Hospital; Royal North Shore Hospital; Royal Prince Alfred Hospital; Ryde District Soldiers Memorial Hospital; St George Hospital; St Margaret's Hospital; St Vincent's Hospital, Darlinghurst; Sutherland Hospital; Sydney Hospital; Wagga Wagga Base Hospital; Western Suburbs Hospital, Croydon; Wollongong Hospital; Women's Hospital, Crown Street.

However, it is not always possible to fill these positions, and hospitals in such circumstances are obliged to rely upon visiting pathologists or the Institute of Clinical Pathology and Medical Research at Lidcombe to provide the service required.

In some instances hospitals, in addition to the services of a salaried pathologist, also require to utilize the services of visiting pathologists. A number of the salaried pathologist positions mentioned above are required to provide a service to public hospitals other than the one at which they are employed, for example, the salaried pathologist at Blacktown District Hospital also provides a service to the Blue Mountains District Anzac Memorial Hospital and to the Hawkesbury Benevolent Society, whilst the pathologist employed by Bathurst District Hospital provides a service to Oberon, Blayney and Carcoar district hospitals and to St Vincent's Hospital, Bathurst.

(b) The award payable to staff pathologists which was effective on and from 1st April, 1971, is as follows:

Year of Service	\$ p.a.
1st Year	11,697
2nd Year	12,437
3rd Year	13,175
4th Year	13,914
5th Year and thereafter ..	14,652
Senior Specialist	16,129

(2) (a) and (b) The following hospitals had an arrangement with a pathologist or pathologists in private practice to provide a visiting service on a fee sharing basis, and during the financial year 1970–71 paid to those pathologists the amounts shown—

Hospital	\$
Griffith Base Hospital	26,432
Leeton District	7,819
Narrandera District	1,208
Hay Hospital	48
Hillston District	1,146
Wagga Wagga Base	1,000
(This arrangement applied only for a limited period—a salaried Pathologist is now employed)	
Coonabarabran District	23
Dubbo Base	13,220
Gulgong District	941
Brentwood, Muswellbrook	} 20,419
Scott Memorial, Scone	
Singleton District	
Bulahdelah District	} 4,604
Manning River District	
Cessnock District	7,059
Kurri Kurri District	1,629
Maitland	17,220
Royal Newcastle	4,302
Newcastle Western Suburbs Maternity	1,000
(Fixed honorarium only)	
Wallsend District	15,132
Bowral District	16,815
Bulli District	34,642
Crookwell District	1,257
Goulburn Base	9,366
Port Kembla District	3,603
Wollongong	26,420
Lithgow District	4,457
Auburn District	4,107
Blue Mountains District Anzac Memorial	209
(Now serviced by a salaried Pathologist)	
Blacktown District	14,944
(Now serviced by a salaried Pathologist)	
Hawkesbury Benevolent Society and Hospital	5,941
Fairfield District	25,726
Nepean District	34,275
Ryde District Soldiers Memorial	3,303
St Joseph's, Auburn	13,386
Gosford District	17,000
Hornsby and District	60,922
Manly District	2,000
(Fixed honorarium only)	
Mona Vale District	27,796
St Margaret's for Women	2,250
Sydney Homoeopathic	1,728
Marrickville District	1,032
Royal South Sydney	3,434
Western Suburbs	10,205

Generally the basis on which these payments are calculated is a 50 per cent share of fees collected by the hospital in respect of pathology services provided. The fees charged are those scheduled as the common fee under the National Health Act and insured patients recover both Commonwealth and fund benefit in respect of the charges.

HOSPITAL AND UNIVERSITY FOR CAMPBELLTOWN

Mr MALLAM asked the MINISTER FOR HEALTH—(1) When is it expected that work will commence on the proposed Campbelltown hospital and university? (2) (a) Was it previously proposed to site the hospital on the corner of Macquarie Avenue and Broughton Street? (b) If so,—(i) Was this land sold by the Department of Lands to the Hospitals Commission? (ii) What was the sale price? (3) Is this land still owned by the Hospitals Commission? If not, to whom and for what price was it sold? (4) Where is the present proposed site of the hospital-university complex? (5) Is it proposed to establish the hospital before the university?

Answer—(1) At this stage I have no knowledge as to a university. As to a hospital, no consideration whatever has been given as to when construction might commence. A report has been compiled by the division of health services research and planning of my department, detailing population statistics, etc., relevant to the planning of a new hospital. A small committee is being established to prepare a functional brief as an essential pre-requisite to detailed planning.

(2) (a) It was originally intended to site the hospital on the corner of Macquarie Avenue and Broughton Street. However, it is now considered that this site is unsuitable for hospital purposes. My department is at present negotiating with the State Planning Authority for a more suitable site and at this time no final decision has been

made. (b) (i) The land was purchased from the Department of Lands in 1957. (ii) \$3,510.

(3) The land has not been sold and is reserved for hospital purposes.

(4) At present consideration is being given to a site situated in an area bounded by the Camden-Narellan Road to the north-east, the main southern railway line to the south and by the proposed new expressway on the northwest. This site of 543 acres, was defined several years ago as a "special uses precinct" and was originally intended to provide for a tertiary education complex, consisting of a university, a college of advanced education and a teachers' training college.

However, considerable difficulty has been experienced in defining a suitable site for the hospital, having regard to the education requirements. Because of this, my colleague, the Deputy Premier, Minister for Education and Minister for Science recently requested the chief planner of the State Planning Authority to convene an inter-departmental committee to resolve this issue. I understand that this committee has considered an alternative approach to the location of the hospital and that a report will be available in the very near future.

(5) See answer to question (1).

POPULATION IN NEW SOUTH WALES ZONES

Mr DAY asked the MINISTER FOR PUBLIC WORKS—(1) What was the population of each of the nine zones, which have been set up in this State for administrative and statistical purposes, at the census in 1966 and the census in June, 1971?

Answer—I have been advised by my colleague the Minister for Decentralisation and Development that the population of New South Wales regions as adopted in July, 1971, at the census in 1966 and the census in June, 1971, was as follows.

	Region No.					Population 30.6.66 (Persons)	Population 30.6.71 (Persons)
1	212,539	221,441
2	155,717	163,778
3	98,804	99,530
4	35,688	34,528
5	85,501	85,843
6	129,509	131,317
7	152,681	149,966
8	115,514	118,055
9	3,242,617	3,579,172

EXPENDITURE FROM COUNTRY INDUSTRIES ASSISTANCE FUND

Mr DAY asked the MINISTER FOR PUBLIC WORKS—(1) What was the total expenditure from the country industries assistance fund for the six years, 1965 to 1971? (2) How much of these funds were in the form of capital grants to decentralized industry and how much by way of repayable loans? (3) What amounts of these total funds were spent in each of the nine zones which have been set up in this State for administrative and statistical purposes?

Answer—(1) Total expenditure approved from the country industries assistance fund for the six years, 1st July, 1965, to 30th June, 1971, was \$28,833,609. In addition to this expenditure a further \$3,370,000 had been expended on housing for key employees of decentralized industries and under the provisions of the Wollongong special assistance programme, from special funds made available for these purposes. (2) Expenditure by way of capital grants (freight subsidies, training of labour subsidies, etc.), during the six-year period was \$3,227,866.

Repayable loans provided during the same period (also including expenditure on leases) was \$25,187,274. A further \$418,469 was expended during this period to purchase and develop industrial land. (3) It has not been possible in the time available to collate details of expenditure according to zones as requested by Mr Day. Departmental officers are presently engaged in compiling this information and this will be made available to Mr Day when it is completed.

DEPARTMENT OF MAIN ROADS EXPENDITURE

Mr DAY asked the MINISTER FOR LOCAL GOVERNMENT AND MINISTER FOR HIGHWAYS—(1) What has been the total expenditure by the Department of Main Roads for the six years 1965 to 1971? (2) How much of this expenditure has been in zone 9 and also in each of the other eight zones, which have been set up in this State for administrative and statistical purposes?

Answer—(1) Expenditure by the Department of Main Roads, New South Wales.

1965/66–1970/71						
Year		General \$M.	Sydney Harbour Bridge \$M.		Total \$M.	
1965/66	.. ..	84.83	2.50		87.33
1966/67	.. ..	88.59	2.89		91.48
1967/68	.. ..	90.65	3.32		93.97
1968/69	.. ..	97.70	3.54		101.24
1969/70	.. ..	113.62	3.72		117.34
1970/71	.. ..	128.86	3.51		132.37
		<u>\$M.604.25</u>	<u>\$M.19.48</u>		<u>\$M.623.73</u>	

(2) Expenditure by the Department of Main Roads, New South Wales, in nine Regional Areas.

Regional Area	1965/66 \$M.	1966/67 \$M.	1967/68 \$M.	1968/69 \$M.	1969/70 \$M.	1970/71 \$M.	Total \$M.
1	7.80	7.47	6.89	7.77	7.74	8.06	45.73
2	6.35	7.55	8.20	8.23	8.69	7.80	46.82
3	6.28	6.18	5.67	8.66	7.98	6.67	41.44
4	1.55	1.84	1.54	1.78	2.41	2.80	11.92
5	4.10	3.80	4.72	4.80	4.37	4.09	25.88
6	3.15	3.05	3.52	4.30	4.84	5.52	24.38
7	4.32	4.06	4.11	4.24	4.99	5.41	27.13
8	8.65	7.67	7.76	7.60	7.70	7.85	47.23
*9	45.13	49.86	51.56	53.86	68.62	84.17	353.20
	<u>\$M.87.33</u>	<u>91.48</u>	<u>93.97</u>	<u>101.24</u>	<u>117.34</u>	<u>132.37</u>	<u>623.73</u>

* Includes Sydney Harbour Bridge

LIVERPOOL WEST PUBLIC SCHOOL

Mr PACIULLO asked the MINISTER FOR EDUCATION AND MINISTER FOR SCIENCE—

(1) Was a \$40,000 grant approved last year for ground improvements at Liverpool West public school subsequently reduced to \$30,000 and now being finally withdrawn altogether? (2) If this is so, will he advise the reasons for the withdrawal of the ground improvement funds and when the department may reallocate the necessary money to carry out this urgent work?

Answer—The Public Works Department submitted an estimate of cost at \$43,000 for major ground improvements at the Liverpool West public school. Following investigations on the site it was determined that certain works were not essential and these works were deleted from the estimate, thus reducing the amount to \$30,000. Owing to more urgent maintenance works required in the Liverpool area, the project had to be omitted from the 1971-72 area maintenance programme. However, an amount of \$18,000 will be provided from the loans vote to enable the works to be commenced by the Public Works Department. The balance of the work (estimated at \$12,000) is to be included on the 1972-73 maintenance programme for the Liverpool area.

PERSONS AWAITING TRIAL AT SYDNEY QUARTER SESSIONS

Mr PETERSEN asked the ATTORNEY-GENERAL—(1) As at 2nd February, 1972, how many persons were awaiting trial at Sydney quarter sessions for crimes of fraud and violence to persons and property?

Answer—The Clerk of the Peace has made a comprehensive survey of the information available to him in an endeavour to provide as accurate an answer as possible to this question. During the duration of a sittings, matters are continually being committed for sentence, and in some cases, for trial, to those sittings. Consequently, exact figures as to persons awaiting trial at a particular date cannot be ascertained with certainty at some later time.

Subject to the above, and the notes following, the number of persons committed to sittings of the Sydney quarter sessions prior to February, 1972, awaiting trial or sentence for offences involving dishonesty and/or violence as at 2nd February, 1972, was 882. The number of persons committed to the February sittings of the Sydney quarter sessions for these offences whose court papers had been received and recorded up to 2nd March, was 362.

Note: (1) the word "trial" in the question has not been construed technically and has been interpreted as meaning "trial or sentence". (2) Similarly, the word "fraud" has been construed in the sense of "dishonesty" and "crimes of fraud and violence".

to persons and property" has been taken to include all the ordinary offences involving dishonesty or violence coming before quarter sessions, of which typical examples are breaking, entering and stealing, larceny (of cars and other property), robbery, receiving, malicious wounding, and assault occasioning actual bodily harm. (3) The figure of 362 given as the number of persons committed to the February sittings of the Sydney quarter sessions includes all persons committed to those sittings from the beginning of December last to the end of February, whose court papers had been received and recorded by the Clerk of the Peace up to 2nd March, 1972. This figure does not in any way represent the number of such persons awaiting trial or sentence as at 2nd February, which would be considerably less.

LEGAL COSTS IN PROSECUTION OF MISS WENDY BACON

Mr PETERSEN asked the ATTORNEY-GENERAL—(1) What is the total amount of fees paid and to be paid to counsel instructed by the Crown Solicitor who have been engaged in litigation in the court of petty sessions, Central police court and the equity court in respect of the prosecution of Miss Wendy Bacon under the Obscene and Indecent Publications Act? (2) What has been the cost to the State of the Crown Solicitor's legal officer who has had the carriage of these prosecutions for the time that he has been engaged upon them?

Answer—(1) The hearing of all charges against Miss Bacon under section 16 of the Obscene and Indecent Publications Act in respect of five editions of the publication *Tharunka* commenced at the Central court of petty sessions on 18th March, 1971, and is still part heard. Charges were laid against three other persons and the company which printed the publication. The

company pleaded guilty and the charge against its manager was subsequently withdrawn. The three remaining defendants including Miss Bacon—the three student editors—requested and were granted separate committal proceedings. One person was committed for trial on 13th April, 1971, and the other on 13th October, 1971, by separate magistrates. To date, fees due to counsel in respect of the petty sessions proceedings against Miss Bacon amount to \$484.00. So far as the proceedings in equity are concerned, the amount due to counsel is \$220.00. As these proceedings are civil in nature, I am unable to indicate whether whole or part of these costs are recoverable, no order as yet having been made by the court.

(2) It would be difficult, if not impracticable, to determine the cost to the State of the Crown Solicitor's legal officer who has carriage of these matters, in that he has had the carriage of all prosecutions in respect of *Tharunka* referred to in (1). The officer diaried the time spent in preparation, conferences and court appearances with and without counsel as being twenty-one hours in 1970 (September-December), thirty hours in 1971, and one hour in 1972 to date. As the original brief involved charges against five defendants, it is impossible to estimate how much of the total time of fifty-two hours was devoted to the case against Miss Bacon.

PUBLIC HOSPITALS

Mr MASON asked the MINISTER FOR HEALTH—In public hospitals in New South Wales for each of the financial years, 1955-56, 1960-61, 1965-66 and 1970-71 what was: (a) the total number of available beds; (b) the daily average of occupied beds; (c) the average bed cost; (d) the total staff employment; (e) the State subsidies paid by way of expenditure and deficiency grants; (f) the total expenditure maintenance?

Answer—

	1955-56	1960-61	1965-66	1970-71
(a)	20,200	23,135	24,587	26,354
(b)	14,252	16,218	17,711	19,606
(c)	\$7.64	\$10.71	\$14.41	\$25.59
(d)	24,831	30,449	36,914	45,800
(e) Exp.	\$28,532,156	\$45,611,504	\$ 61,684,377	\$123,608,096
Def. Grant \$	628,478	1,108,158	1,376,773	785,807
(f)	\$45,215,634	\$71,480,794	\$107,231,647	\$211,649,673

(net after deduction for board and lodging)

The figures quoted in respect of the financial year 1970-71 exclude, in all relevant areas, the retrospective costs in 1970-71 of awards finalized after 30th June, 1971. The estimated additional cost of adjustments in respect of these awards for the period up to 30th June, 1971, is \$3,303,000.

TEACHING HOSPITALS

Mr BARRACLOUGH asked the MINISTER FOR HEALTH—(1) Which hospitals are known as teaching hospitals? (2) What amount was spent on capital and maintenance needs of these hospitals—(a) For the years 1955 to 1965; (b) for the years 1966 to 1971? (3) What amounts were provided by the Australian Universities Commission in these periods?

Answer—(1) The following are the hospitals that are known as teaching hospitals:

Years	Maintenance Expenditure	Capital Expenditure
(a) 1955 to 1965	\$188,681,552	\$30,693,362
(b) 1966 to 1971	\$247,535,378	\$32,676,314

(3) The amounts provided by the Australian Universities Commission over the periods mentioned above are difficult to categorize as the Australian Universities

Bankstown Hospital; Benevolent Society of New South Wales—Royal Hospital for Women; Canterbury District Memorial Hospital, Campsie; The Eastern Suburbs Hospital, Bondi Junction; Lewisham Hospital; Mater Misericordiae Hospital, North Sydney; Prince Henry Hospital, Little Bay; Prince of Wales Hospital, Randwick; Royal Alexandra Hospital for Children, Camperdown; Royal North Shore Hospital, Crows Nest; Royal Prince Alfred Hospital, Camperdown; Royal South Sydney Hospital, Zetland; St George Hospital, Kogarah; St Margaret's Hospital, Darlinghurst; St Vincent's Hospital, Darlinghurst; Sutherland Hospital, Caringbah; Sydney Hospital; Women's Hospital (Crown Street).

(2) The following amounts were spent on capital and maintenance needs at these hospitals:

Commission grants are provided over periods of three years, and the following is a list of the amounts provided under the universities (financial assistance) Acts:

Triennium	Financial Assistance by Australian Universities Commission
1961-63	\$1,275,476
1964-66	751,000
1967-69	900,000
1970-72	663,350
	<hr/>
	\$3,589,826

PUBLIC HOSPITALS

Mr MAUGER asked the MINISTER FOR HEALTH—(1) What was the amount spent on capital works for public hospitals for each year (a) from 1960 to 1965, inclusive; and (b) from 1966 to 1971, inclusive? (2) At which hospitals and by what amount did capital expenditure exceed the minor works limit of \$40,000?

Answer—(1) (a) Amount spent on capital works for public hospitals for each year from 1960 to 1965.

<i>Year</i>	<i>Total Expenditure</i>	
	\$	
1959-60	6,194,144	
1960-61	7,700,000	
1961-62	10,900,000	
1962-63	13,860,000	
1963-64	13,400,000	
1964-65	13,100,000	
1965-66	14,164,112	

(b) Amount spent on capital works for public hospitals for the years 1966 to 1971.

<i>Year</i>	<i>Total Expenditure</i>	
	\$	
1966-67	13,350,000	
1967-68	16,700,000	
1968-69	20,100,000	
1969-70	20,850,000	
1970-71	24,635,000	

(2) This information is not available at present; however as soon as the information is compiled a reply will be given.

QUESTIONS WITHOUT NOTICE

BUS SERVICES

Mr HILLS: I ask the Minister for Transport whether it is a fact that 389 peak-hour government bus services in the metropolitan area have been cancelled by the Government. Have these cuts followed reductions in off-peak services, with the frequency of services to many suburbs being cut from half-hourly to hourly? Were these drastic reductions made without proper consideration being given to the needs of the travelling public? In order that the public may be consulted, will the

Minister agree to a survey of passengers on all Government bus routes with a view to improving services?

Mr MORRIS: It is a fact that earlier this year the Commissioner for Government Transport did, I think, cut some off-peak services. I am not aware of any peak-hour services that were cut; some of the off-peak services certainly were. Anyone who goes round at night in this city or the city of Newcastle will see government buses running with the driver the only occupant. This, of course, is the sacrifice that we are making to the motor car. When I was in the city of Newcastle on the afternoon of Christmas Day, I counted eight buses outside the co-operative store without a passenger in them. The buses were still running. The Government and the Commissioner for Government Transport have a responsibility to contain the heavy losses within this department. However, as I believe that the last part of the question asked by the Leader of the Opposition contains a worthwhile suggestion, we shall arrange for this to be done.

EPPING BOYS HIGH SCHOOL

Mr CLOUGH: I ask the Deputy Premier, Minister for Education and Minister for Science whether he is aware that the Department of Main Roads is at present widening the Epping Highway? Will this widening result in the loss of part of the site of the Epping boys high school and the closing of the entrance to the school? Will the Minister say what arrangements are being made to give a new access to this school?

Mr CUTLER: I am aware that the Department of Main Roads is making arrangements to widen the Epping Highway. I am aware also that the Department of Education is negotiating with the Department of Main Roads on the effect that this widening will have on the grounds of the Epping boys high school. Also, at this stage discussions are taking place between the Department of Main Roads and the Department of Public Works with a view to locating the entrance to the school away from the Epping Highway. I gather that it is proposed to give access from Vimiera

Road. I believe the proposal is that the Department of Main Roads will ask the Department of Public Works to carry out the work involved in the new access. I am not completely aware of all the matters mentioned by the honourable member, but I shall look into them and give him an answer.

CROWN LAND SALES

Mr EINFELD: My question without notice is directed to the Minister for Lands. Did the Premier in this House last Tuesday when rejecting a request by the Leader of the Opposition for the appointment of a parliamentary select committee into land prices, claim that the Government is allocating 60 per cent of Crown land by ballot? Did the Premier specifically refer to the North Engadine-Loftus area, where thirty-seven blocks have been advertised for ballot? Is it a fact that eleven of those blocks were offered for ballot in January last year at prices ranging from \$5,200 to \$6,400? Were there more than 2,000 applicants for those blocks? Are these same eleven blocks now being re-offered, only one year later, at prices ranging from \$8,900 to \$9,900, in each instance more than \$3,000 dearer? Can the Minister for Lands give any valid reason why these blocks were not allocated in 1971 to one of the more than 2,000 applicants, or is this just another example of the Government's long-standing policy to extract every possible dollar from land-hungry, young couples?

Mr LEWIS: As usual, the Deputy Leader of the Opposition is misinformed. I do not believe that there were 2,000 applications for the blocks he has mentioned. In any event, they were all balloted for. Although the Premier stated that in that area more blocks would be available, their release has been delayed somewhat, not because the Government wishes to obtain higher prices but because of construction difficulties caused particularly by the rain during the last couple of months. I think that most site programmes of private developers and the Crown have

been delayed by excessive rain in New South Wales, particularly in Sydney in January and February.

May I add for the benefit of the Deputy Leader of the Opposition that yesterday there were 125 after-auction purchase building blocks available throughout the metropolitan area at prices ranging from \$10,000 to \$15,000. Anybody can go down to the Department of Lands, obtain a copy of the site locations and buy them at these fixed prices. At past auctions these blocks have not sold at the reserve price and, as a consequence, they are available on the same terms and conditions as applied at the auction. These 125 after-auction purchase blocks are available at much lower prices than the ones quoted by the Deputy Leader of the Opposition. In addition, between 300 and 500 blocks will be balloted for within the next eight months.

FISHERIES RESEARCH STATION

Mr PUNCH: I ask the Chief Secretary, Minister for Tourism and Sport whether a prawn research station was established recently in the Port Stephens area. Yesterday did the honourable member for Castle-reagh request the Minister to consider establishing a fisheries research station on the Clarence River instead of in Sydney Harbour? Did the Chief Secretary reply that it would be necessary for such a research station to be close to a university and did he mention also the importance of having it in proximity to clear water? Will the Minister, when he is holding further discussions on this matter to decide on the site for the proposed fisheries research station, consider the attributes of Port Stephens, which is one of this State's major fishing ports, where there is any amount of clear water and it is close to the excellent university at Shortland?

Mr WILLIS: Probably I have no need to say that the answers to the first two parts of the honourable member's question are in the affirmative, for in them he more or less summarized what has occurred to date in relation to this matter. I shall be only too pleased to consider a site at Port Stephens. Lest this undertaking be misunderstood,

may I point out that I shall be guided by the expert advice of my scientific officers. I say without hesitation that this State's fisheries research scientists both in number and quality exceed those of even the Commonwealth Scientific and Industrial Research Organization. As I do not want to give any wrong impression, I feel that I must observe that in all their advice to me so far they have stated that it will be necessary for the research station that was the subject of a question yesterday, to be located somewhere within the Sydney metropolitan area.

The establishment at Port Stephens is the Brackish Water Research Station and is not the type of research station being considered for establishment in the metropolitan area at some future time. The Port Stephens station is an active, going concern and in the course of only a few months has produced some important findings. The research station under consideration for establishment in the metropolitan area is something in the long term future and may not be built within my lifetime.

POST OFFICES IN NEW SOUTH WALES

Mr QUINN: I wish to ask the Premier and Treasurer a question without notice. Is it true that in 1971 the Postmaster-General closed ninety-five post offices in New South Wales? Is there a threat that many more will be closed? Does the system of area management proposed by the Postmaster-General in relation to New South Wales involve the transfer of areas south of Wagga Wagga to Victorian administration, areas north of Kempsey to Queensland administration and the Broken Hill area to South Australian administration? Does the Postmaster-General propose to transfer administrative staff from Parkes, Dubbo and Orange to a central location at Bathurst? Will proposed similar transfers involve 426 families residing in ten country centres in this State? Will proposed moves have a serious effect upon the towns concerned? Will the Premier protest to the Prime Minister against this infringement of State boundaries by a Commonwealth instrumentality? Will the Premier, in the interests of decentralization and in the interests of the people

of New South Wales, ask the Prime Minister to restore postal services that existed previously and to maintain centres of administration at their existing locations?

Sir ROBERT ASKIN: The honourable member for Wentworthville would be well aware that the Postmaster-General does not in any way check with State authorities before doing the sort of things referred to in the question, if in fact those things are really happening. I do not know and before I lodge a protest with the Prime Minister I shall have to make sure that the facts are as outlined by the honourable member. I do not dispute what the honourable member says but I do not know whether he is right or wrong.

Mr K. J. STEWART: You have not made any representations about this.

Sir ROBERT ASKIN: There was a proposal that the post office at Parliament House be closed and I did something about that.

Mr CAHILL: That is a good decentralized office.

Sir ROBERT ASKIN: Had it been closed I am sure inconvenience would have been caused to many people, but it was kept open. I do not know whether the facts are as stated by the honourable member for Wentworthville though I have no doubt that he believes his statement to be correct. I shall make inquiries and find out whether what he says is true, and shall then consider what should be done to improve the situation in New South Wales. When I have ascertained the facts I shall be able to make a decision and I shall certainly let the honourable member know the position.

FRAUDULENT TRAVEL AGENTS

Mr BARRACLOUGH: I direct a question without notice to the Chief Secretary and Minister for Tourism and Sport. Have a number of Australian tourists to interstate and oversea resorts been defrauded by so-called travel agents with whom they had made bookings and to whom they had paid large sums of money in connection with their travel? Has there been an increase in

the number of these cases in the past couple of years? Will the Minister indicate whether anything can be done to protect the interests of these would-be travellers?

Mr WILLIS: The question asked by the honourable member for Bligh is indeed timely, for recently there have been a number of cases in which Australians, wishing to travel overseas or, for that matter, interstate, have been not only inconvenienced but indeed defrauded by persons whom I can describe only as fly-by-night operators working under the guise of travel agents. This problem has been exercising the minds of the tourist ministers of all States and also in the Commonwealth sphere—so much so, that it was the subject of a serious discussion at the last meeting of the Australian Tourist Ministers Council, at which it was decided that the most appropriate action to take to eliminate these operators from our community and prevent them from fleecing citizens, would be to introduce legislation to license or register travel agents throughout Australia, and that for this purpose it would be necessary to have Commonwealth and State legislation of a uniform or mirror type.

The legislation has been drafted by the Victorian Government, acting on behalf of all governments in Australia. The draft has been circulated and is under consideration. I hope that by the time the next meeting of the Tourist Ministers Council is held a couple of months from now, all the necessary consultations will have been concluded and that it will be possible by then to agree on the uniform legislation and arrange to have it introduced in each of the parliaments of Australia in the latter part of this year. In the meantime, all I can say—and I take this opportunity to do so—is that potential tourists wishing to travel within the State, interstate, or particularly overseas, would be well advised to do their business only through reputable, established and well-known travel agencies, and to steer clear of fly-by-night operators who purport to offer extremely cheap travel but in fact are in business for no one's benefit but their own.

If any citizen has doubts on the reliability of a travel agent, I suggest that he need only check with one of the major airlines or shipping companies, or for that matter with my own department. In the meantime, it would be wise for all citizens to be careful indeed in this regard, for a few of these operators are still about, and where they have defrauded people, they have caused considerable suffering.

MINING IN NATIONAL PARKS

Mr MULOCK: My question without notice is directed to the Minister for Mines and Minister for Conservation. Does the recently announced proposal of the Australian Mining Industry Council to seek to mine in or under national reserves represent yet another step towards a direct confrontation between mining interests and those opposed to them? Will the Minister inform the House whether his foreshadowed amending mining legislation will make provision for an independent, public tribunal to test those competing claims? If the Minister does not propose such an independent, public tribunal, will he give urgent and substantial consideration to providing for a tribunal that would operate on similar principles to those enumerated in the United States of America Environmental Policy Act, thereby providing a public forum for Commonwealth, State and local agencies involved in the final decision?

Mr FIFE: My attention has been directed to the statement by the Australian Mining Industry Council about mining in and beneath national parks. My attention has been invited also to a well-informed statement made yesterday on behalf of the Government by the Minister for Lands, who indicated that it is not the Government's policy to issue leases within national parks and that the only mining that will take place in national parks will be that authorized prior to the dedication of certain parks.

Mr RENSHAW: Some of the dedications have been held up by mining activities.

Mr FIFE: The honourable member for Castlereagh interjects and says that some of the dedications have been held up by mining activities. Let me remind him and the House that when this Government took office the Minister for Lands found in his office a large bundle of files marked "Proposed national parks". The reason they were so headed was that the former administration would not grasp the nettle. It was not willing to sort out the problems that existed in relation to land usage. The tremendous job that has been done since in the dedication of national parks and reserves will stand to the everlasting credit of this Government, and particularly of the Minister for Lands.

This is not the first occasion on which the honourable member for Nepean and other members of the Opposition have attacked the mining industry. That industry is tremendously important to this State and to Australia. New South Wales is the premier State of the Commonwealth largely because of the strength of development of the mining industry here. It is this Government's policy that the mining industry must be treated in the same way as every other industry—that is, it must harmoniously blend with the other activities and requirements of the State. It is not the intention of the Government to issue new leases in national parks after they have been dedicated.

The honourable member for Nepean who is skilled in the administration of the law overlooked—perhaps he has not overlooked it: it may be that he seeks to mislead his constituents and members of this House—the fact that every company that holds a mining lease must obtain planning consent before mining operations can be undertaken. If a mining lease is granted it is conditional upon that mining company being able to obtain planning consent from the appropriate planning authority. Later in the year I hope to introduce legislation that is being designed further to encourage the development of mining activity in New South Wales and at the same time to ensure the protection of the natural environment. There will be ample opportunity for all honourable members and the public to study the details of

that legislation, which I am sure will have the widespread support of the people of New South Wales.

DAYLIGHT SAVING

Mr DOYLE: My question is directed to the Chief Secretary, Minister for Tourism and Sport, and concerns daylight saving. Did the Minister indicate some weeks ago when daylight saving ended that he would be examining all the material in his possession and would make a statement about Easter-time? As Parliament is about to rise for the Easter recess, will the Minister inform the House of any decision he may have made in this matter?

Mr WILLIS: As indicated in the question asked by the honourable member for Vaucluse, I have said on several occasions that it was my hope that as the responsible Minister in regard to the question of daylight saving, I would be finalizing my consideration prior to Easter so as to allow Cabinet to decide what the Government's attitude would be in respect of daylight saving next summer. I regret to say I have been unable to do this so far, notwithstanding valiant efforts, for the simple reason that there has been an overwhelming volume of representations both for and against daylight saving from all parts of the State and from a great number of organizations and individuals, most of whom have given good reasons for their particular points of view.

As I have given an undertaking to them, both collectively and individually, that full consideration will be given to all their views, it is only proper that a little more time be taken on this question, especially as it is not one of extreme urgency. There is still plenty of time to deal with it. For this reason, plus the fact that elections have unexpectedly developed in Tasmania and the usual general elections are to be held in Queensland in May, it has been found impracticable to hold the conference of State Ministers who were to have discussed this matter soon after Easter. The conference will have to be held several months later than originally planned, possibly in June or even early in July. For these reasons I regret that it will now be several more months

before it is possible for me, or perhaps the Premier, to indicate the Government's attitude to this very important question which affects all sections of the community and all citizens. I assure the honourable member for Vaucluse and the House that as soon as the Government comes to a decision it will be made known.

CHARLESTOWN INFANTS SCHOOL

Mr J. J. T. STEWART: I direct my question without notice to the Deputy Premier, Minister for Education and Minister for Science. Is it a fact that I have made continual representations over the past fifteen years for the replacement of Charlestown infants school, which is in a deplorable state of disrepair, having been erected in 1882 as the original Charlestown public school? Is it a fact also that temporary portable classrooms, erected in the depression days of the 1930's as a stop-gap measure, are still being used? Further, is it a fact that no artificial lighting or heating is provided and children are exposed to bleak and hazardous conditions in wet and wintry months? Has a new school been promised for many years? If these are facts, will the Minister take immediate steps to plan for a new school farther away from the noise of the Pacific Highway?

Mr CUTLER: It is true that the honourable gentleman has made representations to the Department of Education over a long period, probably over fifteen years as he said. Two proposals have been considered in relation to Charlestown infants school. The first is the rebuilding of the infants school on the existing site. The other is the building of a completely new school on a different site. At this stage a meeting is being arranged at Charlestown between council officers, architects from the Department of Public Works and officers of my department to consider the desirability or feasibility of the two separate programmes. Until that meeting takes place I cannot give the honourable gentleman any further indication of which of the two alternative schemes will be proceeded with. The Department of Public Works has already prepared some estimates of the cost of repairs

to the school, mainly the ablution and toilet facilities, and I am now awaiting some finance to proceed with this work. In the meantime the question of provision of a new school is being considered.

TEACHERS: USE OF ASSEMBLY HALLS FOR MASS MEETINGS

Mr MEAD: I direct a question without notice to the Deputy Premier, Minister for Education and Minister for Science. Are officials of the Teachers Federation entitled to use school assembly halls for mass meetings to whoop up school strikes if teachers are penalized for obeying union directives to refuse duty under awards of this State? Has such a meeting been advertised for the assembly hall at Penrith high school? Are other communist-influenced unions such as the Builders Labourers Federation now inciting the teachers in strike plans and offering assistance to cause industrial trouble? Will the Minister assure the community that teachers who refuse—

Mr BOOTH: You are anti-teacher.

Mr MEAD: I am referring to decent teachers.

Mr SHEAHAN: On a point of order. I submit that this matter is now in the jurisdiction of the court and the court has made a certain order which expires today. In those circumstances the matter is *sub judice* and therefore the question is entirely out of order.

Mr MCCAW: On the point of order. The question, so far as the honourable member for Hurstville had asked it, refers to the use of school buildings for certain purposes. That matter is not an issue before any tribunal at the moment.

Mr K. J. STEWART: On a point of order—

Mr SPEAKER: Is this the same point of order?

Mr K. J. STEWART: No.

Mr SPEAKER: I had better deal with this one first.

Mr MEAD: On the point of order. I submit that the matter is not *sub judice*. The court heard the matter and gave the teachers certain directions which are to be discussed today by mass meetings. Therefore the question does not canvass any question before the court at the moment. The essential part of this question relates to the use of assembly halls for these meetings and the intervention of other unions in the matter.

Mr MULOCK: On the same point of order. In the light of comments by the honourable member for Hurstville that the matter was before the court yesterday and is a subject for determination today, it is obvious that the matter is still before the court and must be *sub judice*.

Mr SPEAKER: Order! I think that the point of view put forward by the Attorney-General is the correct one. As far as I know—and he assures the House that it is so—the use of school premises by Teachers Federation officials for any purpose is not an issue before any court now, and no such issue is contemplated. Therefore I cannot uphold the point of order taken by the honourable member for Burrinjuck.

Mr K. J. STEWART: My point of order is that the question is couched in terms that are obviously argumentative and likely to lead to argument. The purpose of question time is to elicit information—not to start an argument. If the honourable member for Hurstville wishes to have an argument on this matter he may raise it under Standing Order 49 or move urgency, so that the House can debate the matter.

Mr EARL: On the point of order. The question asked by the honourable member for Hurstville, apart from being full of argumentative comment, is also a deliberate attempt to incite the Teachers Federation and teachers to take certain action. It is completely out of order for an honourable member to ask questions that are intended to bring an answer that will incite teachers to adopt an attitude of mind that will further disrupt the teaching service and cause more trouble.

Mr Mead]

Mr SPEAKER: Order! As I understand the honourable member's question, and stripping it of all the editorial comment which seems to have been developing in so many questions nowadays, it simply resolves itself into this: Are Teachers Federation officials allowed to use assembly halls for the purpose of persuading teachers to embark upon a course of action which may be illegal? He is asking the Minister to say whether he proposes to allow schools to be used for that purpose. I see nothing objectionable in that question. I take it that the honourable member for Hurstville has not finished his question.

Mr MEAD: That is so. I wanted to ask the Minister also whether he will assure the community that teachers who refuse duty in accordance with their lawful award will be refused pay.

[Interruption]

Mr SPEAKER: Order! That is another question. The honourable member is asking two questions in one. I cannot allow that.

Mr MEAD: Then I shall withdraw the last part of the question.

[Interruption]

Mr SPEAKER: Order! The honourable member for Hurstville has indicated that he does not intend to press the second part of the question.

Mr CUTLER: As I recall it, the question was whether the Teachers Federation is entitled to use school halls to whoop up strikes by teachers. The answer to that question must be, no. At the same time, I personally have no objection to the use of school assembly halls for properly conducted meetings of the Teachers Federation provided that the use of the hall is approved by the principal. If such an application were made and approved by a principal and, for any reason, the matter were referred to me, I would accept the principal's authorization. I understand that it has been advertised that a meeting is to be held in the Penrith high school assembly hall to debate the matter referred to by the honourable

member for Hurstville. I do not know exactly when that meeting is to take place, but if it is properly conducted and the principal has given his authority for the use of the hall, I see no great objection. There has always been a policy that the use of school buildings for other than education purposes should be approved by the Minister. However, I think this has gone by the board to a large extent because of my own attitude that principals are in charge of schools and they should have full authority to make decisions in their own right on many of these matters.

In his question, the honourable member asked whether communist-dominated unions were supporting certain matters that are being dealt with by the Teachers Federation. I do not know about that, but I do know that a letter appeared in the last issue of the Teachers Federation journal promising the support of the Builders Labourers Federation to the operations of the federation. I think that letter was signed by a Mr Munday, although I do not know that gentleman personally. Yesterday a telegram was received by the acting Director-General of Education from a section of the metal trades unions. I do not know a great deal about the membership of that organization either. Apparently decisions are being made at the moment with regard to the ruling made by Mr Justice Sheldon yesterday, that the Teachers Federation should withdraw its directive to teachers. Apparently in the judge's view the direction was not a legal one and the federation should have further discussions with the Public Service Board and the Department of Education, and that out of those further discussions might come some worthwhile result.

Naturally, being a supporter of arbitration and conciliation, I approve strongly the recommendation made by Mr Justice Sheldon that the directive ought to be withdrawn and that there ought to be further discussions between the Public Service Board and the Teachers Federation, because if anyone is to suffer as a result of this dispute it will be the schoolchildren and the teachers themselves. I hope that further discussions will take place. An implication has been made that all teachers are refusing extra periods

of duty, but that is not so. A number of teachers—I think thirty-one from memory—have been proceeded against and sixty other cases are being considered. That means that ninety-one cases out of a total teaching service of 36,000 are involved in this matter and that many teachers are teaching extra periods in accordance with the award that was made in 1970.

HOUSING COMMISSION ACTIVITIES AT ALBURY

MR MACKIE: I ask the Minister for Housing and Minister for Co-operative Societies whether recognition of Albury as a natural and major growth centre has generated a big demand for housing accommodation in that city. Can the Minister say whether current Housing Commission building programmes in the city of Albury are able to meet this demand for lower-income family homes? What role are building societies playing in Albury? Are adequate funds being provided for this type of housing development? When planning future Housing Commission homes for Albury will the Minister keep in mind the high-quality development in the private sector and approve, as near as practicable, designs that will blend with this type of home building?

MR STEPHENS: It is true that there has been a tremendous growth in the regional area of Albury, which is fast becoming one of our major growth centres. In compliance with the wishes of the Albury city council and the honourable member for Albury, the Housing Commission has undertaken a vigorous programme of cottage construction in Albury of a very high standard. The Ryan estate, which is being developed at the present time, is one of the most ideal building sites in Albury, and the types of cottages being built there blend in with the cottages constructed by private enterprise in the area. It is the wish of the Housing Commission to keep improving the type of cottages being constructed. The homes that are being built in Albury for public servants present a delightful scene and one of which the people of that city can be proud. To date, 586 dwellings and 54 aged persons units have been built in Albury. This work has been carried out at a cost of more than

\$4,600,000. At the present time 35 cottages are either in the course of construction or subject to tender in an effort to meet the demand. The commission has about 236 building blocks in reserve. However, this is not sufficient for the growing area of Albury and its immediate environs at the present time. The commission is negotiating for a further 145 blocks to build up its reserves of land in the area.

The honourable member for Albury referred to building societies. All the building societies that operate in Albury and along the Murray Valley are efficient and they are carrying out an important function. During the past twelve months these societies have raised several hundred thousand dollars from the lending institutions, and last year they received an allocation from the home builders account. The allocations committee will be sitting in June, if I remember correctly, and I am sure that Albury will receive a fair share of the allocation that is made on that occasion as a way of helping the vigorous growth of this delightful centre.

TOTALIZATOR AGENCY BOARD DIVIDENDS

Sir ROBERT ASKIN: On Tuesday last the Deputy Leader of the Opposition asked me a question concerning the implementation of the legislation introduced by the Government and passed by Parliament which will mean the virtual elimination of money-back totalizator dividends. Under these arrangements, most successful investors on totalizators, whether on-course or through the TAB, will receive a minimum guaranteed profit of four per cent. However, before the new arrangements can be introduced it will be necessary to amend the rules governing win and place, quinella, doubles, forecast and reinvestment totalizators. This need was recognized in the legislation which provided for its various provisions to commence from such day or days as may be appointed by the Governor in that behalf and notified by proclamation published in the *Government Gazette*. Though the other provisions of the Act, which did not require any separate additional action have been proclaimed to commence from 1st January, 1972, it has not

been possible to proclaim those relating to money-back dividends pending the amendment of the rules I have referred to. The relevant provisions of the Act are paragraphs (c), (d) and (e) of subsection one of section two and subsection three of section two.

I might add that in drafting the amendments to the rules it has been necessary, as foreshadowed in the second-reading speech on the Racing (Amendment) Act, 1971, to incorporate certain safeguards and limits designed to prevent and, more particularly, to deter any attempted manipulation of a totalizator by large investors. Pending the amendment of the rules the Totalizator Agency Board and the racing clubs have, of course, no authority to introduce the new arrangements. I can assure honourable members that the Government is most anxious that this progressive measure be introduced as soon as practicable for the benefit of totalizator investors, both on-course and off-course. I am informed that the revision of the draft amendments to the rules is now almost completed and the Government's plan for the virtual elimination of money-back totalizator dividends will come into operation very shortly.

POLLUTION AND ENVIRONMENT CONTROL

Sir ROBERT ASKIN: On 23rd February the honourable member for Parramatta asked me a question regarding the responsibilities and authorities of certain Ministers in the field of pollution and environment control and the effect on such responsibilities and authorities of a judgment recently handed down in the Parramatta court of petty sessions. The comprehensive environment control policy which has been adopted by the Government provides for the expansion and development of powers and functions carried out by those Ministers traditionally involved in various aspects of pollution control, while co-ordination and the laying down of broad principles is the responsibility of the Minister for Environment Control.

Throughout the history of New South Wales legislation has been enacted on numerous occasions dealing with specific aspects

of the environment and in this regard my colleagues, the Minister for Local Government, the Minister for Health and the Minister for Mines and Minister for Conservation, together with others, exercise powers too numerous to detail here. Overlapping does occur in the sense that there are a number of areas where more than one authority has powers of pollution control. This situation exists in most countries where environment control powers have developed gradually over a considerable period of time.

It should not be assumed that such overlapping is necessarily bad or that it necessarily gives rise to confusion. In some instances overlapping is necessary to ensure that the purposes of particular legislation are achieved. It is sometimes necessary, for example, for local-government powers to parallel those of State authorities. The Minister for Environment Control has the responsibility for ensuring that any duplication that exists does not hinder effective environment control and appropriate action is being taken by his administration. In respect to the recent judgment in the Parramatta court of petty session involving a case of alleged water pollution, I understand that although the power of municipal and shire councils to prosecute in cases of water pollution was upheld, that case was dismissed in effect, because of the manner in which the water sample had been taken.

POLICE TRAFFIC BRANCH: RESIGNATIONS

Sir ROBERT ASKIN: On 7th December last the honourable member for Auburn addressed to me a question without notice as to whether twelve police traffic branch constables had recently resigned from the police force and whether I would table all Police Department files concerning the resignations, as well as reports of any investigations conducted by the department in relation to the matter. At the time I indicated to the House that I had no knowledge whether the matters raised by the honourable member were true but I would have inquiries made to ascertain the position.

I have since been informed by the Commissioner of Police that he directed an investigation in depth to be conducted by a superintendent of police into certain allegations involving the police traffic branch. Since the investigations began, eight members of the police force and one junior clerk in the public service have submitted their resignations which have been accepted. One member of the force when questioned in connection with the allegations declined to answer and, without giving the prescribed notice of his intention to resign, unlawfully withdrew from duty. I understand that he was later convicted by the court for this breach of the Police Regulation Act and was then dismissed from the force. Disciplinary action taken against another member of the force resulted in his dismissal. The commissioner has advised me that the extensive inquiries being made in the matter are far from complete and that it cannot be said, at this juncture, whether disciplinary action will be taken against any other members of the police force or public service staff.

In the circumstances, I consider that at this stage it is entirely too premature even to consider whether any documents in relation to this matter might be tabled in the House. I might add that a member of the force may at any time tender his resignation giving four weeks' notice prescribed under the Police Regulation Act, and unless there is evidence of misconduct by the member concerned no provision exists under which the commissioner may refuse to accept the resignation. However, resignation from the force in no way restricts the preferment of a criminal charge against a former member if at a later date evidence warranting such action should become available.

WARRAWONG HIGH SCHOOL LIBRARY

Mr CUTLER: On 1st March the honourable member for Illawarra asked me a question without notice concerning library facilities at Warrawong high school. I should like to inform the honourable member and the House that Warrawong high school was opened at the beginning of this year and at present caters only for first and second

form students. Additionally, some first form students from Illawarra high school are accommodated at the school. The sum of \$4,000, comprising State and Commonwealth grants, has been allocated to the school for the purchase of an initial issue of library stocks. These books are being selected by the school with the assistance of the school library service. As an observation I should think that to fill completely the school library to total capacity of 30,000 books at this stage would be unwise. As only first and second form pupils are attending the school many books would become obsolete before they were used. Also, if this were done no additional books could be purchased for the library in future years as there would be no space in which to accommodate them.

APPRENTICES

Mr WILLIS: On 29th February the honourable member for The Hills asked me a question without notice relating to apprentices. He requested that I ask my colleague the Minister for Labour and Industry to make a comprehensive statement on the matter for the information of the House. My colleague has prepared a statement which I shall lay upon the table today.

PUBLIC HOLIDAYS

Mr WILLIS: On 8th March the honourable member for Waratah asked me a question without notice about the possibility of Tuesday, 24th April, 1973, being declared a public holiday under the Banks and Bank Holidays Act. He asked also whether the declaration of this day as a public holiday would give workers in this State six consecutive days off and whether a saving to industry and commerce would result. It is a fact that the declaration of Tuesday, 24th April, 1973, as a public holiday would give workers six consecutive days off. I point out, however, that if this action were taken the six-day holiday break would be the longest ever experienced in New South Wales. The last occasion when a similar spread of holidays occurred was in 1962. At that time

consideration was given by the Labor Government to representations seeking the additional holiday which would provide the six-day break at Easter. The extra holiday was refused.

The declaration of any public holiday additional to those provided for under the Banks and Bank Holidays Act must be considered by the Government having regard to a number of aspects, including the effect on deliveries of perishable food such as milk and bread, and the effect on industry generally. So far from the declaration of the additional holiday constituting a saving to industry and commerce, I should think that quite the opposite would result. Industry and commerce would have to bear the additional costs which would result from no production on the day, payment of penalty rates to people required to work and so on. Having regard to all the factors, I would not be willing to recommend to Cabinet that Tuesday, 24th April, 1973, be granted as an additional holiday.

FIRE BRIGADE EQUIPMENT

Mr WILLIS: On 17th February the honourable member for Merrylands asked me a question without notice concerning the availability of turntable extension ladders in the western suburbs of Sydney suitable for use in fighting fires in multi-storey buildings. I undertook to refer the honourable member's question to the Board of Fire Commissioners for report. The board has now advised me that multi-storey development in the western suburbs above three floors is a comparatively recent trend. In recent years a number of hospitals, offices, department stores and residential flat buildings have been built in accordance with the provisions of either the Height of Buildings Act or ordinance 71 under the Local Government Act, and as such have in-built precautions for the safety of occupants. Ordinance 71 governs the construction of buildings under 80 feet and generally limits the height of buildings of ordinary construction—as compared with fire resisting construction—to two or three floors depending upon the proposed occupancy. Where a building under 80 feet of more than three floors is built the ordinance, in addition

to requiring fire-resisting construction, also requires at least two stairways remote from one another to be provided in a building in order to provide alternative means of escape in case of fire.

The Height of Buildings Act governs the construction of buildings over 80 feet. All such buildings are required to comply with the interim fire protection code which incorporates modern design and construction principles for the protection of occupants of buildings in case of fire. This code also specifies the automatic fire detection and extinguishing equipment which has to be installed in such buildings. The board has indicated that in assessing the location of turntable extension ladders it takes into consideration two factors. First, it takes note of the density of buildings over three floors in height in an area and second, whether such buildings are of recent construction and have in-built safety for the occupants in case of fire. Turntable extension ladders are at present located at headquarters, The Rocks, Darlinghurst, Crows Nest, Glebe and Manly. In the board's view this disposition of these ladders best meets the fire protection requirements of the Sydney fire district. The board has advised me that its view in this regard is supported by experience in the operational field.

LIFE FUNDS OF AUSTRALIA LIMITED

URGENCY

Mr COX (Auburn) [11.49]: I move:

That it is a matter of urgent necessity that this House should forthwith consider the following Motion, viz.:

That the affairs of Life Funds of Australia Limited be investigated by the Registrar of Corporate Affairs and/or inspectors who are appointed under the Companies Act for the purpose of ascertaining the nature and extent of grave mismanagement of the company and the consequential loss of shareholders funds.

And further that the Registrar of Corporate Affairs and/or such inspectors inquire into and report upon the nature and extent of the responsibility for such mismanagement and losses of Messrs Alasdair I. MacRae and Philip E. Lucock two former directors of the company each of whom was the company's chairman at relevant times.

This matter is urgent because the two named directors negotiated the takeover of Cosmopolitan Insurance Company Limited for a cash payment of \$80,000 and the issue of 450,000 fully paid up shares in Life Funds of Australia Limited. At that time Cosmopolitan Insurance Company Limited had stated losses of \$56,914. It is urgent because there is grave doubt about the validity of a properly constituted board meeting to authorize the takeover of Cosmopolitan Insurance Company Limited by Life Funds of Australia Limited. It is urgent because Cosmopolitan Insurance Company Limited had been discussed in the Victorian Parliament, and there were grave doubts as to its financial stability. It is urgent because in a court action before Mr Justice Street on 29th September, 1971, Mr Justice Street, in the summary of evidence, stated:

In order to determine whether there is such a question established by the evidence, I have been referred to a number of documents and to a narrative of events surrounding and preceding the agreement of 21st May. There are some points in this history that certainly attract critical appraisal. The agreement was brought forward, it would seem, very shortly after there was lodged with the company a requisition by a group of shareholders seeking the calling of a meeting to appoint additional members to the Board of the company. This requisition was dated 7th May, 1971. Some three days later a director of the company discussed with the general manager a proposal to enter into some such transaction as the agreement of 21st May records. I should state specifically that there was no reference in this discussion to any motive or intention on the part of the directors to secure their positions by the issue of this new parcel of shares. The closeness in point of date may, however, have some significance. There was no mention of the proposal at a directors' meeting held on 13th May, 1971, and the document as executed on 25th May, 1971, contains financial details that on their face are said to demonstrate that the agreement was far from attractive financially so far as the company was concerned.

It does not appear to have been negotiated by the board of directors acting as a board or by any validly set-up committee of directors.

There is a prima facie case, as I have held, justifying the attack made upon the acts of the directors of the company. The other parties to those acts were the Cosmopolitan shareholders. None has come forward, nor has any representative on their part given evidence, to

refute the prima facie inference arising from the evidence that this was a joint activity, motivated, in what at present seems to be an invalidating sense, by the imminence of the meeting being sought by the requisitionists and by the desire of the directors of the company to preserve their directorships.

It is urgent because—

Mr McCaw: On a point of order, I take this point of order very reluctantly, but I submit that under the standing orders the honourable member must confine himself to the urgent necessity for this House to debate the subject matter he raises; he must do that and nothing else. However, he is now, before urgency has been granted, discussing the subject-matter of the motion, and he is seeking to put that people in the community who are not here to speak for themselves have done something wrong. Further, he is doing this without notice. I assure the House that I have had no notice of his intention to raise this matter. I have not been done the courtesy of being told—

Mr EINFELD: You are not entitled to it.

Mr McCaw: I do not claim it for myself, but I do claim it in the interests of the people who are being attacked.

[*Interruption*]

Mr SPEAKER: Order! I think all honourable members appreciate that today the House is to rise until July or August. I am surprised that some honourable members, by their conduct, seem to be willing to risk denying themselves the use of these facilities until that date. I will not tolerate any more interjections.

Mr McCaw: I have not suggested that I am entitled to notice for myself, but I am entitled to it for the purpose of defending, in case it became necessary in debate, those who need to be defended. One would have thought that as a matter of courtesy—

Mr EINFELD: What is your point of order?

Mr McCaw: My point of order is that the honourable member is not even attempting to establish urgency, but is attempting

Mr Cox

to blacken the characters and names of people who are not here to answer for themselves.

Mr SPEAKER: Order! I am sure the honourable member for Auburn appreciates that he must not canvass the motion that he seeks to move. He must confine himself to urgency. So far he has been dealing substantially with the subject of the motion. I ask him to confine himself to urgency.

Mr COX: It is urgent because on 7th May, 1971, a proper request was made by shareholders of the company for a meeting of the company.

Mr WILLIS: That was ten months ago.

Mr COX: It is urgent in this sense: that this was before the takeover of Cosmopolitan Insurance Company Limited. This meeting was asked for by the shareholders, but the directors refused to have a meeting and went ahead and took over Cosmopolitan Insurance Company Limited. This resulted in grave losses to the shareholders of Life Funds of Australia Limited. It is urgent because in answer to correspondence on 31st August, 1971, from Mr W. J. Hamilton, the provisional liquidator, to Messrs Hungerford, Spooner and Kirkhope, chartered accountants of 44 Market Street, Melbourne, asking whether that company had completed an audit of Cosmopolitan Insurance Company Limited, Hungerford, Spooner and Kirkhope replied on 18th October, 1971, that they had not carried out the audit of Cosmopolitan Insurance Company Limited.

The implication here is that there was clear evidence that somewhere along the line somebody had indicated that a proper audit of Cosmopolitan Insurance Company's books had taken place prior to the transfer of Cosmopolitan Insurance Company Limited to Life Funds of Australia Limited. This is why the matter is urgent. It is urgent also because of the losses associated with this takeover. It is urgent because the shareholders of Life Funds of Australian Limited will now be called upon, by way of calls on their shares, to meet the losses suffered as a result of this transaction.

Mr WILLIS: On a point of order. Under the guise of an urgency motion, the honourable member for Auburn is obviously indulging in a political stunt to blacken the character of a public figure who is politically opposed to honourable members opposite. I submit that, instead of speaking to urgency, he is raking over something that occurred a considerable time ago, and is implying, without laying specific charges, that something in the form of a criminal offence has occurred. However, he has not sufficient guts to name the people. I submit this is a political stunt on the last day of the sittings because the honourable member knows that the public figure concerned cannot answer for himself.

Mr SPEAKER: Order! I think the honourable member for Auburn was not dealing with urgency. In any event, his time has now expired.

Mr McCAW (Lane Cove), Attorney-General [11.59]: I have already indicated by way of point of order that the honourable member for Auburn is using the last day of the sitting of the House to attempt to blacken the names of people who are not members of this House and are not able to answer for themselves, and to put them on trial in their absence in this Parliament. He has taken advantage of the last day and the last moment—

Mr Cox: On a point of order. The Attorney-General is imputing improper motives to me.

Mr WILLIS: I bet that the honourable member will not repeat it outside.

Mr SPEAKER: Order! I do not think that the Attorney-General is imputing improper motives. He merely said that the honourable member for Auburn has taken advantage of an opportunity on the last day of this session to do certain things.

Mr K. J. STEWART: To blacken a name.

Mr SPEAKER: Order! He is entitled to make such a statement if he feels so inclined.

Mr K. J. STEWART: On a point of order. Mr Speaker, I feel fortified by your own remarks when I take the point of order

that the standing orders of this House, despite the Government's attitude, apply equally to members on both sides of the House. The honourable member for Auburn was called to order and told that he should address his remarks to the urgency motion that this House should forthwith discuss his substantive motion. You said, Mr Speaker, that he may speak only along the lines of why the motion is urgent. I take the point that the Attorney-General, who is now replying to the honourable member for Auburn, must indicate to the House why the matter is not urgent and why he is not willing to allow debate on it. It is outside the standing orders for him to take this opportunity to make a personal attack on the honourable member for Auburn. I submit that the Attorney-General should direct his remarks only to urgency and that he should not make a personal attack upon the honourable member for Auburn or any other member of this House.

Mr SPEAKER: Order! I do not think that the Attorney-General was making a personal attack on the honourable member for Auburn: I do not think he would do that. However, I cannot prevent him from dealing with any statement made by the honourable member for Auburn. I propose to allow him to do that.

Mr McCAW: The Commissioner for Corporate Affairs, an assiduous, skilled and very watchful officer, is head of an autonomous body established under the legislation of this Parliament. He is constantly alert to matters, if they exist, of the kind to which the honourable member for Auburn has referred. Despite that, I will ensure that as a matter of urgency what the honourable member for Auburn has said today under the privilege of this Parliament, and on the last day of its meeting for some time, comes to the knowledge of the Commissioner for Corporate Affairs in order that, should it appear necessary, what the honourable member seeks to accomplish by debating a motion here—or the genuine part of it—an investigation, will take place, and that it will take place without debate here and without putting people on trial in their absence. The honourable member for Auburn seeks to do this because one of those persons happens to occupy a position in public life opposed

to him. Mr Speaker, this is not the first time that this honourable member has used his position as a member of Parliament to make an attack. I refer to his remarks on 17th March last year when he—

Mr COX: On a point of order.

Mr SPEAKER: Order! I do not think that the Attorney-General should pursue that line.

Mr MCCAWE: Mr Speaker, I can well understand that the honourable member for Auburn does not want to be reminded of it.

Mr SPEAKER: Order! What the honourable member for Auburn did or said with respect to some other matter is not relevant to the motion now before the House.

Mr MCCAWE: I conclude by making three statements. First, I will immediately bring what the honourable member for Auburn has said to the attention of the Commissioner for Corporate Affairs. Second, I challenge the honourable member to say outside the House what he has said here.

Mr CRABTREE: On a point of order. Mr Speaker, as you have ruled that the Attorney-General has the opportunity to tell the House why urgency should not be granted, I feel that you will agree that he does not have the right to challenge any member to do anything outside this House. In fact, the debate should be confined to this House. I ask that you direct the Attorney-General to address his remarks through you, Sir, to the House, and to tell honourable members what action he proposes to take.

Mr SPEAKER: Order! For the sake of the record, I think a challenge is out of order.

Mr JACKSON: What about Johnstone and the Department of Public Works?

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

Mr MCCAWE: While the last point of order was being argued I received information that the honourable member, who

moved this motion without reference to me—that does not matter from my point of view but it might from the point of view of those whom I might have been able to defend and are not here—has had conversations with an officer of the Corporate Affairs Commission. On Monday of this week he gave the honourable member some information.

Mr WILLIS: So the matter was not urgent on Monday, Tuesday or Wednesday.

Mr SPEAKER: Order!

Mr MCCAWE: Despite the fact that the House met on Tuesday, the matter was not urgent on that day because there might have been an opportunity for me to get some information. Again, it was not urgent on Wednesday.

Mr MULOCK: On a point of order. I submit that the Attorney-General has imputed improper motives on the part of the honourable member for Auburn. I suggest that the inquiry he made on Monday has led to what has occurred today and that in fact the honourable member has acted most properly in gathering all information before taking this step.

Mr SPEAKER: Order! It may well be that the Attorney-General does impute motives to the honourable member for Auburn. There is nothing necessarily out of order in that. Imputation of improper motives is disorderly. As I interpret his remarks, he is not imputing improper motives to the honourable member. What the Attorney-General said is that the honourable member had knowledge of this matter earlier this week and he did not take any action in this House to bring it forward then, but waited until the closing day of Parliament to do so. The Attorney-General is saying that for this reason the matter was not then urgent in the opinion of the honourable member for Auburn. I do not see that comment as imputing improper motives.

Mr MCCAWE: Urgency is rejected.

Question of urgency put. The House divided:

AYES, 45

Mr Bannon	Mr L. B. Kelly
Mr Barnier	Mr R. J. Kelly
Mr Bedford	Mr Mahoney
Mr Booth	Mr Mulock
Mr Cahill	Mr Neilly
Mr Coady	Mr Nott
Mr Cox	Mr O'Connell
Mr Day	Mr Paciullo
Mr Degen	Mr Petersen
Mr Durick	Mr Quinn
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. 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 Crabtree
Mr Kearns	Mr Mallam

NOES, 48

Sir Robert Askin	Mr Jago
Mr Barraclough	Mr Lewis
Mr Jack Beale	Mr McCaw
Mr Brewer	Mr McGinty
Mr Brown	Mr Mackie
Mr Bruxner	Mr Maddison
Mr Cameron	Mr Mason
Mr Chaffey	Mr Mauger
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 Waddy
Mr Fisher	Mr N. D. Walker
Mr Freudenstein	Mr Willis
Mr Griffith	<i>Tellers,</i>
Mr Hughes	Mr Healey
Mr D. B. Hunter	Mr Viney
Mr Jackett	

Question so resolved in the negative.

Motion of urgency negatived.

PERSONAL EXPLANATION

MINING IN NATIONAL PARKS

Mr MULOCK: During question time the Minister for Mines in answer to a question I directed to him said that in my question

I had attacked the mining industry. The terms of my question were not in the form of an attack upon the mining industry. I pointed out the competing interests and I did not express an opinion either way.

SALE OF HOUSING COMMISSION COTTAGES IN MAROUBRA

ADJOURNMENT

Mr SPEAKER: Order! I have received from the honourable member for Maroubra notice that he desires to move the adjournment of the House under Standing Order 49 for the purpose of discussing a specific matter that should have urgent consideration, namely, the refusal of the Housing Commission to sell cottages in the electorate of Maroubra to the tenants.

Mr HAIGH (Maroubra) [12.21]: I move: That this House do now adjourn.

Five other members having risen in their places, Mr Speaker proposed the question.

Mr HAIGH: I wish to bring to the attention of the House the policy that is being applied and has been applied by the Housing Commission in the electorate of Maroubra following a statement by the Minister for Housing and Minister for Co-operative Societies. That policy is evident from the reply given to tenants of Housing Commission cottages in the Maroubra electorate. The reply is in the following terms:

An increasing number of applicants to the Housing Commission are asking for accommodation in the eastern suburbs. Whilst it is almost impossible to meet their wishes, the reasons underlying their requests are acceptable—proximity to employment—proximity to Prince Henry Hospital (which has specialized forms of treatment for some types of disabilities) and proximity to relatives (a factor of importance where a wife may be in ill health and a near relative can afford her assistance in caring for the family, etc.).

The commission has an obligation to provide accommodation in the eastern suburbs for such families if practicable.

Many sections of the eastern suburbs are increasingly being converted to medium density housing and so land values are soaring. Certain of the commission's cottage development (completed over twenty years ago) now lend themselves to higher density housing—and developers are increasingly aware of this fact.

It would clearly be reprehensible for the commission to alienate its unsold properties in such locations and thus render impossible redevelopment projects by the commission in due course—projects which would provide sorely needed housing for families who, for a variety of reasons, wish to live in such localities.

I can understand the purpose of the letter and the sentiments contained in it. The commission says that the cost of land in the area is soaring and it is finding it difficult to obtain sites for development. I suggest that that statement will not stand scrutiny. I have spent considerable time obtaining and examining land use maps from the Randwick council, and from them it can be seen that there have been four Housing Commission developments in the area to which I refer. The first was the speedway development approximately twenty years ago. Then there was a development at a later date bounded by Jersey Road, Anzac Parade and Pozieres Avenue, Matraville. At a still later date there was what was known as the Windsor Street development. The fourth development is bounded by Anzac Parade and Hastings Avenue. It was the subject of the letter I have just read. That development has taken place only in the past twelve years.

The Housing Commission has developed four areas of the Maroubra electorate, involving building on 771 allotments either cottages or maisonettes to be sold to the tenants under the terms of the Housing Commission Act. Until recently the commission was willing to sell to the tenants. In fact, 527 of the dwellings on those 771 allotments were sold to tenants, and the Housing Commission held 224 for rent. Although the commission and the Minister may talk about redeveloping the areas that I have mentioned, redevelopment would not be possible unless the properties were consolidated. That includes houses already sold to tenants. It means that it will be necessary to resume cottages or maisonettes sold to Housing Commission occupiers, and that those persons will be cast out by an order for resumption or eviction, to enable the properties concerned to be knocked down. That will affect 900 families who are peaceably settled and happy in their environment.

Mr Haigh]

It has always been said that a man's home is his castle and that one should encourage home purchases so that family units will have security. In this instance an area is to be redeveloped as a policy of the Housing Commission, and those principles, which are basic to our democratic way of life, are to be scrapped. Not long ago we were happy to see Mr Peter Clyne leave this country, for he was known as a man who would throw people out of their homes on to the street. It appears that the same approach is now to be made by the Housing Commission. Surely the Minister will not deny that every person should have the right to buy his own home. In this instance Housing Commission occupiers spent between \$3,000 and \$5,000 acquiring the dwellings, and even tenants, who felt they had security, spent money on improving the Housing Commission properties in which they live.

Although I speak about the problem in the electorate of Maroubra, I understand that it applies in other areas also. The matter is important, for from three-quarters of a mile up to two and a half miles from any one of these Housing Commission developments in the Maroubra electorate there are more than 150 acres of vacant Crown land, with services available, which could be acquired by the commission and used for medium-density housing development. That could be done without any person in the developments to which I have referred being disturbed in his happy and contented environment. If the Minister took the initiative with the Department of Lands in this matter, and raised it with Cabinet, I am sure that that area of 150 acres could be reserved for commission purposes. On a medium-density development basis, it would be sufficient land for about 9,000 persons.

Surely that should be the Government's approach instead of resuming properties, which will be necessary if redevelopment is to take place. I know that the Minister has said that he will look to the rehousing of all persons in rented Housing Commission premises who have to be displaced, but what will he do for the people who bought commission dwellings that they occupied

as tenants? Another consideration is the re-establishment costs involved. They could exceed \$10,000,000. A more practical approach would be to acquire the Crown land to which I have referred, instead of wasting \$10,000,000 knocking down bricks and mortar, and use it on a planned medium-density housing development.

If the Minister questions the sincerity of my expressions relating to Crown land, I point out to him that I brought these matters to his attention and he replied that he was having discussions with the Minister for Lands but they had not been able to reach agreement. I reiterate them now. The Minister may be able to approach the Minister for Lands and, with the support of Cabinet, see that the 150 acres become available, leaving that good man and woman who have brought up a family in that district free from fear that the commission will move in and knock down their home for redevelopment. That is what is indicated in the correspondence, what has been said by the Minister on a previous occasion and what is shown by other correspondence I have received.

At Prince Henry Hospital the Minister for Lands is looking at 22 acres of Crown land. Apparently he is having some trouble with the Overseas Telecommunications Commission but that can be resolved and no doubt will be resolved. The attitude of the Minister for Lands is to put it on the auction block. He is hoping to get an average of \$28,000 a lot for it. The Minister is sadly mistaken if he thinks he will get that sort of money for land in that area. It is situated on the peninsula. Land is cheaper there than in the South Coogee area where the Crown land auctions were conducted. The 22 acres adjacent to the Prince Henry Hospital are to be subdivided, but that land should be made available for purposes of medium density development.

There is an area of land at Yarra Bay which is referred to as Hill 60. I thought it comprised 40 acres but the Minister has referred to it as having only 25 to 30 acres. In referring to it I have always included an additional 20 acres of Crown land situated

in the vicinity. In December, 1968, I approached the Minister and he replied to me. On 5th July he replied again. I think that is the more important letter: it deals with why he has not got the land from the Lands Department. He replied:

I refer again to your personal representations concerning the possible development of land at Yarra Bay known as "Hill 60".

As you are aware, the Crown land known as "Hill 60" and comprising some 25 to 30 acres, has been the subject of negotiations between the Housing Commission and the Lands Department for a number of years.

He goes on to point out all the things that have happened and gives the assurance that he is persisting with the Lands Department to acquire the area of land. It has a sewerage carrier main going around the perimeter. It needs only the connection of internal sewerage to provide a sewerage service, and it has water. There are the interior roads and drainage to be developed. The important thing is that those services are available as they are with the 22 acres at Prince Henry Hospital.

In 1965, I took up the matter of that area of land with the Minister for Lands. I wrote to the Minister:

Area 2

Bounded by Koorooera Avenue, Kooringai Avenue, Yarra Road and Bunnerong Road, Yarra Bay.

We have been informed that this area of approximately 50 acres would be made available by your Department to the Housing Commission so that it could be developed to provide housing accommodation through development by that Authority.

I have enquired of the Metropolitan Water Sewerage and Drainage Board as to whether any application has been made by either your Department or the Housing Commission for the provision of water and sewerage facilities to this land, and have been informed that no application has been received and that the area has not been included in any programme of works to be undertaken up to and including the year 1967. Therefore, I would be most pleased if you would advise me whether your Department is contemplating the subdivision and provision of land in this area for home settlement, or whether it is still the intention of the Department to make the area available to the Housing Commission. If so, at what date can we anticipate this land will be made available to that Authority.

The reply from the Minister was received on 10th August, 1965. That indicates how long this hand-ball has been going on between the Minister for Housing and the Minister for Lands. The letter reads:

This area is known as "Hill 60" and there is a long standing agreement that the Housing Commission is to take it over when levels have been reduced by removal of sand. The bankruptcy of the sand operator has caused considerable delay but this aspect has been resolved and operations will be re-commenced as soon as possible.

I think that would be the first time members of this House have heard of a sand contractor going bankrupt. The reason he went bad was the poor quality of the sand.

This correspondence illustrates the tulip-time tip-toeing between the two Ministers. We find there has been no movement. The land is available and could be developed. Instead of that the Minister proposes to knock down the homes of those people who have bought houses from the Housing Commission, and to redevelop the area. It is deceitful to sell the property to people, giving them a feeling of confidence that they will be able to enjoy their life's span in that property, and at a later date to say the property will be redeveloped. Redevelopment means resumption and that means they will not be paid re-establishment costs. When we examine the land on which the properties of these unfortunate families are existing, which is to be resumed, we find that being situated closer to the land that sold for such staggering prices in South Coogee they will be more costly to resume. It will cost more to resume the 100 acres or 120 acres on which the private homes are situated than it would to resume 150 acres farther along the peninsula.

There is another area of 45 acres, known as the market gardens, south of Franklin Street. The Department of Lands is doing a perimeter subdivision and is going to put that land under the hammer. The whole of the area is not going to be exploited: there is an open drainage canal which runs through that land. In 1965 I approached the Minister for Lands about it with this letter:

Mr Haigh]

Area 4

Bounded by Bunnerong Road, Wassell Street and Franklin Street, Matraville.

This is an area of approximately 46 acres which, because of its present state, creates very serious flooding conditions around the perimeter of this land. A tentative estimate of the cost to overcome this problem has been set at £100,000.

I ascertained the cost: it was not ascertained by the Department of Lands or by the Minister for Housing. As mayor of Randwick I was interested in seeing the area developed and in seeing progress there. I wanted people to be given the opportunity of settling in a happy environment reasonably close to the water and to their employment. The letter continued:

As the Lands Department has indicated the situation of financial inability to meet the cost of drainage and of consolidating this low-lying area by some 2 to 3 feet of infill (which would make possible the subdivision of some reasonable portion of the land for home settlement purposes), this Council offered to purchase this area from the Lands Department.

We have been advised by your Department, in reply to our approach, that it proposes to carry out the subdivision of this land at an early date.

Would you please advise me as to what funds will be expended this year on this area and at what date the land would be available for home settlement purposes, or, alternatively perhaps you may feel that it would be appropriate that further discussions should be held in relation to Council's proposal above-mentioned.

This is the reply, dated 8th October, 1965:

Area 5

This area is under offer to the Housing Commission for construction of units to house aged persons, and it is understood the land will be taken over, but this is the concern of the Commission.

Obviously the commission was not too concerned: the land is still there and nothing has happened to it. The only thing that has been done is that the Minister for Lands has arranged for a preliminary survey and subdivision plan around the perimeter. The open drainage canal is to be left to run right through the centre of that land.

The land is not being utilized in the most effective manner. It is not an economic proposition. It will be denied to people who want Housing Commission homes. People

who want land are obliged to compete against each other for it at auction. There is another area of 16 acres of Crown land on the north side of Franklin Street. The Minister has had a preliminary survey made of it. There is another 6 acres on the corner of Little Bay Road and Bunnerong Road, and another 6 acres at Leichhardt Street. The total area is 150 acres. If the Minister is sincere in wanting more accommodation in the Maroubra electorate he should raise this matter with Cabinet and immediately put his hand over this area of 150 acres for medium-density development, which would provide accommodation for 9,000 people. This would prevent disposal of the land by auction. The Minister, in his letters to me, has said that he sorely needs land in the eastern suburbs. If the Housing Commission acquired this land, there would be no need to resume 527 cottages or maisonettes, displacing 900 families so that the buildings might be knocked down. It would be wasteful to destroy \$10,000,000 worth of assets in bricks and mortar in those cottages. Instead, the \$10,000,000 should be used in building homes on land acquired by the Minister for medium-density development at the sites I have mentioned.

Developers are anxious to acquire the cottages to which I have referred for redevelopment purposes. The commission should point out that any developer who moves in to buy cottages in this area for that purpose would be a fool. The Randwick council's town-planning scheme, and the earlier County of Cumberland planning scheme, prohibit the use of land in this area for flat development. It is zoned residential A. If the Minister, Cabinet and the Government are concerned about this matter, surely they can rely on the integrity and sincerity of the Minister for Local Government and Minister for Highways. A council cannot give approval for flat development on land zoned residential A: such land is restricted for cottage development only. Ministerial approval for release of the land from that classification, or an interim development order, would be needed before it could be used for flat development. The Minister for Local Government is always anxious to put pen to paper. He has issued two orders in the Randwick municipality—one in my

electorate only six months ago—without notice to the council. This was against the best interests of the people. He made an order permitting the use of large sheds for wool storage, although the plan he had approved for exhibition showed that this property was in a residential A area. Apparently we can expect this sort of thing. Let us not be confused by this sort of tripe—

MR RUDDOCK: Don't get excited.

MR HAIGH: The honourable member will be excited before I finish. I understand that his area is also affected. He does not realize this. I feel sorry for him. Now that he knows, he might want to fight for the people. I know that other members are concerned, as I am. They do not want the Minister for Housing and Minister for Co-operative Societies to take up the mantle of Peter Clyne. They do not want people to be thrown out of homes that they bought in good faith from the Housing Commission. They have spent \$3,000 and up to \$5,000 on improvements such as fully tiled bathrooms, hot water services and glassed-in verandas. I am not condemning the structural standards of Housing Commission cottages for I know that the commission has limited funds. This is one reason why I want these cottages left alone. They should be retained in all areas in similar circumstances.

In my electorate, vacant Crown land is available for redevelopment. If the Minister for Housing, the Minister for Lands, the Minister for Local Government and officers of the State Planning Authority get together they will find vacant land in other areas where people are under the same threat, or will be put under the same threat, as people in my electorate. The Minister for Housing and Minister for Co-operative Societies would not like to be thrown out of his house. It is not good enough to say that this might not happen for five years or ten years. All the while the axe of doom is hanging over the heads of the people. Members should think of the effect this will have on their physical and mental health. They will be worried all the time.

The argument is unanswerable. The Minister should withdraw the direction that the limited number of tenants still there be denied the opportunity to purchase. He should take a forthright stand in Cabinet. He should confer with his colleague the Minister for Lands with a view to reserving this area of 150 acres of Crown land for Housing Commission purposes. In this way the Government would retain the \$10,000,000 worth of assets in bricks and mortar in those cottages. The money saved could be used for the constructive purpose of meeting medium-density requirements in the electorate. I agree with the Minister, as he has often said, that more Housing Commission accommodation is needed in the eastern suburbs.

I ask the Minister to give an assurance that he will confer with the Minister for Lands and the Minister for Local Government and Minister for Highways with a view to reserving vacant Crown land in other areas for Housing Commission purposes. I have in mind land in the inner metropolitan area, twelve miles from Parliament House. As the honourable member for Bass Hill reminds me, vacant Crown land is available also at Liverpool. If the Government wants to redevelop, it should reserve vacant Crown land for Housing Commission purposes instead of putting the hand of doom over occupants of commission homes. It is ridiculous that in ten years, when the land in my electorate is taken up, the Government will go in and knock down homes. What satisfaction is it to people in my electorate to be told that their homes will be knocked down, and that if they want to live in a cottage somewhere else, the commission will do everything possible to re-establish them somewhere else? At the moment that other place would be Mount Druitt, and if the suburban sprawl continues, it will soon be another ten miles out.

I ask the Minister to give an assurance that he will investigate this matter and attempt to have this area of 150 acres of Crown land in my electorate reserved for Housing Commission purposes. I ask him to withdraw the restriction on allowing tenants to buy these cottages, and to confer

Mr Haigh]

with the Minister for Lands and the Minister for Local Government and Minister for Highways on the acquisition of other open-space areas in other districts where a similar directive applies.

Mr STEPHENS (Byron), Minister for Housing and Minister for Co-operative Societies [12.50]: I have listened with considerable interest to the speech by the honourable member for Maroubra and I well understand his concern, especially in view of the large number of Housing Commission homes in his electorate. In fairness to him I must say that he pointed out that the bulk of those houses have already been sold and his remarks refer to only a couple of hundred left in somewhat isolated surroundings. I assure the honourable member that I shall be only too happy to confer with the Minister for Lands on whether something can be done about acquiring the 150 acres of Crown land to which the honourable member referred. I am willing also to consult the Minister for Local Government to see whether other areas as well can be used for housing for middle and low income earners. All the blame may not be on the Housing Commission. The honourable member will agree that Randwick council has been somewhat dilatory in the past few years in considering Housing Commission applications to it.

Mr HAIGH: The past three years.

Mr STEPHENS: The past few years. I hope that some balance will be restored to Randwick council to ensure that it will carry out its work in a speedier and more efficient manner. In dealing broadly with this question I might point out that in certain cases—Housing Commission dwellings located in areas re-zoned for industrial or commercial purposes or to allow the construction of high-density housing, or in areas where high-density housing is likely to be provided—offers for sale will not be made. I think this is a logical approach for the Housing Commission to take. It is concerned with the expenditure of public money, and therefore should be prudent about how it invests money and what work it carries out. It would be clearly wrong for the commission to lose ownership

of cottage sites—especially in the eastern suburbs and in proximity to metropolitan railway stations—which could be used at a later stage for medium to high density housing.

If we are to be prepared for the future with the eastern suburbs railway and the extension of railway services in other parts of the metropolitan area, the commission must have the ownership of land on which to build high density housing as the necessity arises. If, because of the future potential use of that land, certain cottages are not to be made available then the families involved need have no fear of being adversely affected for at least some considerable time to come. A scheme has been devised to offer them the opportunity to purchase dwellings in acceptable alternative surroundings on the same terms and conditions as would apply in other cases. This is important. The commission is not saying that they cannot buy a home; it is saying that in certain localities where the high-rise projects are rapidly being undertaken people in those localities will have the opportunity of buying a home in another locality. The commission not only is generous but also shows a true Christian spirit. It will permit the payments that these persons have made for rent of existing cottages to be transferred to the cottage they choose to purchase in some other locality. That gives them the opportunity of building up an equity in a home. This is an important question that should have full consideration.

As the honourable member for Maroubra said, the problem goes back to 1965 and earlier, when we had the first negotiations for taking over the land at Hill 60 and Yarra Bay and other blocks of delightful land. The Housing Commission has carried out, and is carrying out, a wide programme of high density housing work in that area. I give an undertaking to the honourable member that I shall discuss the matter further with the Minister for Lands.

Mr HAIGH (Maroubra) [12.55], in reply: I thank the Minister for his assurance. I cannot dispute the principle that has been broadly enunciated by the Minis-

ter in respect of areas that have been re-zoned to permit high-rise and medium density development, but I want to invite his attention to the areas to which I have referred—areas re-zoned for residential A purposes only. The security of persons living in those zonings will be left in the hands of the Minister for Local Government. There can be no alteration of zoning without the concurrence of the Minister for Local Government. I again ask the Minister to reconsider his attitude on this matter and allow the tenants there to purchase their homes or maisonettes. I know that the Minister will take up with the Minister for Lands the matter of the 150 acres of Crown land and I feel confident that there will be an approach that will permit the Minister to obtain the land necessary for the Housing Commission so that a progressive programme of medium density development and the provision of homes for 9,000 people can be undertaken. In view of the assurance given by the Minister I seek leave to withdraw the motion.

Motion, by leave, withdrawn.

[Mr Speaker left the chair at 12.57 p.m. The House resumed at 2.30 p.m.]

CONSUMER PROTECTION (AMENDMENT) BILL

SECOND READING

Debate resumed (from 22nd March, *vide* page 5728) on motion by Mr Willis:

That this bill be now read a second time.

Mr QUINN (Wentworthville) [2.30]: The Opposition looks upon this measure as an indictment of the Minister. The Consumer Protection Act, which was conceived in 1969 in panic and haste, was a gimmick to answer Labor's 1968 election policy for a consumer affairs tribunal. Our tribunal was to be armed with strong teeth in order to protect the public and to make people justify price rises. However, the answer presented by the Government was a milky, watery sop; it was toothless and unable to make any mark on the problem, despite the fact that there have been two wonderful commissioners for consumer affairs and many dedicated men and women have been employed by the bureau.

Despite the contrary views that have been expressed by the Chief Secretary and Minister for Tourism and Sport, who was sacked from his position as Minister for Labour and Industry, the new Minister, as a result of the sustained urgings by the Consumer Affairs Council, has now decided to put one tiny tooth into the mouth of the bureau, by giving it the right to investigate complaints. The Chief Secretary, who controls the business of this House, has deliberately kept this measure back until the dying hours of the session. It is my view that the bill will not be debated in another place and, therefore, will die when this session ends. In that case, the bureau will be left without even this tiny milk tooth in its gums, all because the Chief Secretary must have his own way.

Mr WILLIS: Is the honourable member imputing improper motives to me?

Mr QUINN: I would never dream of doing that.

Mr WILLIS: Whoever wrote the document that the honourable member is reading from should know that that is exactly what the honourable member is doing.

Mr QUINN: I wrote every word of it. The report of the chairman of the Consumer Affairs Council was laid on the table of this House in the second half of last year, has now been printed and is available to all honourable members. This interesting document contains on page 16 numerous recommendations, under eleven headings and ten subheadings, which cover all sorts of activities connected with the bureau. The recommendations propose amendments to the Consumer Protection Act but, although three recommendations are made, only two are being adopted in this measure.

The bill is to give authority to the bureau and its officers to investigate complaints. It is ludicrous that the bureau has operated for so long without this authority. The recommendation that the Minister has not seen fit to include in this measure appears on page 18 of the report, where the council recommends "that the Consumer Protection Act be amended to confer wider powers

to make regulations so as, for example, to allow safety requirements and instructions to be prescribed in respect of goods, where the risk is of property damage and not solely of death, personal injury or disease and to allow requirements as to care-labelling and like subjects to be prescribed, if considered necessary."

The council in its report said it understood that at the close of the period covered by the report the amendments suggested in its recommendations were receiving consideration. I believe the recommendations were in the hands of the Government long before the report was made to the Minister. As a result of its consideration during the past twelve months the Government is now giving legislative effect to only two of the recommendations, and not to the third one that was urged strongly in the report. It is regrettable that the Government has not seen fit to incorporate this amendment also.

When dealing with the Sale of Goods Act at page 16 of its report, the council recommended that a subcommittee be set up, and it even prepared a draft bill for the consideration of Parliament. That draft bill is contained in the report, but there is no mention yet by the Government of its even considering presenting the draft bill to Parliament. It would appear that the council has been specifically ignored by the Government. The report referred also to the Lay-by Sales Act. Honourable members no doubt would be aware of what is going on in this city.

Mr WILLIS: On a point of order. I know it has become the practice of honourable members who speak from the other side of the House to expand debate deliberately so as to filibuster and to delay proceedings of Parliament towards the end of sessions, but I submit it is becoming altogether too much of a bad habit. I submit that honourable members should be confined to the provisions of the bill that is under consideration. I am sure that, if the attention of the honourable member is invited to this, he will appreciate that the report of the Consumer Affairs Council is not the subject of the bill. Admittedly one of its recommendations relates to one of the provisions of the bill, but all the other recommendations

have nothing to do with the measure. If the honourable member wants a debate on this subject at some time, we should be happy to oblige him. But these matters are not related to the bill, and the debate should be directed only to the matters that are in the measure. I submit that the honourable member should be asked to confine his remarks to the provisions of the bill.

Mr QUINN: On the point of order. During a second-reading debate it has been the practice of the House to permit debate on matters contained in the bill or matters that members consider should be contained in the bill. This measure gives authority to the Consumer Affairs Bureau to investigate complaints. I have been directing my remarks to the part of the bill that relates to the nature of complaints and the investigation of them. I am leading up to matters that relate directly to the bill. My reference to the various sections of the report of the council will be brief. They are being used by me in an endeavour to prove to the House that when the bill is being amended it should include further amendments directed towards strengthening the bureau and the hand of the commissioner. When developing the arguments I have in mind, it is necessary for me to refer briefly to several matters that are contained in the report of the chairman of the Consumer Affairs Council.

Mr ACTING-SPEAKER (Mr COATES): Order! I should not like at this early stage to give a direction regarding the submissions made by the Chief Secretary and Minister for Tourism and Sport, but I think it is appropriate for me to point out that the matters contained in the bill are the substance of what should be discussed. The bill contains provisions to enable investigation of complaints that are made to the bureau, and it confers on the commissioner power to do certain things and to obtain certain information. All of these matters are mentioned in the objects of the bill. I ask the honourable member for Wentworthville, and indeed all other honourable members who will speak, to confine themselves to the matters that are referred to in the objects of the bill.

Mr QUINN: Complaints received by the bureau must be investigated in order that any value may be got from them. In the past the bureau has been restricted to receiving complaints and passing them on to the government departments involved. When the bureau was set up it should have been given power to investigate complaints. The bureau receives numerous complaints. Last night the Minister told us that it had received 2,990 formal complaints. Despite this, the bureau has not had power to investigate. It could not even send an inspector to interview a retailer or some other person about whom a formal complaint had been laid. Apart from 2,990 formal complaints, the bureau has received 7,000 inquiries which were not followed up by formal complaints. It is feasible that every one of those 7,000 inquiries might have been followed up by the lodging of a formal complaint had people been satisfied that, having received a complaint, the bureau would investigate it and do something to bring about some redress or justice to the complainant if the complaint was well founded.

Mr RUDDOCK: How many public servants would be needed to do that?

Mr QUINN: I do not know, but without authority to investigate it is useless even to have a bureau. When referring to the report I made the point that the bureau receives complaints relating to all facets of merchandising, retailing, servicing and other things involved in trading. When the Chief Secretary interrupted me to take his point of order I was referring to lay-bys. The bureau has received complaints in regard to lay-bys, as has every member of this House. It has been alleged that in this city salesmen call from door to door demonstrating goods which are available for sale. Their prime target is young women who are contemplating marriage. These young persons are enticed to enter into a lay-by arrangement to buy goods for use in their future homes. They receive a book of tickets similar to a cheque book and each month they fill in the details and through their bank forward money to the principals who operate this sort of business.

The printed booklet claims that the arrangement is a lay-by. In fact it is not a lay-by arrangement at all. Goods being purchased in this way are not held in store, parcelled up and labelled with the name and address of the purchaser, awaiting the day when the lay-by is paid off and the goods are collected. In its report the Consumer Affairs Council referred to lay-bys and said that expensive items of men's and women's clothing supposed to be purchased in this way had in fact been hired out by shopkeepers during the period that the person who had entered into the agreement was paying instalments on the goods.

Mr HEALEY: How terrible.

Mr QUINN: I agree that it is terrible. Members on this side of the House abhor the practice. We agree with what the honourable member has said but from the manner in which he shakes his head he indicates that this is hilarious. The Opposition believes that something must be done to stop this sort of fraudulent selling. In the past the Consumer Affairs Bureau has had no authority to investigate complaints about these things. A specific request was made to the Government that the administration of lay-by arrangements should be transferred from the Department of the Attorney-General to the Department of Labour and Industry. Under the present set-up complaints relating to lay-bys are investigated by the police but if the administration of lay-bys was transferred to the Department of Labour and Industry, complaints could be investigated by officers of that department. The Minister, after considering the council's recommendation, expressed the view that as the Lay-by Sales Act was but one of a family of Acts administered by the Department of the Attorney-General—

Mr WILLIS: On a point of order. The honourable gentleman is obviously flouting your ruling, Mr Acting-Speaker. He is now giving the House a discourse on lay-bys, a subject not mentioned in this bill. Lay-bys are covered by an Act of Parliament entirely different from the one with which we are now dealing. By no stretch of

the imagination should this subject be discussed in a debate on this bill. It is not within the order of leave to discuss something that is contained in another Act and administered by another Minister. Lay-bys have not been the subject of comment by myself or by anyone else during the course of this debate.

Mr QUINN: On the point of order. Mr Acting-Speaker, you refrained from ruling earlier, so I cannot be flouting your ruling.

The ACTING-SPEAKER (Mr COATES): I was endeavouring to give guidance.

Mr QUINN: The Chief Secretary has said that lay-bys have nothing to do with the bill and have nothing to do with the bureau. I remind the Minister that the bureau has received many complaints about lay-by arrangements. The bill is designed to authorize the bureau to investigate those complaints. The bureau has received complaints, a recommendation has been made to the Government and the Government has replied to that recommendation. Therefore I submit I should be permitted to refer to the fact that the Government has refused to do as was recommended by the bureau so that it may keep this Act as one of a family of three Acts under the control of the Attorney-General.

Mr EINFELD: On the point of order. This bill authorizes new powers for the Consumer Affairs Bureau and its officers to deal with the many things that happen in the commercial life of our community. Hitherto many complaints from consumers have not been investigated despite the fact that the Opposition has for years asked the Chief Secretary to grant this bureau wide powers. At last the Government has listened to the Opposition, even if only to a minor extent. The Consumer Affairs Council made recommendations to the Government and to the Minister with regard to lay-bys and a number of other things. No doubt the council has not mentioned every general complaint that it has received but we believe that a minor proportion of traders are cheating customers and all of these things are aspects of consumer affairs legislation. It is imperative that when we discuss this type of amendment to the working machinery of the

Consumer Affairs Bureau and the Consumer Affairs Council and when we discuss how to protect people from cheats who up to now have been licensed to operate in the community, the member who leads for this side of the House must be entitled to refer in passing to that type of activity.

Mr WILLIS: On the point of order. Acceptance of the submissions made by the honourable member for Wentworthville and the Deputy Leader of the Opposition would lead to a most absurd situation. I have in my hand the Consumer Affairs Council's annual report for 1970-71. Honourable members opposite take the point that, as this report contains the recommendation on which the bill is founded, the Opposition should be permitted to discuss anything else included in the report. I point out to the House that this report deals with many topics, including resale price maintenance. Does the Opposition believe that we should spend half an hour discussing that in this debate? The report deals with door-to-door sales. Another half an hour? The report deals also with motor vehicles, the standard of dress of taxi drivers, fireworks and many other things. Do honourable members opposite seriously suggest that all or any of those matters should be discussed in this debate? Where would it all end? Obviously the Opposition is intent solely on delaying the House. If the debate were permitted to proceed as they suggest, it would have absolutely no limit. With respect, I submit that the honourable member for Wentworthville and all other speakers in this debate should be confined to the order of leave, which is the subject of the bill.

Mr MAHONEY: On the point of order. The point taken is that the matter referred to in the report of the council does not constitute a complaint. The bill defines a complaint as a complaint under subsection (1) of section 16 of the principal Act. That subsection describes one of the functions of the bureau as that of receiving complaints from persons as to fraudulent or unfair trading or commercial practices in relation to goods or services. Surely a complaint about a lay-by would be a complaint

about goods or services as referred to in that section which gives the definition of a complaint.

Mr ACTING-SPEAKER (Mr COATES): Order! The point taken by the Chief Secretary concerns the fact that the honourable member for Wentworthville, leading for the Opposition, appears to be basing his speech entirely on the report of the chairman of the Consumer Affairs Council, rather than confining his remarks to the principles of the bill. That point must be upheld. By the same token, there is merit in what the Deputy Leader of the Opposition has said, that the honourable member for Wentworthville has the right to make brief references to the report in passing. I ask him to do just that.

Mr QUINN: It is obvious that the Minister wants to protect his Government and his administration from any attack on its failure to protect innocent people, despite a recommendation from the Consumer Affairs Council which the Minister was responsible for establishing. I described earlier the circumstances in which the Act, council and bureau came into being. It appears that I must confine my remarks now to the need to investigate complaints. I take it I shall be permitted to address those remarks to the type of complaint one would expect to be received by the bureau and to how difficult some of them might be to handle without having experts attached to the bureau to assist the inspectors.

I informed the Chief Secretary that my speech would be rather short in view of the approaching end of this session. Members on this side of the House would like to see the measure passed through both Chambers of this Parliament today so that it can come into effect as soon as possible. It appears that my remarks about the desire of the Chief Secretary not to have the measure go through Parliament this session were correct. This is borne out by the fact that he has delayed the conclusion of my speech by more than a quarter of an hour by frivolous points of order. Had he let me completely alone I would have finished in another ten minutes or so but now I shall have to recast what I had to say. The time

for my speech may be extended beyond what I would have expected had I been permitted to deliver the speech as I prepared it.

In his point of order the Minister mentioned many things, including motor vehicles. There are numerous things in the report relating to motor vehicles that need to be investigated. Several recommendations have been rejected time and again. These are matters that were put forward on the recommendation of the chairman of the council. They were things the Department of Motor Transport ought to have done something about to protect people who purchase motor vehicles. The Chief Secretary does not want me to talk about those matters. His Government would be placed in a poor light if somebody picked up the report, examined it and made it public by having it appear in the pages of our newspapers. I do not expect that that will be done but to anybody who wants to do a study of the cheating and robbery which goes on in this State at the present time I recommend it. The Minister wants to protect people involved in this type of conduct by preventing me from mentioning it.

The recommendations have been made by the council but the Government does not want them brought out. It has refused to do anything about these matters on two or three occasions. It has refused to carry out any of the recommendations of the chairman in his report. There was no action, so those concerned put them up again for the consideration of the Government. How many more additional recommendations will be made when, as a result of this bill, the bureau will be enabled to investigate complaints. The report refers to 7,000 inquiries. The Minister mentioned them in his speech, so I feel I am entitled to mention them. They are not formal complaints. Under the rules of the bureau they cannot become formal complaints until the complainant has stated that he has attempted to get justice through the person about whom he is complaining and has failed to do so. He then fills in a form and it becomes a formal complaint. There were 2,990 of them. I believe the bureau

Mr Quinn]

was attempting to investigate these complaints although the principal Act denied it the right to do so. People were sent out into the field to investigate complaints whether they concerned motor vehicles, frozen food set-ups or the servicing of washing machines. Many of these practices are mentioned in the report, including false advertising in the telephone directory. Under this Act the bureau has the right to prosecute for false and misleading advertising.

Mr WILLIS: Also, it has always had the right to investigate it.

Mr QUINN: There is no provision to that end in the Act.

Mr WILLIS: It is already in the Act.

Mr QUINN: The principal Act does not give that right to investigate. In his report the chairman of the council asked for the right to investigate. This bill arose from that request. The chairman of the council said on page 17 of his report that the Act gave these rights:

To receive complaints from persons as to fraudulent or unfair trade or commercial practices in relation to goods or services, and where appropriate, to refer any such complaint to that Government Department or instrumentality which it considers best able to take action or furnish advice in the matter.

The request is then made for a right to investigate.

Mr WILLIS: You mentioned fraudulent advertising.

Mr QUINN: The Minister informs me that the bureau has the right to investigate fraudulent advertising. By this measure a lot of people will have the right to investigate and prosecute in relation to that matter but in his report the chairman of the council said that in the white pages of the telephone directory there is seriously misleading advertising by a group of companies named in the report. In two consecutive years the Postmaster-General has been asked to do something about it. After the first request it appeared again in even more blatant terms. In the current issue of the telephone directory a group is advertising that it will fix washing machines and other things. If I were permitted to do so I should quote

from the report of the chairman to substantiate what I am saying, but it has been ruled that I may not do that.

People who are seeking to have a refrigerator repaired—say, a Kelvinator—see a display advertisement in the white pages of the telephone directory. This company goes under the name of Kelfix, or something like that and the advertisement appears in advance of any reference in the directory to the Kelvinator company, which is of course quite willing and competent to undertake repairs of its refrigerators, efficiently, fairly, and at a reasonable price. Because of the system used by this company, people are calling it in instead of the Kelvinator company. The same sort of thing happens with the Pope and Simpson companies. People are robbed right and left by a group of companies, but all the bureau can say is that the Postmaster-General has said that he will not in future accept display advertising in the white pages. The same thing can still go on in the pink pages directory, but the bureau has not the right to investigate complaints of this nature.

I understand why the Minister does not want these matters brought into the light of day. The Minister referred this afternoon to taxi-cab drivers and the need to identify them, but the Government has refused to insist that a photograph of the driver be displayed in the cab so that people will know that they are in the hands of a capable, reliable and authorized taxi-driver. Many similar examples have been referred to by the bureau but it cannot investigate. This measure may permit the bureau to investigate those complaints. In spite of the fact that the bureau has investigated, reported and recommended for two years in a row, the Government still refuses to do anything about those recommendations. If investigation by the bureau and its inspectors can lead only to reports and recommendation and a refusal by the Government to do anything about repeated recommendations, what is the point in having the bureau investigate? The bureau will spend money in making an investigation but the Government continually refuses to do anything about its recommendations.

Many letters of complaint were received by the bureau about lawn mowers. Fingers were cut off; toes were damaged; all sorts of injuries to the person and property were caused by rotary mowers. Nothing could be done. Complaints have been made about rising prices and unfair and unjust prices. People could be excused for complaining to the bureau. Surely they would have thought that the Government in setting up this bureau was doing something to protect their interests.

People complained about rising prices. Until now all the bureau could do, after it had received such a complaint would be—as the chairman says in his report—to send it along to the prices branch. The bureau is not entitled to investigate; so the complaint is sent to the prices control branch, and that is the graveyard of complaints. Because of Government policy the commissioner is able to do nothing. It is a waste of time letting the bureau receive complaints and then have to send them to the prices branch. The prices branch can do nothing. If it were proved to the commissioner that these complaints were justified, the Government would not permit the prices commissioner to step in and impose control over those commodities. That would be against the policy of the Government.

Perhaps the bureau might send its inspectors out to investigate these complaints about unfair prices, but even so, what good would come out of it? What is the use of the bureau spending public funds to send inspectors out to investigate whether prices are unfair, as claimed? What will come out of it? If the Government were serious it would be bringing down other measures to provide that after such an investigation—and I agree that the complaints should be investigated—the retailer or manufacturer would be asked to justify the increased prices.

Mr EINFELD: What if there is obvious collusion in increasing the price?

Mr QUINN: Even that does not matter: the prices branch is just a graveyard for complaints. The House is being asked to permit the appointment of inspectors to the Bureau of Consumer Affairs. They are to be

armed with powers to see documents, to demand information and to investigate fully the 2,990 formal complaints received last year. There will be many more during the current year and in the years to come. The bureau in its report says that it has no idea of the degree of success in dealing with complaints which it has achieved by its method of ringing up people and entering into arrangements to have something done. The Minister said last night that in the bureau's view it was impossible to estimate just how many of those seventy per cent of the cases, in which it attempted to do something and some arrangements were made, were finalized to the satisfaction of the complainant. They had no knowledge whether those arrangements were ever carried out.

The people at the bureau are a wonderful band of dedicated people attempting to do something under the severe limitations placed upon them by the Government. The bill needs strong, sharp, penetrating, cutting and masticating teeth. It does not need mere flabby lips, such as receiving complaints, reporting to the Minister and then having nothing done. The report of the bureau is full of examples of the Government's failure to act. The Government has refused to do anything.

What is the point of the chairman naming firms in a report? Perhaps they might go out of business. Firms have been named in this report—after investigation, which the bureau was not previously authorized to make—and those companies have gone out of business. The bureau had no teeth with which to bite or make an impression. All it could do was name the company. The chairman points out that the same principals of the company that went out of business after being named in the report, open up as another company, even in the same premises, but with a different name, and carry on the same sort of rackets that they carried on before. The bureau is a useless sort of body to have when all it can do is make a report. In no circumstances is the Government willing to give it teeth that will permit it to protect the interests of the people of this State. The Government will not allow the bureau to carry out the functions it should be able to discharge.

Mr Quinn]

The purpose is to carry out the same functions the people believed it would be able to carry out when the Government established it. When the Government established this bureau the people still believed that they would get something done if they approached it. The theory is that the bureau would protect their rights. Of course, many of the men down there are trying to do this, but they are severely restricted.

Today the Government is proposing to empower the bureau to investigate complaints. We agree that it should have the right to do this, and we agree that the powers conferred on inspectors, in addition to those in the principal Act, are necessary. The inspectors should be able to check information and to see and copy documents when they are carrying out their investigations. The person being investigated will be protected by the legislation, for he will not be required to give information that might lead to his conviction. Further, the information that is obtained cannot be used by inspectors or divulged to other people so as to damage the person concerned. It cannot be used in any court proceedings. However, this provision will give inspectors authority to obtain the information they want, to penetrate and to investigate and obtain information. But what happens then?

Perhaps the people who are investigated will be named in the bureau's report, but apparently the matter will rest there. If they go out of business, they will be able to change their name and open up again in another name the following day. There are numerous examples of this in the report, and I hope the newspapers will publish these things so that people will know what is going on, and what the Government is failing to do in respect of protecting their interests.

Mr BARNIER (Blacktown) [3.12]: Mr Acting-Speaker, having in mind your earlier ruling about making brief reference to the report of the Consumer Affairs Council, I shall make my references brief. I was under the impression that if these amendments arose out of the recommendations contained in the report, honourable members should

be able to refer to other sections of the report, which the Government has no intention of implementing.

This is a most interesting report, but the frustrating part about it is that the recommendations submitted by the Consumer Affairs Council have not been adopted. The report deals with many Acts, including the Sale of Goods Act. The council believes that the Law Reform Commission will eventually review that statute, but it recommended certain things and suggested that legislation should be speedily enacted. The council was advised that the Attorney-General had arranged for the matter to be discussed. Further, the report contained a firm and sound recommendation in respect of the Door-to-Door Sales Act. That matter, also, was under consideration at the time the report was submitted.

When dealing with the contents of packaged foodstuffs the council suggested that by regulations under the Pure Food Act or Consumer Protection Act, whichever may be deemed appropriate, any pictorial representations either in labelling, packaging or advertising indicating that a flavour is derived from a food be prohibited, unless that flavour is so derived. Having made that strong recommendation, the council was informed that it was under consideration at the close of the period.

Mr WILLIS: The honourable member should discuss the bill.

Mr BARNIER: I am coming to that, and, as I said, I am merely making brief references. The council's report contained a number of recommendations, and the council must be frustrated when it sees that only one of its recommendations is being dealt with in the bill. I hoped that the Government would have taken some action in respect of the council's words, when it said:

Council hopes that means will be found for the public to have information about recommendations, or at least the major ones, at some stage closer to the event than in its annual report. It believes this would facilitate a much better appreciation of the work which Council is doing on behalf of consumers throughout the year.

People do not appreciate how seriously consumers are affected, and most people would not realize what is going on until they have a first-hand knowledge of these problems. I would certainly strongly support any action taken to make the contents of these reports and recommendations available to the public. For instance, the report refers to freezer-food plans. Some publicity has been given to this matter, but this is something that could well have been covered by the bill, by giving more power to the bureau to advertise the contents of their reports and the details of the action that has been taken. I meet people who have undertaken to buy this sort of thing, and I have learned at first hand the seriousness of the problem.

Two or three people have come to me after they have entered into a freezer food contract. Their complaint related to Eat-Rite Foods, of 11 Cross Street, Brookvale, who undertook to supply a freezer for \$520, but when finance and terms forms were dealt with, the eventual price of the article became \$612. However, this article is available for \$245. These are the things that the Consumer Affairs Bureau is trying to make known to the people. For these reasons, the Government should give consideration to making sure that these things are known. When my constituents ordered the food from the freezer company they found that it costs them half as much again as they were promised. I shall not delay the House by describing the many problems that arise. The Opposition is supporting the measure and wants to see it put through, but I should like to see more powers in the bill. The provision relating to investigation of complaints will allow far more action to be taken by the Consumer Affairs Bureau, but I am extremely disappointed that the bill does not go far enough.

Mr F. J. WALKER (Georges River) [3.18]: I also shall be short, for the reasons advanced by my colleague. It is laughable that it has taken three years for the Minister to appreciate what one would think a child of kindergarten age would have recognized immediately, namely the trite fact that the bureau cannot possibly hope to

enforce compliance with the provisions of the Act if it has no power to investigate complaints. It is no wonder that the Minister has been relegated to the least intellectually demanding portfolio—Sport—if he could not see this obvious fact. One need only to imagine what would happen in the police force if police were armed with only the powers possessed by the Consumers Affairs Bureau. The police are called upon to enforce the Crimes Act, and other Acts, and I ask honourable members to imagine how they would get on if they did not have the power to investigate. They would have to remain in the police stations receiving complaints. They could not go out to investigate them, to check, and to obtain any documentation. Indeed, they could not even talk to witnesses. It is ludicrous and ridiculous.

The Opposition supports the provisions of this bill that give some teeth to the bureau but we say that the Government has not gone far enough. The police have power to investigate matters but that is not enough. Having investigated something and found something wrong they must have power to take action. Therefore the police have power to charge, and having charged to see that the defendant is brought before the court and dealt with according to law. We have heard that the bureau has received 2,990 formal complaints and 7,000 other complaints. With so many formal complaints to the bureau there is at least some smoke, if not fire. So far as the Opposition has been able to ascertain, on only one occasion has the Minister done anything about these complaints.

I know that the gentlemen in the bureau are hard-working officers and I have great respect for their capacity. I appreciate how frustrating, humiliating and insulting it must be to receive 2,990 complaints and pass them on only to see little done about them. I do not know how many complaints the bureau has submitted to the Government for action but I suspect it would be many more than one. It would be in the hundreds if not in the thousands.

Mr WILLIS: None at all.

Mr F. J. Walker]

Mr F. J. WALKER: I am referring to generalities at the moment.

Mr WILLIS: The honourable member was trying to be pedantic and he is wrong.

Mr F. J. WALKER: The Minister likes to be pedantic and I was referring to people making complaints and getting results. So far as the Opposition can ascertain—we may be wrong and if so I invite the Minister to say so—on only one occasion has the Government taken action. Action has been taken in one case yet 2,990 complaints have been lodged. Our community is riddled with fraudulent practices. Consumers need protection, otherwise there would be no requirement for this Act.

An example of the need for the bureau to have power to investigate and additional power to do something about these matters occurred recently in my own electorate. A cladding company known as Park Lane Development offers to home-owners the service of fixing brick cladding to the exterior of homes. This company approached one of my constituents and offered to clad the front and sides of his home for \$2,005. This young man and his wife have an income of \$54 a week and they pay \$30 a week off their mortgage. The salesman spent from 7.30 p.m. to 12.30 a.m. with them in an endeavour to convince them that they should spend \$2,005 to clad their home. This young man has a severe nervous disorder and he was subjected to tremendous pressure. The price of \$2,005 is significant: the extra \$5 prevents a person in this situation from taking advantage of the provisions of the Door-to-Door Sales Act. If a sale involves more than \$2,000 the purchaser cannot back out by taking advantage of the cooling-off period. Once he had signed the contract he was caught. I took the matter up on behalf of my constituents and spoke to the bureau and its officers gave me some valuable information.

Mr WILLIS: Does the honourable member say that this bureau was able to tell him something?

Mr F. J. WALKER: It certainly was: the bureau had received a great many complaints about matters similar to this. They

knew what was going on. I took the matter further and eventually the manager of this company approached my constituent and agreed to reduce the price from \$2,005 to \$1,000 flat. Just like that, the price was halved. I ascertained from a reputable builder what it would cost to put cladding on this young couple's home and found that it would cost about \$700.

That is the sort of thing that is happening, and that is the sort of operation these intelligent, hard-working gentlemen at the bureau would really like to get their teeth into. They would like to expose this sort of operation and they could do it if they were given power to prosecute and power to publicize this sort of activity. I agree with the Minister that power to publicize is a strong and effective weapon, as the Parliamentary Commission in New Zealand has shown on many occasions. It is one thing to be able to publicize malpractices and to expose them to the public but it is another thing to prevent these companies from operating again. I know that the gentlemen operating the company to which I have referred have operated under several other names doing exactly the same thing. On each occasion they have been found out and exposed and they have simply changed the name of their business and resumed operations.

Publicity in itself is not sufficient safeguard: we must give investigators power to prosecute. The Act must enable them to do something about these complaints. The Opposition has said on previous occasions that this bureau is a paper tiger. I am sure that though this amendment takes one step towards giving that tiger a few teeth, it is only a small step. In fact, it might be described as only part of a step. I ask the Minister to confer with his colleague the Minister for Labour and Industry and to reconsider this legislation in the hope that the hard-working officers of the bureau will be given some opportunity to do something about the complaints made to them. In this way they will be able to protect the public of New South Wales.

Mr WILLIS (Earlwood), Chief Secretary and Minister for Tourism and Sport [3.37], in reply: The honourable member for

Wentworthville who led for the Opposition in this debate said it was my intention to delay the bill until it was too late for it to be brought in during this session. He said that that would make me happy. I cannot imagine anything more absurd. If I did not want this bill I should not have brought it here in the first place. If anyone is delaying the bill it is the Opposition members, who are twaddling away in respect of a simple piece of legislation.

The honourable member for Wentworthville and the honourable member for Georges River said that the powers of investigation to be conferred by this bill upon officers of the Consumer Affairs Bureau should always have been in the Act. Indeed, learned counsel from Georges River said that any child of kindergarten age should have realized that. I concede readily that a child of kindergarten age would have seen that. It is one of those plausible things that one might expect from a child of kindergarten age and the honourable member for Georges River. However, anyone of experience and intelligence would not have expected it.

The power to investigate complaints was not included among the functions of the Consumer Affairs Bureau in the Consumer Protection Act, 1969. It was deemed preferable at that time to allow it to receive complaints which, quite obviously, it would take up on behalf of complainants where the complaint was assessed as appearing to have substance. Experience overseas had indicated, particularly in the United Kingdom and the United States of America, that consumer protection bodies were more effective if they gained acceptance of business and co-operation from it. Any suggestion of an "F.B.I." approach to the settlement of consumer complaints was felt to be best avoided, and the new bureau could well have been handicapped if vested with powers to investigate. Such powers, with the suggestion of inspectors descending upon a trader and interrogating him and his staff, could have been pointed to by those in business and trade associations who were critical of government intrusion into the field of consumer protection as being the realization of their worst predictions. The

bureau has had from the inception full powers of investigation with respect to those matters for which the Consumer Protection Act bestows on it regulatory responsibilities in fields such as false and misleading trade descriptions, advertising and the safe design and construction of goods.

Complaints handling is something different and the bureau has had a high success ratio by virtue of the respect it has gained from business and the mutual co-operation that has been built up. One must not lose sight of the fact that the conduct of the parties in the buyer-seller relationship is already subject to certain laws, and both parties already have their remedies at law, even though the consumer may be at somewhat of a disadvantage compared to the seller when it comes to the exercise of his remedy. By far the greater part of the bureau's successes on behalf of consumers is gained through persuasion of the seller to give the dissatisfied consumer the redress he appears to merit without need to resort to legalities.

The need to vest the bureau at this stage with powers of investigation, and to require information, arises in only a small hard-core of cases—not in the number of cases implied by remarks of honourable gentlemen on the Opposition side. Now that the bureau is well established and it and its commissioner have gained wide acceptance, this additional power can be given without risk of alienating those upon whom the bureau depends for co-operation in resolving complaints. The additional powers will not only enable the commissioner to act on complaints against the small hard core of traders who have refused to co-operate, but will also serve as a deterrent to other sharp operators who may contemplate setting up in this State.

It was claimed that up to now there have been no powers of investigation. I repeat in simple terms that, in relation to part III of the Act concerning false and misleading advertising, the officers of the bureau have always had the power to demand information. The officers of the bureau have always had that power in relation to part IV of the Act, relating to the design and construction of goods. Similarly, in relation to

Mr Willis]

part V relating to trade practices, they have always had that power. This bill deals only with the handling of complaints by the bureau in respect of part II. None of the other things so extraneously discussed at great length, notwithstanding the points of order I took, are covered by this measure. It is a matter of great distress to honourable members opposite that it was this Liberal-Country party Government that introduced consumer protection legislation. Though they were in office for years and were deluged with complaints of the same nature, they did not show any concern for the protection of the little people who were making the complaints and for whom they are shedding such profuse tears now. This Government did something about it and members on this side of the House are proud of that. All that Opposition members can do is indulge in carping and completely misinformed criticism. Even those of them who are supposed to have legal training apparently do not know how to read a legal document.

Another point made was that none of the recommendations made by the Consumer Affairs Council in its last annual report or the annual report for the previous year has been acted upon apart from this one. Almost every recommendation made by council to the Minister has been accepted by him and either acted upon if relating to his own administration or referred by him to whichever Minister is responsible for the subject matter of the recommendation. For example, its recommendations for the banning of three-party trading stamps have been implemented by legislation—criticized by the Labor Party. Its recommendations for amendments to the Consumer Protection Act were embodied in the 1970 amendment and in the present bill and its recommendation regarding the scope of regulations is still under examination. Its recommendation on staffing for the bureau has been implemented.

Its recommendations on inertia selling and pseudo-invoices have been adopted and Cabinet has announced approval to an Unsolicited Goods and Services Bill. Cabinet also adopted its recommendation on the outlawing of resale price maintenance but later

the decision of the High Court in the Concrete Pipemakers' case and the action of the Commonwealth in enacting new legislation on resale price maintenance based on that decision made State action neither practicable nor necessary. Similarly, the council's recommendation regarding motor vehicles comprehensive insurance was overtaken by events, with the decision of the Commonwealth to exercise its constitutional powers in this area. The recent announcement of the Minister for Transport regarding roadworthiness certificates for motor vehicles made clear that it was the council's recommendation which had led to his decision to review used car dealers' legislation.

Several of the council's recommendations called for consideration by, or consultation with, bodies such as the standing committee of Attorneys-General—for example, sale of goods, and consumer credit; the conference of State Ministers for Labour—for example, footwear branding; and trade associations—for example, recommendations on packaging. Finality on these and other recommendations under examination by other Ministers is expected in due course. The council has discharged its responsibilities in a serious and methodical way and the Government has welcomed its recommendations and accorded them the careful consideration that they have merited and has not hesitated to act on them. I repeat that this bill is the means whereby another of the council's recommendations is to be implemented and I cannot for the life of me understand why there should have been more than five minutes' debate on it. It should have been supported warmly by all sides of the House.

Motion agreed to.

Bill read a second time.

COMMITTEE AND ADOPTION OF REPORT

Bill reported from Committee without amendment, and report adopted on motion by Mr Willis.

THIRD READING

Bill read a third time, on motion by Mr Willis.

TRADING STAMPS (AMENDMENT) BILL IN COMMITTEE

Consideration of Legislative Council's amendment.

Schedule of the Amendment referred to in Legislative Council's Message of 16 March, 1972.

Page 7, clause 5, line 8. After "therein" insert "or require any person to answer any question if the answer to such question might incriminate him".

Mr WILLIS (Earlwood), Chief Secretary and Minister for Tourism and Sport [3.39]: I move:

That the Committee agree to the Legislative Council's amendment in this bill.

The purpose of the amendment is to ensure that no person when questioned by an inspector exercising powers under the Act is compelled to incriminate himself. It happens to be the view of the Government that the bill in its original form would not require a person to answer questions put to him by an inspector if the answers tended to incriminate him. If this view is correct there is really no need for the words to be inserted. However, some honourable members in another place have suggested that a different interpretation may be placed upon the provision. To put it completely beyond doubt, the Government has agreed in another place to the addition of the words. In our view it does not alter the sense of the provision but places doubly beyond doubt the original intention of the Government in this matter. Accordingly I commend the motion to the Committee.

Mr QUINN (Wentworthville) [3.41]: The Opposition supports the motion. The amendment to this provision in the bill merely brings it into line with a similar provision in the Factories, Shops and Industries Act. It was found necessary at some time in the past to have these words included in that Act. It was doubtful why the Government had deliberately left them out of this bill. The Minister has said that it was the view of the Government that they were unnecessary. I am informed that when the motion to include this amendment was being discussed in another place, many

of the legal fraternity sitting on the Government benches were hot in their opposition to the amendment. Finally they came to the conclusion that these words should be included. The Opposition supports the amendment.

Motion agreed to.

Legislative Council's amendment agreed to.

ADOPTION OF REPORT

Resolution reported, and report adopted on motion by Mr Willis.

SUPREME COURT (AMENDMENT) BILL

IN COMMITTEE

Consideration of Legislative Council's amendments.

Schedule of Amendments referred to in Legislative Council's Message of 21 March, 1972.

1. Pages 8-9, clause 4, line 1 on page 8 down to and including line 3 on page 9 *Omit* all words on these lines *insert*—

(b) by omitting subsection two of section twenty-six and by inserting in lieu thereof the following subsections:—

(2) A person appointed as Chief Justice shall, at the time of his appointment, be—

(a) a Judge;

(b) a member of the Industrial Commission of New South Wales;

(c) a barrister of not less than five years' standing;

(d) a solicitor of not less than seven years' standing;

(e) a barrister or a solicitor of less than five years' or seven years' standing respectively, where at all times during a continuous period of not less than seven years he was on the roll of solicitors when he was not on the roll of barristers or on the roll of barristers when he was not on the roll of solicitors.

(3) A person appointed as a Judge shall, at the time of his appointment, be a person holding a qualification specified in paragraph (b), (c), (d) or (e) of subsection two of this section.

2. Page 11, clause 4, line 27. *Omit* "Justice", *insert* "Judge".

3. Page 11, clause 4. *After* line 34 *insert*—

(ii) by omitting subsection four of the same section;

Mr McCaw (Lane Cove), Attorney-General [3.43]: I move:

That the Committee agree to the Legislative Council's amendments in this bill.

Honourable members will appreciate that there are only three amendments. Two were foreshadowed in this House and, for the sake of getting the printing done quickly, were made in another place. The third is the substitution of the word judge for the word justice in order to correct an error.

Mr F. J. WALKER (Georges River) [3.44]: The two major amendments have previously been discussed at great length, so there will be no opposition to them. There is no point in taking them any further, other than to say that it was and still is our opinion that the amendments should have been made here and not in another place.

Motion agreed to.

Legislative Council's amendments agreed to.

ADOPTION OF REPORT

Resolution reported, and report adopted on motion by Mr McCaw.

SPECIAL ADJOURNMENT

Mr WILLIS (Earlwood), Chief Secretary and Minister for Tourism and Sport [3.46]: I move:

That, unless otherwise ordered, this House at its rising this day do adjourn until Tuesday, 27th June, 1972, at half past two o'clock, p.m.

As I think all honourable members are aware, it is not proposed that the House should meet on 27th June, the date named in the motion for the special adjournment. As was indicated by my colleague the Minister for Cultural Activities and Assistant Treasurer when introducing the Parliamentary Committees Enabling Bill, it is intended that before 27th June Parliament should be prorogued with a view to a new session being commenced later in the year. This procedure is in accordance with that usually adopted. I commend the motion to the House.

Mr EINFELD (Waverley), Deputy Leader of the Opposition [3.47]: I do not propose this afternoon to attack the Government for deciding to go into recess. I could of course enunciate many things that require the attention of Parliament to protect the people of New South Wales. There are aspects of almost every part of every-day life in which the people of New South Wales need the support and attention of the Parliament and the assistance of the Government. In that regard I suggest that, though the Minister suggests it might be later, it would be a good thing if we came back earlier and discussed the important affairs of state which are so vital and urgent as to demand the attention of Parliament.

I have one item that I might mention which I was hoping that the Parliament might deal with or the Premier and Treasurer should deal with if not now, when we resume on 27th June. I suggest that it might well be one of the first things dealt with. This refers to the pension paid to former members of Parliament. A reference to this was contained in the report of the committee that dealt with pensions and salaries of parliamentarians. I am perturbed to find that no action has been taken on a recommendation of the committee. You will recall that the committee said:

Although we have looked with great sympathy at the cases of existing pensioners, we, too, have been unable to suggest a common rule which might equitably be applied. However, there may be cases of distress amongst them to which urgent and sympathetic attention should be directed. We suggest that these can only be identified by inviting each pensioner who so desires, to submit, confidentially, details of his situation for examination by some person, e.g. the President of the State Superannuation Board, who might be requested to submit an appropriate confidential recommendation for consideration by the Government.

There are at least two ex-Premiers of New South Wales who are in receipt of no more than \$1,100 a year and there is one widow of an ex-Premier. I cite these as examples but not because only ex-Premiers require attention. It is pitiful that the former members of this Parliament who conscientiously and seriously served this State—members

of all parties—have received no consideration and that, in spite of changes in living standards, these men and the widows of those who have passed away have not been able to receive the attention of the Government, the Premier and Treasurer or the Parliament.

Almost all the names on the list I have are of people who have made a serious contribution to the Parliament and to the welfare of the people of Australia. All were sincere in the attention they gave to their duties, but I am appalled that the two ex-Premiers are in receipt of only \$1,158 a year. They are in a desperate state, and one has no other income. This is a pitiful thing to happen to a man at a ripe old age. When I recently told him of the suggestion of the committee, he said that if he made application to the president of the State Superannuation Board he would feel like a beggar, because he did not get an increase as a right.

I believe that when this House is about to adjourn it should deprecate the fact that the Government has done nothing in this regard. We are all responsible. We should do whatever we can, by urgency motions, on special adjournment motions, and when other opportunities present themselves, to raise this vital matter, to ensure that these men who have served the State, and their widows, are given more recognition. I do not put this in any party political sense; it is a non-partisan matter, but I raise it at this stage as one of the reasons why we should not adjourn when the Premier of this State—and even the hard-hearted Chief Secretary—do not take a charitable view of this matter. I feel certain that the Premier and supporters of his Government will view this matter sympathetically. I know that the Premier has expressed his attitude previously, and I assure him that it would be a unanimous feeling in the Parliament that these people should receive greater recognition. However, I deprecate the fact that the House should adjourn for a long period without this matter being mentioned. My constituents will be well attended to during the recess, for I shall be available at all times, as usual. Also, the citizens of the State who require my attention will find

that I am available to them. I have no doubt that many of them will require my help, which they will receive. Indeed, I would be able to give them better assistance if Parliament were sitting and debating affairs of State that affect the welfare of the people. With regard to the other matter, I ask the Government to take special action, to see that the people to whom I have referred are properly recompensed.

Mr WILLIS (Earlwood), Chief Secretary and Minister for Tourism and Sport [3.54], in reply: I am sorry, in a way, that the Deputy Leader of the Opposition has raised this matter at this time, for I believe that it is a subject that should not be discussed in this way. To use his own words, he deprecates the fact that the Government is moving for the adjournment of the House without, as he claims, doing anything to assist ex-Premiers and former members of Parliament. For this reason, I feel impelled to reply to him.

With great respect, and in no unkindly fashion, I point out that it ill becomes a deputy leader of the Labor Party to accuse the Government of being unsympathetic to former Premiers and former members of Parliament. The Labor Government that was in office for twenty-four years did not pay to Sir Bertram Stevens—who had an almost record term as Premier of this State during which he brought the State out of the depression years—one brass farthing by way of pension, either by *ex gratia* or statutory payments. It ill becomes the Deputy Leader of the Opposition to take the opportunity on the motion for a special adjournment to suggest that we are hard-hearted—that is how he described me—and unsympathetic to the plight of people in these circumstances. As a matter of fact, we have done something for not only Sir Bertram Stevens but also Mr J. T. Lang, a former Labor Premier who is now well into his nineties.

Mr EINFELD: It is only \$1,100 a year.

Mr WILLIS: It is a matter of debate whether we have done sufficient, but the point is that we have done something, in contrast with the nothing that was done by the former Government for its own former

leader and the leader of a government that opposed it. In any event, I assure the honourable member and the House that the plight of the people to whom he has referred has already been brought to the notice of the State Superannuation Board and those who are responsible for the disbursement of these special pension benefits. Also, I assure the honourable member that what is already being done in this regard does not require legislation, but will be done irrespective of whether Parliament is in session or in recess.

This motion should be a formality, because at some time or other the session has to come to an end. I am proud to say that, in this part of the session since Christmas, which has extended over six weeks, this Assembly has passed no fewer than forty-four bills. Many have been of considerable importance, although some might be described as machinery measures. Nevertheless, this is a tremendous performance, and one of which all honourable members should feel proud. I hope that the motion will now be carried without any further unfortunate references of the kind made by the Deputy Leader of the Opposition.

Motion agreed to.

PRINTING COMMITTEE

TWENTY-FIRST REPORT

Mr BREWER, as Chairman, brought up the Twenty-first Report from the Printing Committee.

COMMONWEALTH OF AUSTRALIA CONSTITUTION CONVENTION

Sir ROBERT ASKIN (Collaroy), Premier and Treasurer [3.58]: I move:

That the Legislative Assembly of New South Wales, recognising the vital need for a readjustment of the powers and responsibilities within the federal system between the Commonwealth of Australia and the States, agrees:—

(1) That the Parliament of the State of New South Wales should join with other Parliaments of the Commonwealth of Australia in the preparation of amendments of the Commonwealth Constitution for submission to the Australian people by way of referendum;

(2) That, for this purpose, a Convention comprising delegates appointed by the respective Parliaments should review the existing relationships between the Commonwealth of Australia and the States, with a view to establishing agreement as to the heads of power calling for adjustment in the light of modern-day requirements, and the substance of any amendments designed to meet those requirements;

(3) That, upon a motion in the same terms having been passed by the Legislative Council of New South Wales, the Premier be authorised to forward to the Governments of other States and of the Commonwealth a copy of this motion, expressing this State's readiness to participate in a Convention to review the Commonwealth Constitution;

(4) That, for the purposes of the proposed Convention,

- (a) a delegation consisting of twelve members should take part in the deliberations of the Convention, eight to be appointed by the Legislative Assembly and four to be appointed by the Legislative Council;
- (b) the eight persons appointed by the Legislative Assembly shall comprise four members supporting the Government and four members supporting the Opposition; and
- (c) the four persons appointed by the Legislative Council shall comprise two members supporting the Government and two members supporting the Opposition;

(5) That each appointed member of the delegation shall continue as an appointed member while a member of the Parliament of New South Wales or until the House by which he has been appointed otherwise determines;

(6) That Sir Robert Askin, Mr Cutler, Mr Willis, and Mr Hughes being members supporting the Government, and Mr Hills, Mr Einfeld, Mr Renshaw and Mr Jensen, being members supporting the Opposition, shall be and are hereby appointed as Members of the Legislative Assembly to serve as appointed members of the Delegation;

(7) That the Premier, as an appointed member (or in his absence an appointed member nominated by the Premier), shall be the leader of the delegation, and that Sir Robert Askin is hereby declared to be the leader of the delegation for the purposes of this paragraph;

(8) That Mr Willis and Mr Einfeld shall be and are hereby appointed Joint Managers of the appointed members of the Legislative Assembly to facilitate and advance arrangements with appointed members of the Legislative Council for the purposes of the Convention, and from time to time to report to the Premier such information and matters which the appointed members require to be brought to the notice of the Legislative Assembly and Legislative Council. Such report shall be laid upon the table of both Houses;

(9) That, where, because of sickness or other cause, an appointed member is unable to attend any one meeting of the proposed Convention,

- (i) if the appointed member is a supporter of the Government the Premier may appoint an alternative member, and
- (ii) if the appointed member is a supporter of the Opposition the Leader of the Opposition may appoint an alternative member,

and a person so appointed shall be a member of the delegation for that meeting;

(10) That a Secretariat be established within the Attorney-General's Department to act in consultation with the Joint Managers and appointed members, and that, as soon as practicable, a competent Director be appointed to supervise and co-ordinate its activities.

Honourable members are, of course, aware of the Victorian proposal for a convention of the States to consider the question of amendments to the Commonwealth Constitution. This proposal was embodied in resolutions adopted without dissent in both Houses of the Victorian Parliament towards the end of 1970, and since that time it has been the subject of discussions and correspondence by the Premier of Victoria and the Attorney-General of that State with government and opposition leaders in all States.

Following a suggestion by Sir Henry Bolte that a steering committee be set up at ministerial level to consider establishment of the proposed convention, a meeting of the Attorneys-General of the various States took place in Melbourne on 25th February, 1972. The Attorneys-General agreed to recommend to their respective governments that a constitutional convention be held representing all State parliaments; the delegations should consist of influential members of parliament that would reflect the complete spectrum of views of their respective parliaments; the delegation from each parliament should not exceed twelve members; and the Commonwealth should be invited to express its views as to its participation in the convention.

Ministers at the Melbourne meeting had in view that the first meeting of the convention should be held at Albury some time between May and September next. They agreed, however, that the date and agenda

for the first session of the convention might be determined at the next meeting of the ministerial steering committee which is to be held in Adelaide in April, immediately prior to the next meeting of the standing committee of Attorneys-General.

The motion now before this Chamber is a step, and an important one, in bringing into existence a body with Australia-wide affiliations and authority to consider issues vital to the survival of the States as effective organs of self-government. I have no doubt whatever that the other State governments and the Commonwealth will note with considerable interest the proceedings in this Parliament. Therefore, I would hope that, although it is possible that there may be some divergence of views on the matters which will in due course be discussed at the proposed convention, honourable members will accept unanimously the need for the convention to be held and will support the motion accordingly.

There are several matters relating to the proposal for a convention and to the provisions contained in the motion to which I should like to refer. In putting the motion to the House, the Government is regarding the matter as one which should be dealt with on a non-party basis.

The project now being embarked upon will clearly extend over a lengthy period, perhaps several years, and if it is to succeed, will require the welding of a diversity of views into proposals acceptable by all, or the overwhelming majority of, delegates to the convention. The convention will, therefore, be most productive if it seeks to arrive at its recommendations without division on party lines. Bearing in mind that any amendments to the Commonwealth Constitution which might be proposed will ultimately have to be placed before the Australian people—and the concurrence of the Commonwealth in that course will be necessary—such a division would clearly damage any prospects for success which are now beginning to emerge. The terms of the motion have been framed on the basis that the Opposition should have equal representation on the delegation to the convention from this Parliament and that all members

of the delegation should be able to participate equally in the deliberations of the convention when it takes place.

An important matter to be noted is that, at this stage, the voting rights of representatives at the convention have not been determined. I understand that the Attorneys-General at their meeting on 25th February felt that this question should be left for the convention itself at its first meeting.

The Attorneys-General discussed at some length the attitude which should be taken in respect of involvement by the Commonwealth Government in the convention and, as I mentioned earlier, they eventually agreed to recommend that the Commonwealth should be invited to express its own views as to its participation.

It is, of course, an incontrovertible fact that any proposals for changes in the relationships between the Commonwealth and the States which might emanate from the convention, whether requiring to be put to referendum or not, will not have any prospect of success except with the co-operation of the Commonwealth Government. Accordingly, the more effectively the need for such changes can be brought to the attention of the Commonwealth, the more likely its concurrence will be. My colleagues and I in Cabinet have reached the conclusion that Commonwealth participation in the proceedings of the convention at an early point of time would be most appropriate. However, in the event of the Commonwealth declining to become involved at this juncture, the convention would still proceed.

The question of inclusion in the membership of the delegations to the convention of persons other than parliamentarians was also considered in some detail by the Attorneys-General, and after careful consideration they formed the opinion that such a course would create difficulties. If the delegations were to be open to non-parliamentary representatives many organizations in the community would undoubtedly feel that they should be invited to nominate members. If these, or indeed only portion of them, were accorded membership, the convention would quickly become of unmanageable size. The Government agrees with this view. At the same time, however, we believe it is essential

that all responsible organizations and individuals which have a contribution of value to offer should be able to have it placed before the convention. I can well envisage that bodies such as trade unions, chambers of manufacturers, chambers of commerce, employer organizations, bodies and individuals in legal and academic areas, and others, will have points of view they would wish to have taken into account. In addition, local government is certainly entitled to have its views heard. The procedures under which the convention will operate have yet to be determined but I am quite confident that avenues will be established to receive submissions from these interests and to have them fully considered.

The terms of the motion before the House are, I think, largely self-explanatory. As I previously mentioned, it is intended that the delegation from this Parliament should have equal representation of Government and Opposition supporters. The appointment of joint managers is suggested, among other things, as a means of providing points of liaison between the delegation, the Government and a secretariat which it is proposed will function within the Attorney General's Department. It is contemplated that the director of the secretariat will have a most important role to play, not only in co-ordinating activities in respect of the convention so far as New South Wales is concerned, but also in collating information to be placed before the convention.

I turn now to some broader aspects of the proposal for a convention to review the Commonwealth Constitution. Basically, as I see it, two propositions are involved. The first is that the federal system of government in Australia should be preserved and the second is that the present relationships of the States with the Commonwealth, as members of the federation, are unsatisfactory. I do not propose at this juncture to take the time of the House by going too deeply into these aspects. I do, however, want to make a few remarks of a general nature.

There is in my view no issue of more fundamental importance in Australia today than the need for action to preserve the States as responsible self-governing units

within the Australian Commonwealth. It is no exaggeration to say that the very quality of life which the people may enjoy—their rights and privileges and the extent to which these may be exercised, their responsibilities and the demands which may be made upon them—is inextricably bound up with the structure of government.

Much can be said about the merits and demerits of a federal system of government, but in a country the size of Australia it is quite apparent that no one government would be able to make laws and give decisions which would satisfactorily meet the desires and needs of its people in all matters. Differences in climate, topography, in the stage reached in industrial and rural development, cultural interests and other features of life could make what might well be an admirable provision so far as the citizens of New South Wales are concerned, most unsuitable for the residents of say Western Australia, or what might be desirable for Queensland, most inappropriate for Tasmania. The difference of opinion about daylight saving is a simple illustration of this.

Furthermore, there is a need to look to the future when the population of this country has grown to a size where it would be impossible for a central government to give adequate attention to the administration of domestic matters and at the same time fulfil its proper role in national and international affairs. Obviously there is a large number of matters on which the States are better able to give effect to the wishes of their residents and, in fact, are far better qualified to do so. What is more, State governments, in addition to being closer to the people and, therefore, more responsive to their views or pressures than ever a central government could be, is able to deal with matters of State concern more economically and more efficiently.

Those who advocate the abolition of State parliaments, or that the States should act merely as agents of the Commonwealth, should pause awhile and consider just what the alternative would be. It would be government by remote control, in many instances control by bureaucrats isolated from the rigours of commerce and industry, from

the difficulties of life on the land and from the problems being encountered in distant places on the continent. If this were not so and decisions in respect of matters pertaining to a region were made at a regional headquarters, we should be back again virtually to State government, but this time under direction of the central government. I think that would be a bad state of affairs.

I am convinced not only that is the cost of the State parliaments more than recovered through more efficient administration but also that such parliaments provide a valuable safety valve for the expression of local opinion. This operates as a most important bulwark for the preservation of the liberty of the individual.

A federal system of Government, with adequate powers resting in the component States, constitutes a major safeguard against erosion of our democratic way of life. For example, consider the abuses of power that could develop in certain situations if there were only one police force under the control of a central government which had dictatorial leanings. We have to look well ahead. How much easier would it be for a political *coup* to take place. This is citing an extreme situation which does not, of course, exist today: nevertheless, it is the type of possibility we must always guard against.

Summed up, these few comments show that the existence of States and State rights is justified. They are justified as a means of preventing the accumulation of a monopoly of power in one place and because, in the long run, the States are able to serve the needs of the people for most domestic services better and at a lower cost than a central government. No doubt people on both sides of the House have this point of view. There is, therefore, a great deal at stake in ensuring the survival of State governments as separate political entities.

There are many areas in which the Commonwealth is now active which were not contemplated as Commonwealth responsibilities at the time the Commonwealth Constitution was drawn. However, since federation there have been such changes in communications, in social and economic

Sir Robert Askin]

factors and other aspects of life in Australia and in development of the nation generally, that it would be unrealistic not to accept as necessary a shift in the relative responsibilities of the Commonwealth and State governments and an intrusion into what were previously regarded as exclusive functions of the States. With the passage of time it may be necessary for the Commonwealth to take over some functions, but not arbitrarily and not on a wholesale basis.

No objection is seen to the Commonwealth's being granted additional constitutional responsibilities in areas where it is obviously in the national interest that the Commonwealth should have a measure of effective control or authority. There would also be a wider field of matters in which the Commonwealth would rightly have an interest—if only because of its responsibilities for the territories under its control—or in respect of which it would not be unreasonable for steps to be taken for some form of co-operative or uniform action by Australian governments. However, the trends towards centralism for its own sake in other fields of activity, and without regard to the real and appropriate functions of the States, is to be deplored and should be resisted strongly, wherever they emanate from.

It is not always appreciated that the primary responsibility for providing the great majority of the essential services, and for supervising most aspects affecting day-to-day living conditions, rests with the State governments. With the wide experience gained from a long history of activity in these areas there is no doubt, as I have already said, that the State governments normally are better qualified than the Commonwealth to make decisions in such fields. And yet we find that, because of the dominant financial power which has been exercised by the Commonwealth, the States are unable to allocate funds for projects that are urgently required. For example, funds are urgently needed in New South Wales and in all the other States to deal with problems arising from increasing urbanization and to assist local government in this area. There are also other important projects, for example, in the major areas of health,

education, and transport, which are suffering unreasonably through lack of finance or by reason of unrealistic priorities imposed on financial assistance provided by the central government.

The evidence is overwhelming that the principal obstacle to fulfilment by the States of their proper role is the imbalance between their existing responsibilities and their access to financial resources as limited by constitutional factors and by the actions of the Commonwealth in recent years.

It has been said on more than one occasion that the preservation of the rights of States against encroachment by a central government depends on the fulfilment by the States of their responsibilities: that is to say, if States do not exercise their powers when the community regards it as necessary, the climate is ripe for intrusion by the central government. This implies that State governments should have the courage to embark on programmes to meet the needs of its citizens and to raise the revenues necessary for that purpose. However, the position in Australia today is such that unless there is a more realistic assessment of the relative financial needs of the Commonwealth and the States, the States irrespective of who is in control will never be able to fulfil their proper role except on the basis of hand-outs by the Commonwealth. In saying this, I am quite prepared to concede that much of the difficulty which exists in the financial area has been caused by the States in the past accepting, with only token protest, financial limitations imposed by the Commonwealth. It is time to call a halt. Indeed, the recent arrangement under which the States have taken over payroll tax is a step in the right direction; but this provides only a relatively small improvement and an adjustment is made elsewhere.

Apart from the financial issues, the other principal factor contributing to the aggrandisement of Commonwealth powers at the expense of the States is, of course, the effect of judicial interpretations of the Constitution. Whatever the legal merits of some of these decisions, the overall result has

clearly been to place the States in subordinate positions certainly not intended when the Constitution was formulated.

No doubt, the courts and the Commonwealth Government itself have been faced with problems that need to be resolved in the light of current situations. Nevertheless the result has been centralism by stealth rather than by wish of the people.

It occurs to me that one matter to which the proposed convention might properly devote some attention would be the question of devising a means by which proposed amendments of the Constitution might be placed before the electorate on occasions other than by decisions of the Commonwealth Government alone. Perhaps some kind of continuing constitutional commission would be practicable. In this respect, if all State parliaments unanimously desired a proposed amendment to be considered at referendum, irrespective of the views of the Commonwealth, there would seem to be good reason for making it obligatory on the Commonwealth to put the matter to the test. The States usually comprise governments of all political flavours. Of course, the final decision would still rest with the Australian people. I am not necessarily advocating at this particular juncture that this suggestion be adopted but at least it is worth thinking about.

Finally, let me say that it is my firm conviction, and that of my Government, that the most satisfactory way to develop Australia and its resources, to build up the nation and to guarantee democracy is through a system of federated States which are strong and financially independent. The federal system can function to the best advantage only if all the elements in it work together as equal partners to optimize the end product, which is the welfare of the people, and if they show a proper appreciation of the rightful role of each constituent part in reaching that end.

It is necessary I think to emphasize that the same people elect the members of the Commonwealth Parliament as elect the members of the State parliaments and it behoves all the governments to work together in a spirit of co-operation to provide

the governmental framework within which the nation and its people can advance and enjoy the fruits of life.

The present situation obviously requires a reassessment of the respective responsibilities of the Commonwealth and the States and, flowing from that, a reservation to the States of the financial means to enable them to exercise their rights, and assume their responsibilities, without the strictures that have existed in recent years. I say this *ad lib*. A federation in which six equal partners, because of lack of finance, are all constantly harassed and unable to perform their fundamental duties and functions while the seventh partner always seems to have plenty of money whenever it wants it, is a most unsatisfactory state of affairs and plainly in breach of the Constitution drawn up many years ago by our forefathers. That is one of the fundamental reasons why the Government is supporting the convention and is bringing this motion before the House. I believe the motion is of extreme importance and might well be historic.

Mr HILLS (Phillip), Leader of the Opposition [4.22]: I say quite clearly to the Parliament that we support the motion moved by the Premier and Treasurer. This is an occasion the significance and history making potentiality of which is matched only by the Constitutional Convention which assembled in this same Chamber on 2nd March 1891. Out of that meeting came the fundamental draft by Sir Samuel Griffith of what became the Commonwealth of Australia Constitution Act.

Today we are taking the initial steps in what historians of the future will, we hope, be able to describe as an epochal period in the political, social and economic life of Australia—the time in which we re-wrote the Constitution Act to conform with and accommodate the needs of today and tomorrow. Before proceeding to some comments upon the purpose of the convention now being set in motion, I must pause and pay tribute to all those whose foresight and political activities have culminated in this momentous event. Foremost among them is the honourable member for Castlereagh

in this Assembly who, as far back as in 1966, launched a campaign which he has pursued relentlessly both inside and outside Parliament, designed to bring about a Constitutional Review Convention such as is now being established.

The honourable member for Castlereagh made his first public reference to the need for such an undertaking in his budget speech in this Assembly in 1966. From there he took his crusade to the annual State conference of the Labor Party and later to the first meeting of both State and federal leaders of the Labor Party held in Adelaide in November, 1967. He had his ideas readily accepted and adopted by the Labor Party.

At successive meetings of Labor Party leaders, at Labor Party conferences and congresses and from every apt platform, including this Legislative Assembly, we of the Labor Party have urged the governments of the Commonwealth of Australia to meet in convention and review the Constitution. It was not until two years later that rank-and-file pressure began to veer other political parties towards adopting the idea. Eventually, in 1970, the politically astute Premier of Victoria, Sir Henry Bolte, seized upon it and set out to make it a reality. To the honourable member for Castlereagh, to all others in between we pay just tribute for making this historic occasion a reality.

At the outset I want to make it quite clear that we on this side of the Assembly approach this matter in so far as it is possible for us to do so from a national point of view. We believe that whatever we eventually place before the people in the form of suggested amendments of the Constitution should be motivated solely by the best interests of the common good of the whole of Australia.

Though we see undeniable evidence that the Constitution as we now know it has features which we believe are being interpreted and availed of not in the best interests of all the people, we trust that we can approach and deliberate upon the constitutional problems involving the political, social and economic lives of the people in an almost unbiased manner—biased only by our desire to effect the greatest good for

the whole of Australia. We believe also that this goal which confronts us is of such magnitude, such calibre and complexity that pursuit of it should not be the exclusive occupation of parliamentarians. The history of federation was strewn with the wreckage of parliamentary jealousies and party faction in-fighting. In fact, had it been left entirely to the parliamentarians it is doubtful whether federation would ever have been achieved.

Fortunately, when the parliamentary delegations faltered and ground to a halt, there were sufficient public-spirited and nationalistic-minded men in the various colonies who took up the challenge, and infused new breath into, and launched anew, the campaigns for conventions out of which the Constitution and federation finally were born. Therefore we urge all manner of appropriate bodies and qualified individuals to join with us in this national work.

We should hope that the Government would invite such bodies and people to co-operate—such groups as leaders of commerce and industry, the trade unions, the legal fraternity, economic associations and economists, public administration institutes, local government and other like associations—as would bring to our delegation their knowledge, experience and thoughts upon these vital matters.

In our own behalf we of the Opposition extend such an invitation to all such organizations and individuals to contact us and give us the benefit of their talents and their ideas. I am sure that is the way the delegation from the Government side of the House feels. I have already asked the Government to retain the leading constitutional lawyers of our State so that they will be available to advise the delegation. We believe not only that we should have the best advice from people in industry and the trade unions and over the whole spectrum of the community, but also that our representatives who will appear at this convention should have the best advice from the top constitutional lawyers in New South Wales. Only by such a breadth of approach and by being prepared to receive and evaluate all

manner of suggestions and criticisms can we hope to achieve the success which this undertaking demands of us.

When in the course of their many conferences and constitutional conventions held between the 1880's and 1900, the founding fathers of our Commonwealth hammered out an Act to constitute the Commonwealth of Australia, the majority of them were unswervingly imbued with the determination to preserve the sovereign powers of the several colonies. In fact the most stubborn impediment in the course of the Constitution framing was the composition of and elective processes for the Senate, the body designed to guard and ensure State autonomy. On it was based the struggle for the adoption of federalism rather than centralism as the mode of government for the emerging nation.

Like the Premier and Treasurer, I feel that the founding fathers were quite correct in adopting federalism and rejecting centralism. We should indicate quite clearly how we feel in this modern age. They were quite correct in spelling out in the Constitution their attitude to federalism. It was their abiding faith in federalism which cast the weight of the majority of the constitution framers in favour of the federalism of the United States as a model.

The over-riding principle which was uppermost in the minds of those constitution framers was that the States were to remain sovereign bodies. They gave to the Commonwealth thirty-nine specific powers, spelled out in the written Constitution and some of which could be exercised only by permission of the States. To enable the Commonwealth Government financially to carry out those functions with which it was charged, the collection of customs and excise duties was transferred exclusively to it. Outside of those thirty-nine powers, the residue of authority then existing in the several colonies was to be retained by the States. Included in those residual powers is a wide variety of social and economic matters that bear more intimately upon the day-to-day affairs and lives of the people than most of the powers given to the Commonwealth.

This issue was raised by the Premier and concerns the powers that are appropriate for exercise by the States which can more effectively control and administer matters that are close to the people. Among these are education, public health, transport, housing, police, and administration of land.

In essence this whole matter is about people. It is about their aims, aspirations and the means whereby these can be fulfilled. In the ultimate, the results of all the convention deliberations by parliamentarians and legal men will have to be submitted to the people for their scrutiny and approval at a referendum. This surely makes it necessary for the whole of the discussions and deliberations to be presented in clear, logical, simple language.

This is proposed so that the people will understand what it is all about, and will regard this convention as a legalistic, parliamentary meeting to discuss from time to time some obscure problems that do not touch the needs of the people. We want to be sure that the convention does not become removed from the people, who must understand that it relates to their needs, and the needs of their children and the whole community. Therefore, it is essential that all the discussions and deliberations be presented in clear, logical and simple language.

Many areas closely affecting the rights and obligations of the people of Australia, in their dual capacities as citizens of the Commonwealth and of a State, will inevitably occupy the attention of the convention. Some of these will undoubtedly be the operations of section 92 of the Constitution as they affect the freedom of trade, commerce and intercourse between the States; the better functioning of the industrial powers of the Commonwealth and the States by the elimination of overlapping of their respective tribunals—a tremendously wide area that affects the rights of the community; and the proper limits of the respective powers of the Commonwealth and the States to make laws relating to corporations and trade or financial corporations. The last-mentioned power covers a

Mr Hills]

tremendously wide area and involves problems that beset the States and the Commonwealth. On many occasions excuses are brought forward by governments, whether they be State or federal, concerning whether a power or authority belongs to the Commonwealth or the State. Sometimes governments are inclined to hide behind the complexities of the Commonwealth Constitution and the rights and powers of the States and the Commonwealth to deal with certain matters. This is used as an excuse for failure to bring forward legislation to clean up a particular problem.

Another subject to be dealt with will undoubtedly be external affairs as they at present operate to over-ride wide areas of State legislation. We know that international conventions held abroad have had the effect of whittling away the rights of States. This has resulted from decisions made outside this country in the past, and these are the matters that need to be examined. Another obvious matter to be dealt with is the rationalization of the operation of State laws in Commonwealth places unless such laws are excluded specifically by Commonwealth law.

Despite their sincere and earnest intentions, the constitution-makers were only fallible men, and weaknesses which eventually developed into major faults were inherent in their handiwork. These weaknesses were early identified and evaluated by none other than the great architect and champion of federalism, Alfred Deakin, who, in a letter to the *Morning Post* on 1st April, 1902, while holding the post of Attorney-General in the Barton Ministry—the first federal ministry—wrote this:

As the power of the purse in Great Britain, established by degrees the authority of the Commons, it will ultimately establish in Australia the authority of the Commonwealth. The rights of self-government of the States have been fondly supposed to be safeguarded by the Constitution. It left them legally free, but financially bound to the chariot-wheels of the central Government. Their need will be its opportunity. The less populous will first succumb; those smitten by drought or similar misfortunes will follow; and finally even the greatest and most prosperous will, however reluctantly, be brought to heel. Our Constitution may remain unaltered, but a vital change will have taken place in the relations between

the States and the Commonwealth. The Commonwealth will have acquired a general control over the States, while every extension of political power will be made by its means and go to increase its relative superiority.

Therefore, it was expected, even two years after the Constitution began to operate, that the powers of the States would be reduced tremendously under the Constitution. Alfred Deakin was a most accurate prophet. Over the years, by its continuing relentless control over the national sources of revenue, the Commonwealth Government assumed a dominating and, all-too-often, dictatorial role in the field of Commonwealth-State relationships.

I do not need to go through the details of the developments of Commonwealth-State financial relations. Suffice it to say that the rights of the States have been whittled away by the decisions taken in connection with the financial agreement in 1928, which had such a tremendous effect on the functioning of the States and their relations with the Commonwealth. I could also refer to the financial agreement that brought about the 1942 amendments in the income tax Acts and the States Grants (Income Tax Reimbursement) Act, which were enacted under the power conferred by section 96 of the Constitution. This resulted in the complete dependence of the States upon the whims of the Commonwealth Government.

Just how real this position is was illustrated by comments made by the eminent constitutional authority Professor Bailey on the High Court decision in favour of the Commonwealth in the uniform tax case of 1942. He said:

The logic of the Uniform Tax Plan is that the States should eventually move, with a simplified political structure, into a position primarily of administrative agencies, the main lines of policy in all major matters being nationally determined.

At the so-called Premiers' conference the Commonwealth dominates the discussion. Originally Premiers' conferences were called by the Premier of New South Wales and the chairman of the conference was the Premier of the host State. When the Commonwealth came into being the federal Government was invited to take part in the

discussions. Occasionally the Commonwealth would ask the Premiers to go to Canberra to discuss matters of mutual concern. The Premiers' conferences continued but their function was quite different from what it had been in the past. Nowadays the States are nothing more than mendicants called to Canberra under the chairmanship of the Prime Minister of the day so that the Commonwealth may tell the States what it proposes to do. Despite the fact that they are still called Premiers' conferences, they are not the same as they used to be.

There is a great need for people of goodwill to get together to review the Commonwealth Constitution which has been operating for more than seventy years. We must get away from the farce that occurs sometimes twice a year when the Premiers go to Canberra to discuss the hand-outs the Commonwealth may make to the States from time to time. We must define areas of responsibility. The whole function of the Constitution must be reviewed. We must ensure, having determined the areas of responsibility, that sufficient funds are available so that responsibilities are properly met, whether by the Commonwealth or by the States. We must ensure also that the States have true independence and will not be tied to the chariot wheels of the Commonwealth by the power of the purse. The States in their own right should be able to arrive at their own decisions. They should have sufficient taxing rights to enable them to carry out their functions properly.

The Opposition supports the proposition of a convention. We have discussed the matter with representatives of the Government and have agreed that the delegation representing New South Wales should have equal representation from both sides of the House. It is essential that this convention and the matters to be discussed should be approached on non-party lines. In this way, should the Government and Opposition change sides, the weight of representation will not change. Obviously if conventions were being held and an election occurred in a State and the weight of political power changed from one side of the House to the other, unbalanced

representation would mean that the weight of decision-making at the convention level would also change and might even require duplicate discussion on specific matters.

It is appropriate that agreement should be reached on this matter. I was asked by members of the Government to approach the Premiers of South Australia and Western Australia to ascertain whether they held the same point of view as New South Wales. I spoke to the Hon. D. A. Dunstan and the Hon. J. T. Tonkin and they both advocated equal representation from both sides of the House. In other words they too will carry through the spirit of the discussions that have occurred between the Attorneys-General of the various governments. As Leader of the Opposition I was pleased recently to have discussions with the Hon. G. O. Reid, the Attorney-General in the Victorian Government. He had come to Sydney to have discussions with the Government and the Opposition and senior members of the Labor Party. We intimated our complete support for the proposition of equal representation.

If New South Wales approaches this convention as both sides of the House are approaching it today, it must succeed. Obviously representatives will have different points of view on various matters. If we approach the convention with the avowed intention of doing what is best for the people of the Commonwealth, it must succeed. This convention is about the people and their needs. Let us forget party politics. Let us forget any disagreements we may have. Let us agree on what we can do in this day and age to improve the function of the Commonwealth Constitution Act and to improve the function of State parliaments. When history is written and people look back on what we are doing today they will be able to say that we approached our task in a proper way for the benefit of the people and for the benefit of the Commonwealth. They will applaud what we are doing. We hope that when these discussions are completed the Commonwealth will have been convinced that it should agree to a referendum among the people of Australia and that at that referendum we will receive the overwhelming support of the people.

Mr Hills]

Mr HUGHES (Armidale), Minister for Public Works [4.47]: If the convention is able to proceed in the spirit that is evident in this debate, undoubtedly it will be a success. Seldom do I or the Leader of the Country Party speak in this House purely for our party. However, today in this debate I speak for the Country Party. I believe that the decision that will be made by the New South Wales Parliament today is of great significance. This will be a momentous resolution, one which might well rival, when history recounts this era and this motion and its resultant convention, the events that took place at the various conventions held before federation. I sincerely hope that it will. There is an urgent need for a complete review of the Australian Constitution. Since 1902 tremendous changes have taken place in this nation. In the 1970's we are on the threshold of a new era and we must have a constitution which will meet modern demand. That is the importance of the motion before us.

There is not the slightest doubt that a great deal of insidious invasion of State rights has occurred since 1902. There has been serious erosion of State responsibility and State sovereignty. Also, there has been a significant change in State-Commonwealth relationships. We have seen what ought to be described as a blurring of the powers of States to determine their own policies and to be real policymakers. The intrusion of the Commonwealth into many State fields has built up a juggernaut of duplication of departments and functions in activities which rightly belong in a peculiar fashion to the States. Whether this has been deliberate or whether it has been simply a process of attrition is debatable. The fact is that it has happened and it must be arrested. The Country Party strongly supports the motion. We believe that a revision of the Commonwealth Constitution is essential to meet modern needs.

I should like to mention a few of the points which inevitably will be under consideration at the convention. These matters are of the utmost importance to the State. There must be clear-cut State-Commonwealth legislative responsibility. In this

House in the past few months we have heard raised the necessity for State Acts to prevent happenings in New South Wales which must be controlled but where power obviously lies with the Commonwealth. Conversely, we have seen circumstances where Commonwealth legislation has been enacted in relation to matters which are the peculiar prerogative of the States. There is a real need for a close look at the specific fields of State and Commonwealth legislative responsibility.

Questions of State-Commonwealth areas of administrative responsibility arise in particular fields of activity. Where should the responsibility for transport be in Australia? This is a commercial undertaking carried out by all States separately. It is an activity that crosses State borders. Should this still be a State responsibility or should it be with the Commonwealth because of the over-all implication for the development of Australia and the great capital necessary to develop transport systems of the Commonwealth to meet modern demands in urban areas and throughout the rural areas of Australia? I could mention national development and education. One should look at those areas of administration so far as the States and the Commonwealth are concerned.

Considerable mention was made by the Premier and Treasurer and by the Leader of the Opposition—and very properly—of State-Commonwealth financial relationship, which I shall briefly mention. It is clear that the sovereignty given to the States on federation in 1902 has been eroded to such an extent that we are not any longer policymakers. In 1956 an all-party committee on the Constitution was set up in this Parliament. This was done for a specific reason: the federal Government had set up an all-party select committee on the federal Constitution and there was strong feeling in this Parliament at that time that to have a select committee of the Commonwealth dealing with this would result in a report which would naturally be slanted with the views of a central government. Therefore, this Parliament set up a select committee. That select

committee came to some positive conclusions particularly in the field of State-federal financial relationships. In the event, the Commonwealth did not proceed with any action with regard to the recommendations of its select committee. That was probably because of the experience with the referendum that was rejected. The Commonwealth decided not to proceed with some very important recommendations on State-Commonwealth financial relations.

Another important aspect to be considered is the implication of section 92, the famous layman's clause in the Constitution. History has it that the legal men really went to work on the federal Constitution and the laymen said: "Let us put in plain language what we mean. Let us say trade, commerce, and intercourse among the States shall be free." No layman's decision has given a greater bonanza to the legal profession than that statement. This is another area at which the convention must look closely.

The next point I make is that it is inevitable for the development of Australia, with increased population, that there will be new States. A fundamental change will be required. It is essential that the creation of new States be initiated in the national arena. There must be methods by which this can be achieved.

Another important field is the marketing of primary products where more than one State is involved. This is a grey area as far as the Constitution is concerned. We have a wheat board with all States co-operating, and from the point of view of the producer it is of tremendous importance but it rests on doubtful constitutional grounds. In fact, I believe that if one State withdrew from it the whole scheme would collapse. There are other areas in the marketing of primary products that are in the same category. The convention should deal with that aspect to make certain there is a strong federal position as far as the marketing of primary products is concerned on a national level.

Interstate transport is another field that should be discussed. I hope that this convention will use all the resources that can

be made available to it. The Leader of the Opposition put it very well when he described some of the people who would be brought into consultation. The recommendations of the convention then have to go to the people. One great hope in relation to the recommendations is that, whatever the recommendations are, they will have support from parties of all political flavours.

Mr RENSHAW: We have had that once before.

Mr HUGHES: That is the point I want to make. This does not necessarily mean acceptance. The people are conservative, especially as regards the Constitution which they consider has served them well over a period. We must look at the procedures and methods by which the Constitution can be reviewed later and the sort of opinion from the people that is required to change the Constitution beyond a point. There must be a less onerous and cumbersome method of doing it. From the point of view of the Country Party that is important. My colleagues and I support the move. I am delighted that the initiative comes from the States. This will set the pattern for the general principles on which consideration will be given to this matter. It ensures that the question of sovereign States in a federation will be the basis of the discussion. I am glad that it has been considered proper that the Commonwealth should come into the considerations at the initial stages. Though I want to stress the State point of view, it is perhaps not practical to have a convention and then bring the Commonwealth in at a later date.

I want to stress one thing. The Leader of the Opposition said there were thirty-nine specific powers delegated in 1902 to the Commonwealth and all other powers rest with the States. I hope there will never be a reversal of that situation, namely the delegation of the specific powers to the States with residual powers in the Commonwealth. We must be sure that we start on that basis, irrespective of the powers that go to the Commonwealth. I concede readily that certain powers and responsibilities might well

go to the Commonwealth, but let us lay them down and not have it the reverse way. This is fundamental from the States' point of view.

I said a few moment ago that changes in the Constitution had been few indeed. It has been most difficult to get any change. The *bona fides* of the Government and the Parliament in desiring to ensure that we come to a conclusion that will be accepted by the people has brought the very effect that we are seeking—complete co-operation of all parties represented in this House. I say again that the County Party welcomes this and I think this will help to overcome the fears of the community.

I have referred to the State committee and to the Commonwealth committee. They have come to certain conclusions which I hope will be part of the basis of the case that is submitted by this State and is in the minds of the delegates to see the interim and final report of that committee. I must confess that because of the way the Commonwealth failed to move on its own recommendation, we went no further at that time. To me there was one important motion accepted by this Parliament from the 1956 all-party committee. This was that there should be an elected convention set up to deal with the situation. This convention is not quite the intention of that committee at that time but it is the spirit of its motion. Parliaments all over Australia are electing representatives who in a convention, will decide methods by which other people will be brought into the convention to give their advice.

That recommendation of the 1956 New South Wales convention is in spirit being implemented by this motion. The committee made a recommendation with regard to uniform tax. The New South Wales resolution is in these terms:

... Committee has carefully examined the working of what is generally known as the "Uniform Tax Scheme" and, being of the opinion that the scheme constitutes a threat to the fundamental structure of the Federal System and, if continued in operation, will ultimately destroy it, believes that it should immediately report upon as a vitally important and urgent matter.

The committee listed a number of reasons why the scheme was unsatisfactory. It said further:

In practice it effectively prevented the States from exercising their legal right to raise revenue by the most important form of taxation, i.e. income tax;

In practice it puts all revenues from income tax at the discretionary disposition of the Commonwealth, leaving the Commonwealth to return what revenues it likes to the States;

It impairs, because of the discretionary grants by the Commonwealth, the fundamental rights of the States by making it difficult, if not impossible, for the States to formulate and effectuate their legislative and executive policies.

It places the States in a position of financial dependence on the Commonwealth, in a position where, if the Commonwealth desires, it could control the States' legislative and executive policies by means of conditional grants:

Mr SHEAHAN: Which it has done since.

Mr HUGHES: Absolutely. The reasons continue:

It is inconsistent with the ideal of the Federal System in which Commonwealth and States are co-ordinated Governments, exercising fundamental powers of the same order in respect of different subject matters.

It conflicts, from the States' viewpoint, with the principle that a Government should be solely responsible for raising monies, necessary to give effect to its legislative and executive policies.

I could go one step further and say that every State government would have to be directly responsible to the people for its action in a direct taxing field. This is of the utmost importance.

All this happened fifteen years ago. One might ask why we have not pushed the matter further, but since the initiative was taken a comparatively short while ago there has been rapid action and with the tremendous co-operation obviously coming from all States and the interest coming from this Government it must lead to a full review of the Constitution and the implementation of changes.

One other aspect of the Constitution which I should like to expound is the question of new States. No review of the Constitution could be complete without providing on a national level powers to create new States on a basis that does not make

for conditions that are too clumsy and impractical. It is almost impossible under State and federal constitutions at the present time for new States to be established. I believe that new States are in the future not only essential but inevitable, and therefore, some kind of machinery for creating them is mandatory. Many people in all parts of Australia hold this conviction. Strong movements have grown up stressing this need but they have been frustrated by the terms of the Commonwealth Constitution, which are in fact unworkable. Unfortunately, many staunch advocates of the new States moved from their traditional role of education and inspiration into the political field. In doing so they brought a fine ideal and concept almost to oblivion. This convention could bring the creation of new States into an area where it properly belongs—the national arena.

This will allow movements throughout Australia to resume their role of education, submission and putting up proposals; to make the need for new States not more important but more obvious. A review of the Constitution creates a mechanism whereby new States can be established irrespective of where people need them or when they should be established.

I mentioned earlier the question of organized marketing of primary products. We are having tremendous difficulties in getting national marketing in essential fields, as a result of the limitation of the present Constitution. Organized marketing of the majority of primary products should not be imperilled by section 92. The majority of those who looked at this in the federal and State field in 1957 thought that the existing powers ought to be increased only to the extent that they would have to be increased by removing from them the restraints of section 92. The federal committee proposed a new section which would exempt laws relating to organized marketing of primary products from the effects of section 92 and listed a number of products that should be excluded. This, to me, is essential but it must be in the consideration of this convention. I hesitate to go into

too much detail about overlapping of Commonwealth and State departments and functions. There has been built up a juggernaut with unnecessary duplication of a high degree.

This must be rationalized in the interests of efficiency and proper responsibilities in both the federal and State areas. This is a momentous debate and it will be a momentous convention, at which all parliaments and parties will take place on an equal basis. There will be differences, but I believe that the kind of goodwill that has been shown in this debate will pervade the meetings of the convention, and will lead to our arriving at a streamlined constitution to meet the needs of the 1970's and provide a method for review, so that in the 1980's and the 1990's further reviews might be made in a comparatively reasonable manner in order to meet the changed needs of those times.

Mr EINFELD (Waverley), Deputy Leader of the Opposition [5.11]: Together with other members of this Parliament, I am excited and thrilled that we are discussing this important motion, and especially that we are discussing it with complete unanimity. It is vital indeed that this matter be discussed, and it is also interesting to examine the romantic story that is told of the meetings by the fathers of federation who discussed the Constitution over a considerable period. Indeed, in 1847 came the first public suggestion for the introduction of a federal system. Those thoughts were expressed until 1889, when the first conference was held in Melbourne on 6th February, 1890. Then continuous meetings were held in the various States, in Adelaide and in Sydney. Indeed, the second conference in Sydney was described by Sir Henry Parkes as, beyond all dispute, the most august assembly Australia had ever seen.

If the fathers of federation had realized that the Constitution in practice would have developed to the stage it has today, and having in mind that they represented in those days each of the sovereign States of Australia, I believe that federation would never have come about. I believe it is true to say that in 1972 the Australian Constitution is weak and has failed in many aspects.

One can but believe that there is an urgent need for remedial reform. It is important that we understand what has happened in the seventy-one years since the first meeting of the Parliament that was established at federation. There should be changes, and there is a need to bring up to date the understanding of responsibilities as between the States and the Commonwealth. Indeed, the original purpose of the Constitution could be said to have been changed and altered in many ways, and it is vital that all people in Australia should realize not only the need for a new constitution but also its effects.

Many doubts were expressed at the time of federation, and the referendums did not unanimously support it. Many citizens were worried about what would happen to the States, and many of the fears that were expressed in those days—and these were recorded in the minutes of the meetings—have been absolutely realized. During this debate my leader has read the fears that were expressed by Alfred Deakin, who prophesied that the States would be seriously affected. His fears and prophecies have been realized. One can read about the crises and problems that have arisen, and the worries that were expressed concerning the effect of the Constitution on the courts and the Privy Council. It was agreed that constitutional matters should be referred to the High Court, which should be the final arbiter, and that the Privy Council should be availed of in matters of civil law. One can understand the grave doubts that were held by people in those days. Indeed, Sir John Quick, a member of the Legislative Assembly in Victoria, expressed the view in the 1890's that as the States were forming the Constitution, they and not the Commonwealth, should be the final arbiters. It is important to understand that when the citizens of Australia voted, and the various States had the referendum placed before them, they did not all attain the majorities that were necessary. There was deep concern at that time.

Reference has been made to some of the topics that might be discussed at the meetings of the convention. There seems to be a unanimous view in all the States of the

Commonwealth that there should be a revision, and the hope, as all of us believe in the States, that the revision will mean a more definitive understanding of State powers, and that federalism and not centralism will be the pervading opinion, as some leaders of political parties have said they desire. This is an important issue.

We are discussing a meeting that will be attended by representatives of the States, and we hope that the Commonwealth will join in the deliberations. If the Commonwealth does not, or if it denies the right to hold a referendum on an alteration to the constitution, no such alteration can ever be considered by the people of Australia. It is vital when discussing these topics to have a clear understanding that there is not only a duplication of department organizations and responsibilities, but there is also a usurpation by the Commonwealth in a number of fields. It is clear that one of the reasons why the States are so anxious to take part in this type of deliberation is that the States inevitably are going bankrupt.

On this mundane matter I refer to the fact that at present New South Wales owes the Commonwealth a little more than \$3,154 million, and has a growing indebtedness. In 1970-71 the loan liability of New South Wales was \$3,154,223,840. The interest liability to the Commonwealth in that year was \$1,565,543,282, and the total repayment to the Commonwealth of \$189,545,374. After recouplements from business undertakings, the payments from consolidated revenue in 1970-71 to the Commonwealth for loan indebtedness and interest payments totalled \$124,462,301. These are fantastic figures, and they will grow, according to present standards.

The Commonwealth is lending money to the States out of its revenue, but then requires the State to pay interest. I am not impugning the motives of all of us who are seeking to take part in this operation, but it is inevitable that all States must adopt an attitude, which we hope optimistically will bring about a change in the Constitution for the benefit of the States. If we continue along the present road, all the States will ultimately become bankrupt.

When one discusses the topics that will be considered at the convention, although it is said that financial relations are only one topic, it is found that financial relations have an influence on many of the other topics; indeed, they will affect most of the matters that will be discussed. For example, education will be discussed. The Commonwealth has already played a role in this field, but only in tertiary education. The Commonwealth has many times denied requests to conduct a Commonwealth survey into the needs of primary, secondary and tertiary education. I should have thought that the Commonwealth would wish to establish itself as an integral part of the education field, but it has never wished to know the facts of the general liability of the education systems in the Commonwealth, and it has always refused to take part in such an inquiry because it does not wish to move into responsibility in this field.

In the field of transport, in New South Wales alone the indebtedness of the railways is \$600,000,000. The State has no chance whatever of resolving that problem out of its own resources; it has no chance of liquidating that debt, which was incurred in the purchase of rolling stock many years ago, much of which is not even in use today. Further, the railways have to meet a yearly interest burden of \$38,000,000. That is a sizeable sum to be charged against our railways. The result is that men must work on our railway system under pitiful conditions and for the lowest wages paid to unskilled workers in Australia.

It is vital that there should be uniform ideas in health matters. In recent times we have seen a trend towards meetings of Attorneys-General, Ministers for Health and Ministers for Labour and Industry representing the Commonwealth and the various States, getting together in order that they might present to the parliaments in Australia similar if not uniform legislation. These efforts have not always been successful: some States have refused to implement decisions taken at these meetings. Our own Minister for Health has refused to implement a decision made at a meeting of all Ministers of Health in Australia on the

matter of labelling cigarette packets so as to assert that their contents are a danger to health. That is a simple example of how meetings of this type do not necessarily work.

We are all anxious that this convention shall be held. There should be minimum delay. I am thrilled that I shall be part of the delegation. I believe it will be history-making. Certainly a precedent will be set by holding a national convention of representatives of all States. I hope that the Commonwealth will participate in this convention. The Commonwealth can be an important and integral part of the progress that can be made. The Commonwealth can help us to become the leading country in South East Asia if not in the whole of Asia. That is our rightful place. There should be understanding between those who represent the Commonwealth and those who represent the States. There should be understanding of how powers should be divided. We must remove duplication. The States must play a part in Australia's finances, so they are not regarded as penurious and obliged to go cap in hand to the Commonwealth to get a share in the Commonwealth's revenue. We must bring about an understanding between the Commonwealth and the States. If this can be achieved it will be an unprecedented step in Australia's march of progress.

Mr PUNCH (Gloucester) [5.22]: I join with earlier speakers in expressing my pleasure at being associated with this historic occasion. This motion will bring into effect something that will have a major bearing on the lives of all members of Parliament and more so on the lives of young people who will live in this State for many years in the future. For a long time there has been a breakdown in the Commonwealth Constitution. I have no wish to cover ground that has already been dealt with by the Premier and the Leader of the Opposition on behalf of both sides of the House and by the Minister for Public Works on behalf of Country Party members in this Parliament. However, as one who has been associated with actions to bring about some

betterment in Commonwealth-State financial relationships and constitutional relationships over the past five or six years since I first became interested in this subject, I am pleased to have an opportunity to refer to it in this debate.

I shall follow with great interest the reports that will flow from this convention, and the things that will flow after the convention. I have no doubt that major changes in the Commonwealth constitution will be affected. Since I was a young man in my early twenties, I have been associated with a movement similar to this. I was a member of the New State movement not long after I left school and one of the major things that concerned me was the breakdown of the Constitution and the sovereign rights of the State. I have seen centralization of people and power in the capital cities and especially in Canberra. Long before I had the privilege of entering this Chamber I became interested in and dedicated to establishing a better system of federal type of government. I believe in federalism but it must operate properly.

Australia, with its geographic features, is unsuited to unilateral government. Single government in Australia would not work. In this way we should have centralized government and it would be government by bureaucracy, the worst type of government imaginable. In that type of government the people who would make decisions would sit behind desks in whatever city was made the capital and they would not be answerable to the people.

I believe that we must follow the federal system. If necessary we must create even more States and give them full sovereign powers so that domestic issues such as those administered by this State and perhaps even more may be handled by an administration that is near to the people, provided new boundaries created would not hurt industries or people within them. In the thirteen years that I have been a member of this Parliament I have seen a serious breakdown in constitutional power. All of us have seen power go to Canberra, through the purse. I shall not quote figures. I have referred to them on previous occasions. Figures are not necessary to prove this point. If we believe

in a federal system of government, we must support it to the hilt. I believe that the genuine members of all parties do support a federal system. We must make it work and we must change it from what it is now. The federal system has broken down and it is not working. We must make our colleagues in Canberra realize that for Australia to get good government and good development many things must change.

The Leader of the Opposition delivered an excellent speech in this debate. He made his point clearly and covered it adequately and I compliment him most sincerely. However, I am worried at what might be the reaction of the federal leader of the Labor Party to that speech. The leader of the federal Labor Party has uttered statements in considerable contradiction to the utterances of the Leader of the Opposition in this House today. I do not suggest that there are no members on this side of the House or on the Government benches in Canberra who would have similar ideas in relation to the centralizing of power. No doubt one is influenced by the Parliament in which one is a member and no doubt one tries to do the ultimate job in that Parliament. I am convinced, as are many people in Canberra, that the federal system is the best system. It should be pursued relentlessly to make it work properly.

The convention envisaged in this motion will bring about a co-ordination of the expressions of concern made by various States and by people resident in those States. The convention can set up a basis for discussion between responsible people in all walks of life so that improvements may be effected. In other parts of the world where there is a federal system—Canada and the United States of America, for instance—permanent committees have been set up to review the federal system of government. We have been given the opportunity of seeing what has happened in other countries where there is a federal system such as we have in Australia. They have taken the steps and I think it is time we took them in Australia. We are going to a political conference no doubt advised by the Attorneys-General—

Mr CRABTREE: It is not a political conference.

Mr PUNCH: I should have thought it might be. It is being attended by politicians from all States of the Commonwealth. We are going to a conference of politicians, if the honourable member for Kogarah prefers it that way, to try to review the Commonwealth Constitution and make it work. I am sure discussion at that conference will be of an extremely high standard with ideas from men experienced in all walks of life. When we come back we must make sure that sort of thinking is continued. Four or five years ago the Premiers of the States met and there was some progress made but unfortunately after that the relations broke down. Of late this activity seemed to have died down until the effort to bring about this conference was made.

Following the convention, when the various delegates have returned to the States, a move should be made to set up small independent committees within the States. These committees should be divorced to a degree from the political sphere and made up of successful business men, constitutional authorities and men from all walks of life to review the ideas introduced at the convention on the type of government and how it affects business and professional activities in the States. By doing this, interest will be maintained and an effort will be made to see that everything is properly reviewed and mistakes which were perhaps made in the framing of the Constitution will be minimized in the next twenty or thirty years. Then, our successors may not experience the trouble that we have experienced in the last few years.

It has taken a long time to bring about this type of conference. It was started in the early 1900's. In the 1920's a form of convention was held but for a long time this has been broken down. We must use every available brain in this State and in the other States of Australia to ensure that the ideas are constructive, that they are relayed to the governments and that those governments pursue their activities with conventions in the future and, following the convention, do not let the matter rest.

In that way interest will be maintained and at future conventions we can hope to see major alterations, through referendums to the people, which will make this country even bigger and better in years to come.

Mr RENSHAW (Castlereagh) [5.33]: Naturally I welcome this motion. I do not propose to delay the House save to say I do not think we should kid ourselves as a parliament that the motion has come from it because of a pure need for constitutional reform. There is an old saying that the hip-pocket nerve is the most sensitive nerve in the human body. This has hit the hip-pockets of all States. It has been said that there was a breakdown six years ago when action was urgently needed and that today the position is critical. I aired my views six years ago both inside and outside the House. I then urged that action should be taken for a review of the Constitution. I congratulate the Premier on the fact that this which was a dream has come to fruition. I thank him, members of his Government and members of my own party for electing me as a delegate to the convention. We have lost enough time already; let us now get on with the job.

Mr DARBY (Manly) [5.34]: The people of New South Wales and throughout Australia will welcome this resolution. I congratulate the Premier on his initiative in bringing forward the motion. I refer to the remarks I made on 2nd April, 1946, when speaking to the Hospital Benefits Agreement Bill. I said:

We have now reached the stage where agreements are being forced upon State Premiers by the Prime Minister who holds the purse-strings and where the State Premiers have reluctantly and apologetically to approach their Parliaments for ratification of these agreements. We are the sovereign body charged under the constitution to govern the affairs of this State.

The Hon. A. Mair, who was the Leader of the Opposition at that time, said:

We are only a half-sovereign now!

I continued:

We have been reduced to a half-sovereign and it will not be long before we will become merely paper currency. This Parliament was not fully cognisant of that fact when it permitted uniform taxation to take place. Unless

we show in no uncertain terms that we object to the subordination of this State to the Commonwealth, we shall soon find ourselves with only administrative powers.

By this convention we have an opportunity to deal with the matter. The remarks of the Leader of the Opposition came like a breath of life to encourage me in the hope that this convention might be a success.

Mr RENSHAW: What about the Premier's remarks. They also were very good.

Mr DARBY: I expected the Premier and Treasurer to say what he said but I was delighted and somewhat surprised to hear the Leader of the Opposition speak as he did. I have not heard the Leader of the Opposition make a better speech for many years. The Leader of the Opposition emphasized that we should forget party politics—the thing that matters is regard for the people of Australia and their destiny. I am all in favour of the people of Australia. What do those people want? They want the preservation of those democratic principles for which they struggled over the centuries and which are their inheritance. They want no taxation without representation. They want self-determination and financial control of their destiny.

The State of New South Wales may be likened to a farmer who has a farm of his own. Canberra says: "We are going to take some money from you for maintaining law and order and that kind of thing. In addition we will take most of the revenue from the operation of your farm. We shall give you back enough to keep you alive and in food and clothing." The farmer might say: "Cannot I have more money to clear some land, to plant an orchard, and for an irrigation scheme?" Canberra may say: "We might give you a little." When the farmer complains that there is not enough, the people who hold the purse-strings deny him his responsibilities, dignity and substance. When Canberra finds the farmer cannot get the irrigation scheme going it says: "We will let you go on with the irrigation scheme provided you do exactly as we tell you; you must plant apricots instead of the peaches you intended to plant." This means the farmer is frustrated, hamstrung and

annoyed. If the farmers—all States including New South Wales—get together through their elected representatives at this convention and work out a scheme whereby the existing Constitution can be altered to restore to them the fundamental rights of the people of Australia—dignity, self-responsibility and self-reliance and full sovereignty—not only will members of this Parliament be happy but the people of Australia will be happy indeed.

Mr SHEAHAN (Burrinjuck) [5.40]: I do not intend to take up much time of the House in philosophical observations but I want to support the motion and, if I may, give a little advice based on the deliberations of the select committee of both Houses which sat for over two years and made its interim and final reports to this Parliament during 1956 to 1958. I do not look upon the convention to which our delegation will go as an easily managed gathering. I am sure that it will not be easy for it to come to conclusions. I suggest to the Premier and the delegation of this State that they go there with guidelines that may have some chance of achieving success.

In my view, the States have become sick. They are almost lifeless and they need a transfusion of economic and financial blood. The Commonwealth has been thriving in these years because of the generosity of the States in giving to it the financial powers that it has exercised so ruthlessly that the States now, instead of being independent and sovereign, are almost vassals. Anyone who heard the speech of the Minister for Public Works will recall that there were resolutions, either by majority or unanimous, which were accepted by the all-party select committee of both Houses which sat for such a long time investigating these matters.

I do not want to refer to the taxation matters already referred to, but I suggest to the Premier certain guidelines which this State should follow. The first is that referred to by the Minister for Public Works in connection with section 92. The select committee recommended a new section 92A to overcome certain difficulties in the operation of section 92 so far as it had regard to transport and the marketing of primary products. I suggest that this State should go

to this convention with that broad guideline. I believe that this would receive acceptance.

I suggest also that the delegation have a guideline that the Constitution should be amended to give the Parliament the power to invest the High Court with the jurisdiction to decide on the validity of any enactment of the Commonwealth or the States and not leave the litigation to be initiated perhaps by some individual person—at a risk of going bankrupt. This is a vital principle that ought to be incorporated in the Constitution. The delegation would have as a precedent for this matter the provision already in the Constitution of Canada.

The Minister for Public Works has referred to the matter of new States. The select committee to which I have referred had the advantage of having the findings of both the Peden Royal commission and the Nicholas Royal commission. That committee reviewed the matter of new States, which was referred to by the Minister. I suggest that the delegation might also have that as a guideline for acceptance by the convention. In that regard it might be proper for the New South Wales delegation to meet and decide on these uniform guidelines to put before the convention.

I notice that the motion by the Premier and Treasurer provides for the appointment of a secretariat within the Attorney-General's Department, and a director who will be appointed by the Government. It may be, of course, that the select committee that we had on the last occasion, consisting of members from both Houses, had too many lawyers. It seems that on this occasion we have not enough. So far as I can recall, the only lawyer on the delegation is a member of the upper House. Lawyers are a necessary evil who are sometimes condemned by members but rushed to when those members find themselves in trouble. This is a technical and constitutional matter. I suggest that, as we have few legal members on this delegation from New South Wales, the director should be a man of proven legal ability, with constitutional knowledge, so that he can advise the delegation on the intricacies of the issue and the way that Commonwealth and State constitutions work and overlap one another.

I rose to speak only in an advisory capacity. This debate, which has been referred to as a momentous one, contains a declaration from the State Government that the Commonwealth Government can find any amount of money when it wants to. In view of that fact and the effects detailed by other honourable members who have spoken on this matter today, I suggest—and I regret that this has not been a full-dress debate, in which I am sure some pearls of wisdom would have come from lay members from both sides of the House, rather than one in the dying hours of this session—that it may be of advantage for the delegation to have that knowledge when they come to meet delegations from the other States. It will not be easy to get unanimity among delegations. However, when a select committee of members of both Houses of all political parties can reach agreement—even the honourable member for Burrinjuck who was at that time Minister for Health and the leader of the Country Party agreed on certain amendments to the Constitution—there is still hope that this delegation will achieve something. I hope that it does. I hope that it will restore the real spirit of federalism, with the States as partners and not as vassals of the Commonwealth.

Mr CAMERON (Northcott) [5.47]: Elsewhere I have said that the initiative of the States in seeking a new constitutional convention comes like a breath of fresh air into a musty room. Relations between the States and the Commonwealth are in a straitjacket; they are sterile, spiritless and lacklustre. I praise the initiative taken in the calling of this constitutional convention. There are numerous matters I should like to add in terms of forceful support of what has happened, with a reservation concerning the way in which it has been done. However, I content myself by saying that it is like throwing up a window of a musty room and letting fresh air come in.

Mr JENSEN (Wyong) [5.48]: It seldom happens that men of the lesser mould, in which politicians are cast, have opportunity to participate in an event which by its nature may subdue their baser parts and thus allow

to emerge those qualities of idealism and laudible nationalism which were probably their principal motivation before they became professional politicians. We live at a time of the most dramatic changes in the entire known history of mankind. Science, technology, economic concepts and sociological standards have changed greatly since federation.

The rules for the effective government of the people who live in this country, which is now so different from what it was when those rules were made, should be the subject of critical examination. The proposed convention provides such an opportunity. I am deeply conscious of the compliment paid to me of being allowed to participate in the convention. I wish to thank my party colleagues for their support and I thank the Premier and Treasurer and the Government for their part in agreeing to a delegation of equal numbers from the Government and the Opposition. I hope that the convention will produce recommendations of such wisdom as to win the overwhelming support of the Australian people and will result in this State and our country making the gigantic forward strides that are clearly possible if constitutional impediments are removed and statesmanlike leadership is given.

Sir ROBERT ASKIN (Collaroy), Premier and Treasurer [5.51], in reply: I thank all honourable members, from both sides of the House, who have spoken on the motion for their valuable contributions and for keeping the debate on a strictly non-party basis. This convention cannot succeed if we get away from that spirit. Wiser men than I have said over the years that the whole crux of government is finance. I want therefore to repeat that if the Australian federation of States is to survive it is imperative that there be an adequate rearrangement among the Commonwealth and the States to give the States a source of revenue. A federation in which six equal partners, being the States, are perpetually deprived of sufficient finance to carry out their constitutional obligations, whereas the remaining partner, being the Commonwealth, always seems to be able to get whatever finance it requires, must inevitably founder. That is my view.

I trust therefore that this convention will lead to the overcoming of what I regard as a grave threat to the Constitution. I commend the motion to honourable members.

Motion agreed to.

MESSAGE

Motion (by Sir Robert Askin) agreed to:

That the above Resolutions be sent to the Legislative Council with the following Message:

Mr PRESIDENT—

The Legislative Assembly having this day passed certain Resolutions relating to a proposed Convention of Parliamentary Delegates to review the Commonwealth Constitution sends herewith a copy of such Resolutions to the Legislative Council.

*Legislative Assembly Chamber,
Sydney, 23 March, 1972.*

KEVIN ELLIS,
Speaker.

BILLS RETURNED

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

Clean Air (Amendment) Bill
Consumer Protection (Amendment) Bill
Forestry, Soil Conservation and Other Acts (Amendment) Bill
Local Government (Amendment) Bill
Meat Industry Authority (Amendment) Bill

State Coal Mines (Amendment) Bill
Sydney Grammar School (Amendment) Bill

ADJOURNMENT

MINISTERIAL ARRANGEMENTS

Mr WILLIS (Earlwood), Chief Secretary and Minister for Tourism and Sport [6.3]: I move:

That this House do now adjourn.

Mr CHAFFEY (Tamworth) [6.3]: I understand that during the recess some Ministers of the Crown intend to proceed overseas, but I have not seen anything to indicate who will represent them in their absence. Perhaps there has been an announcement and I have missed it, but I should like the Chief Secretary, in the absence of the Premier, to advise the House who will act in the portfolios concerned.

Mr WILLIS (Earlwood), Chief Secretary and Minister for Tourism and Sport [6.4], in reply: The information sought by the honourable member for Tamworth appears in the *Government Gazette* and I invite his attention to that publication.

Motion agreed to.

House adjourned at 6.5 p.m. until Tuesday, 27th June, 1972, at 2.30 p.m.