

Legislative Assembly

Tuesday, 4 December, 1973

1st Session of the Forty-Fourth Parliament—Oath of Allegiance—Members Sworn—Election of Speaker—Presentation of Mr. Speaker—Government Whip—Leader of the House—Leader and Deputy Leader of the Country Party and Country Party Whip—Leader and Deputy Leader of the Opposition and Opposition Whip—Assent to Bills—Law of Evidence (pro *forma*) (first reading)—Opening of Parliament—Chairman of Committees—Temporary Chairman of Committees—Petition—Questions without Notice—Bills (Urgency and Suspension of Standing Orders)—Stamp Duties (Amendment) Bill (Int)—Motor Vehicles (Taxation) and Motor Vehicles Taxation Management (Amendment) Bill (Int)—Gaming and Betting (Poker Machines) Amendment Bill (Int)—Land Development Contribution Management (Amendment) Bill (Int)—Metropolitan Water, Sewerage, and Drainage (Amendment) Bill (Int)—Hunter District Water, Sewerage and Drainage (Amendment) Bill (Int)—Broken Hill Water and Sewerage (Amendment) Bill (Int)—Local Government (Regulation of Flats) Amendment Bill (Int)—Local Government (Amendment) Bill (Int)—Registration of Births, Deaths and Marriages Bill (Int)—Coal and Shale Oil Mine Workers (Superannuation) Amendment Bill (Int)—Industrial Arbitration (Further Amendment) Bill (Int)—Stamp Duties (Amendment) Bill (second reading)—Gaming and Betting (Poker Machines) Amendment Bill (second reading)—Land Development Contribution Management (Amendment) Bill (second reading)—Motor Vehicles (Taxation) and Motor Vehicles Taxation Management (Amendment) Bill (second reading)—Allocation of Time for Discussion—Adjournment (Penalties for Crimes of Violence).

FIRST SESSION OF THE FORTY-FOURTH PARLIAMENT

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

The Clerk read the proclamation.

The Clerk announced that he had received through the Chief Secretary a list of the names of ninety-eight members to serve in this Parliament, together with the writs on which they had been returned, before the day on which they were by law returnable.

The Clerk reported that the writ for the electorate of Coogee had not yet been received.

OPENING OF SESSION

The Usher of the Black Rod, being admitted, delivered a message from the Commissioners requesting the immediate attendance of this honourable House in the

Legislative Council Chamber to hear the Commission for the opening of Parliament read.

The House went, and members having returned,

OATH OF ALLEGIANCE

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

MEMBERS SWORN

The ninety-eight members took the oath or made an affirmation, and subscribed the roll.

ELECTION OF SPEAKER

Mr MASON (Dubbo) (12.50): I move:

That James Alexander Cameron, Esquire, LL.M., do take the Chair of this House as Speaker.

I suggest to honourable members of this House that they are entitled to look for certain specific qualities when selecting a member to be the Speaker of this Chamber. Perhaps those qualities were best stated in 1895 by Sir William Harcourt, Chancellor of the Exchequer in the House of Commons when he said:

They are qualities not common in their single excellence, most rare in their happy combination. We expect dignity and authority, tempered by urbanity and kindness, firmness to control and persuasiveness to counsel; promptitude of decision and justness of judgment; tact, patience and firmness, with an inbred courtesy so as to give, by his own bearing, an example and a model to those over whom he presides; an impartial mind, a tolerant temper, and a reconcileable disposition.

Those words have been quoted before **but** I think they are worth listening to, particularly by members who have come only recently to this Chamber. They were standards laid down by a leader in the House of Commons many years ago. I suggest also to honourable members that there are two

other qualities we should look for when selecting a Speaker of the Legislative Assembly. The first is a genuine love of this parliamentary institution. The New South Wales Parliament is the mother parliament in Australia and has long held firm to the traditions that have flowed to us from the British House of Commons.

The first speaker—Sir Thomas **Hungerford**—was elected in the House of **Commons** in **1377**. Since that time many Speakers in various parliaments have upheld the honourable traditions of the House of Commons. He who is appointed Speaker in this House must love and cherish those traditions, though they might be baffling to many. There are even those who serve here who find these traditions and precedents difficult to follow but in times good or bad, in prosperity, in times of stress, in war and in peace, this Chamber has proved to be a place where the voice and the will of the people is heard. There have always been those who aim to destroy this institution so a Speaker must cherish and guard its great qualities for the State and for the people. Foremost among those qualities are freedom of speech, the liberty and rights of the individual member and a maintenance of the dignity and traditions of this Chamber and its right ordering.

The second quality that I would specifically underline in bringing this motion before the House is that he who holds this important office must have moral conviction. A marked sense of fair play, impartiality and tolerance are essential qualities that all honourable members will look for in the occupant of this high position. A Speaker of this House must also be a man of strength and decision with the courage to stand by his judgments. Further, he needs to command respect, not to have to demand it; he needs to have a natural dignity, not pomposity or a pretence of dignity through ceremony. In my submitting to this Chamber the name of James Alexander **Cameron** I believe that the Legislative Assembly will find a member who fulfils these qualifications.

In **1837** a great servant of this country, the Reverend **Dunmore** Lang, decided that a great migration programme of Scottish farmers should be undertaken to encourage the settlement of Australia. It is worth mentioning in passing that this was to counter in part a marked influx at the time of Irish Catholics. Among those who responded to the call of the Reverend **Dunmore** Lang were the members of the **Cameron** family who left their small Scottish farm, came to Australia and took up a small farm on the Williams River. Later the family moved to the Richmond River and in November, **1930**, at Coraki, a village that still stands and serves the community in the area to—and I trust that honourable members will note this—the local blacksmith and his wife who had been a teacher at the local school, James Alexander **Cameron** was born in the tradition brought from Scotland of serving the rural community.

James Alexander **Cameron** left school without the opportunities that most of us enjoy. Realizing the need for formal education, he undertook private study by night and at the age of **25** he matriculated to the University of Sydney, from where he graduated in **1961** as a Bachelor of Laws. In **1970** he attained the higher degree of Master of Laws with honours. He has lectured in jurisprudence in the law faculty. Through most of his thinking life James **Cameron** has been involved deeply in politics. He is a lover of the English language and an eloquent and forceful debater. Repeatedly he has represented New South Wales in competitive debating. In **1952** he was the leader of the New South Wales debating team that won the Australian debating championship. Mr **Cameron** is a devoted churchman and family man. His marriage to Helen Bicket has produced five children and I am sure honourable members will appreciate the pride that will be felt by the members of his family who are present in the gallery this afternoon.

Having recited a brief record of the story of James Alexander **Cameron**, I believe that by my nomination I shall bring to the service of this Parliament a man who has demonstrated his love for it—a man of strength, courage, proven ability and possessed of the

necessary qualities. I note that the longest serving speaker was Mr Arthur Onslow who served the House of Commons in England for thirty-three years and I venture to suggest that Mr Cameron will far outpace that record.

Mr DUNCAN (Lhmore) [12.59]: It is with pleasure that I second the nomination of James Alexander Cameron as Speaker of the Legislative Assembly. During the recent election campaign it was apparent to all of us that the great mass of people of this State were concerned that our parliamentary institution, its laws and regulations, are not being properly recognized and accepted by some people. I believe that an extreme element in the community is attempting to influence not only this Parliament but parliaments throughout Australia. It aims to make them subservient to its actions and attitudes, thus bringing hardship and inconvenience to the sound-thinking people of this State and the Commonwealth. Indeed, I believe there is not a proper recognition of Parliament, and this could lead to disorder and chaos, depriving us of many of the liberties and values that we have grown to enjoy over the years.

At this time when a new Parliament is commencing, with all sincerity I urge all honourable members, regardless of their political persuasion, to give a lead to the people of New South Wales by showing them that we believe in the parliamentary institution and will ensure that our democratic ideals are observed, accepted and appreciated. This challenge confronts all members of Parliament. If they accept the challenge and are determined to make Parliament work, they must ensure that the rights and privileges of honourable members are preserved by electing an excellent and expert member to preside over this Assembly as Speaker. With that thought in mind, I have great pleasure in seconding the nomination of Mr James Alexander Cameron.

I shall not reiterate his achievements and history, for they have already been adequately enunciated by the mover of the motion. However, I must point out that our nominee was born in the Richmond

River area, the son of a blacksmith, and resided for about eight years in the small township of Coraki in the Casino electorate. I have known Mr Cameron personally only since he entered this Chamber. I have always held the view that he is a perfectionist and that few, if any, members of this Chamber could surpass his debating ability. Perhaps above all, I have admired him as a man of conviction who not only expresses his views in this Parliament and elsewhere but also lives up to his ideals here, in his home and in the community generally.

I believe a Speaker must have three attributes. He must be a responsible member of Parliament, he must be tolerant, and he must have patience. I believe Jim Cameron fulfils all these requirements. We know that he holds conservative views, believes in our federal system, and is a responsible man with the courage of his convictions. However, he has demonstrated in this House and outside that, having expressed his view, he is willing to sit patiently and tolerantly while listening to the other person's view. Indeed, I am sure that even members of the Opposition, who might be completely opposed to him, would agree that Jim Cameron has always extended the respect and dignity due to all honourable members as he has sat, waiting patiently and listening intently to another's point of view.

As I stand in this place today and support his nomination, I offer him anticipatory congratulations and wish him a successful term of office. I conclude my remarks by going back to my original statement. I believe the challenge before us as parliamentarians is to preserve unchallenged this honourable institution. I say to our proposed Speaker and to all honourable members that the office that we are now debating is a most important and responsible one, because the Speaker must preserve the rights of all members within the precincts of Parliament. It can also be the loneliest office in Parliament. Often both Government and Opposition members engage in noisy and frivolous interjections, and the office of Speaker is lonely because, unfortunately, honourable members, instead of getting down to the

nitty-gritty of providing good, thoughtful debate on legislation, are often concerned only with political advancement or scoring political points.

We all recognize that the Speaker will sometimes take action that **might** hurt the feelings of Government members or perhaps might result in the removal of an Opposition member. At times all sorts of accusations about impartiality and unfairness are made against the man appointed to maintain the proper respect for and dignity of Parliament. I believe that we members have an obligation to our Speaker to show him the dignity and respect due to his important office. I believe that with Mr Cameron's leadership and impartiality, as a team we shall go forward in the next term and enact legislation that will preserve for the people of New South Wales the rights and privileges that we all profess so much to enjoy. I have much pleasure in seconding his nomination.

Mr CAMERON (Northcott) [1.8]: I accept nomination and in accordance with precedent I submit myself to the will of the House.

Mr WRAN (Bass Hill), Leader of the Opposition [1.9]: I move:

That Lawrence Borthwick Kelly, Esquire, do take the Chair of this House as Speaker.

I am delighted that one of the first tasks falling to me in this House is the nomination of Lawrence Borthwick Kelly for such an important position as the **Speaker**ship of this House. Our nominee is a man of outstanding ability. He is a man who would not only bring great respect to the great and ancient office of Speaker, but also add the degree of common sense and common justice needed in this important post. There have been two members of this Parliament—indeed two members of this very Chamber—named Lawrence **Borthwick Kelly**. Both have served with great distinction as members of the Australian **Labor Party**. The honourable member's father was the member for **Bulli** for eight years. He was of traditional Labor origin, entering the mining industry at the age

of **12**. He took part in the **1917** rail strike and was later awarded a gold medal and life membership of the Australian Railways Union.

His son, now the honourable member for **Corrimal**, has been a member of the Australian **Labor Party** for some twenty-five years, during which time he has held numerous branch positions. Yesterday he **was** elected president of the Parliamentary **Labor Party**, a tribute to his ability and dedication. Lawrence Borthwick Kelly has that mixture of fairness, modesty and dignity which should characterize a respected Speaker. He has an outstanding grip of the standing orders and his wisdom well suits him to apply those standing orders without fear or favour and with due regard to the rights of all members of this House. I mention these matters because it should not be thought that the **Speakership** of this House is the preserve of the trained lawyer. Though it is true that a number of **Speakers** of this House have been lawyers, it is equally true that some have not **been** drawn from the legal ranks and nonetheless have performed the duties of this great office to the satisfaction of Parliament.

The Speaker's role as an umpire is to ensure within the standing orders that every member is accorded the maximum freedom of speech. This can be achieved only by the Speaker's laying aside the political mantle and assuming the impartial robes of what is virtually a judicial office. For a long time my colleagues on this side of the House have considered that this Parliament, and the status of honourable members, have been downgraded by the over-technical application of the so-called sub *judice* rule. This rule is one which, if misapplied, can stifle freedom of speech and convert Parliament from a place where freedom of speech is encouraged to a place in which it may be suppressed. No one with a due sense of propriety would suggest that there should be in Parliament any discussion that might prejudice an issue before a court or in some way influence or impress the court in coming to a decision. But that does not mean

that every matter before a court or a tribunal with the trappings of a court, such as an industrial tribunal or a Royal commission, should be immune from free discussion by members of Parliament.

Only recently in this very Chamber a ridiculous situation was permitted to develop: honourable members were not permitted to mention the word Mafia or to discuss in any way criminal involvement in the club movement. At the same time as that veto applied under the Speaker's ruling, the news media, embracing the press, television and radio, were carrying stories of criminal involvement in clubs and of Mafia involvement with criminals. Upon the election of a Speaker today my colleagues and I will be zealous in our efforts to have a more sensible approach taken to the *sub judice* rule. It is completely incongruous that issues of public interest may be freely discussed in the press and the other news media while Parliament, which after all is the most important court in the land, is debarred from discussing them. In an age of mass communication by which the most trivial public issues become common property for discussion in the news media, the Speaker should be zealous to ensure that the right of free, forceful and fruitful debate is not lost to a technical application of a rule which, though based on proper considerations, is becoming of less significance having regard to the inbuilt protections for litigants in the courts. As I have said, the role of Speaker is akin to the role of a judge. He should put aside his political mantle and personal prejudices. His role should be used not as a weapon for the majority but rather as a shield to protect the rights of every member, irrespective of his political alliances.

In putting forward Lawrence Borthwick Kelly we advance a man who, in the view of all fair-minded members of this House, possesses the qualities that I have dwelt upon, and so would make an outstanding Speaker in every respect. We on this side hope that there are enough supporters of the Government free-minded enough to follow the dictates of their conscience and, in the result, to vote for the more suitable candidate for the Speakership, the honourable member for Corrimal.

Mr FERGUSON (Merrylands), Deputy Leader of the Opposition [1.15]: It gives me great pleasure to support my leader's nomination of my friend and colleague, the honourable member for Corrimal, Lawrence Borthwick Kelly. As other speakers in this debate have said, the office of Speaker is an ancient and honourable one, and bestowed on the occupant of that position is a responsibility to protect the rights and privileges of members of this Parliament, which means the rights and privileges of the people of New South Wales. I say advisedly to all honourable members, but particularly to those newly elected members who have taken their seat in this House for the first time today, that the selection of a Speaker is indeed one of the most responsible decisions that they will be called upon to make in the lifetime of this Parliament.

Looking at the programme put before us today, and in view of the way the Government has shown that it conducts its business, I believe it can be said without question that the honourable member chosen to preside over our proceedings as Speaker will need to be wonderfully impartial, terribly patient and to have a great knowledge of standing orders. I remind all honourable members that when the honourable member for Corrimal was called forward to be sworn in today, somebody by interjection described him as Mr Point of Order. That was a tribute to the honourable member for Corrimal, for it indicated that in the last Parliament he saw it as his role and responsibility, when he thought that the business of the House was not being conducted in a proper manner, to challenge the Speaker in an endeavour to ensure that the House adhered to the standing orders of this ancient institution.

Mr MAUGER: He never won one point of order.

Mr FERGUSON: The honourable member for Corrimal won many points of order. One of the great tributes that can be paid to him is that many of the points of order he took up were upheld by a distinguished Speaker, the Hon. Sir Kevin Ellis. One need say no more about the competence and acceptability of the honourable member

for Corrimal to serve as Speaker of this House than that the former Speaker, the Hon. Sir Kevin Ellis, saw fit to uphold points of order taken by him. Honourable members now have vested in them a responsibility to choose as Speaker a man of impartiality. The Government has put forward a candidate, and the Opposition also has nominated a candidate. I notice in this House at present honourable members who claim to be independent of political parties. Here is an opportunity for them at the outset of this Parliament to prove that claim by voting for our candidate, the honourable member for Corrimal.

In regard to the nomination of the honourable member for Northcott, I want to say only that I respect his viewpoint. I have heard him express it with **courage** in this House, but I have never agreed with that viewpoint, and I could never agree that he could be impartial in any situation in this Parliament. His convictions are held too firmly, and they are too conservative and too dangerous for attainment of the real objects of the Speakership of this House. Honourable members, representing millions of persons in the State of New South Wales, are now called upon to make a decision on this matter, and I ask them to support our candidate, the honourable member for Corrimal.

Mr L. B. KELLY (Corrimal) [1.19]: I am deeply honoured by the fact that the Australian Labor Party has put me forward as its nominee for Speakership of this House. I thank the Leader of the Opposition and the Deputy Leader of the Opposition for their kind remarks and I leave the matter in the hands and to the will of honourable members.

Mr PETERSEN: Mr Clerk—

Mr WILLIS (Earlwood), Minister for Education [1.20]: I move:

That the question be now put.

The CLERK: Are there any further proposals for the office of Speaker? There being no response, the question is, That the **question** be now put.

The House divided.

AYES, 52

Mr Arblaster
Sir Robert Askin
Mr Barraclough
Mr Boyd
Mr Brooks
Mr Brown
Mr Bruxner
Mr Cameron
Mr Clough
Mr Coleman
Mr Cowan
Mr Crawford
Sir Charles Cutler
Mr Darby
Mr Doyle
Mr Duncan
Mr Fife
Mr Fischer
Mr Fisher
Mr Freudenstein
Mr Griffith
Mr Harrold
Mr Healey
Mr D. B. Hunter
Mr Jackett
Mr Leitch
Mr Lewis

Mr McCaw
Mr McGinty
Mr Mackie
Mr Maddison
Mr Mason
Mr Mauger
Mr Mead
Mrs Meillon
Mr Morris
Mr Mutton
Mr Osborne
Mr Park
Mr Pickard
Mr Punch
Mr Rofe
Mr Rozzoli
Mr Singleton
Mr Taylor
Mr Viney
Mr Waddy
Mr N. D. Walker
Mr Willis
Mr Wotton

Tellers,
Mr Brewer
Mr Ruddock

NOES, 45

Mr Bannon
Mr Barnier
Mr Bedford
Mr Booth
Mr Brereton
Mr Cox
Mr Crabtree
Mr Day
Mr Degen
Mr Durick
Mr Einfeld
Mr Face
Mr Ferguson
Mr Flaherty
Mr Gordon
Mr Haigh
Mr Hatton
Mr Hills
Mr M. L. Hunter
Mr Jackson
Mr Jensen
Mr Johnson
Mr Johnstone

Mr Jones
Mr Keane
Mr Kearns
Mr L. B. Kelly
Mr Maher
Mr Mahoney
Mr Mallam
Mr Mulock
Mr Neilly
Mr O'Connell
Mr Paciullo
Mr Petersen
Mr Quinn
Mr Renshaw
Mr Rogan
Mr Sheahan
Mr Stewart
Mr Wade
Mr F. J. Walker
Mr Wran
Tellers,
Mr Cahill
Mr Ramsay

Resolved in the **affirmative**.

Question — That James Alexander **Cameron**, Esquire, **LL.M.**, do take the Chair of this House as Speaker—put by the Clerk.

The House divided.

AYES, 54

Mr Arblaster	Mr Lewis
Sir Robert Askin	Mr McCaw
Mr Barraclough	Mr McGinty
Mr Boyd	Mr Mackie
Mr Brewer	Mr Maddison
Mr Brooks	Mr Mason
Mr Brown	Mr Mauger
Mr Bruxner	Mr Mead
Mr Cameron	Mrs Meillon
Mr Clough	Mr Morris
Mr Coates	Mr Mutton
Mr Coleman	Mr Osborne
Mr Crawford	Mr Park
Sir Charles Cutler	Mr Pickard
Mr Darby	Mr Punch
Mr Doyle	Mr Rofe
Mr Duncan	Mr Rozzoli
Mr Fife	Mr Ruddock
Mr Fischer	Mr Singleton
Mr Fisher	Mr Viney
Mr Freudenstein	Mr Waddy
Mr Griffith	Mr N. D. Walker
Mr Harrold	Mr Willis
Mr Hatton	Mr Wotton
Mr Healey	
Mr D. B. Hunter	<i>Tellers,</i>
Mr Jackett	Mr Cowan
Mr Leitch	Mr Taylor

NOES, 44

Mr Barnier	Mr Kearns
Mr Bedford	Mr L. B. Kelly
Mr Booth	Mr Maher
Mr Brereton	Mr Mahoney
Mr Cahill	Mr Mallam
Mr Cox	Mr Mulock
Mr Crabtree	Mr Neilly
Mr Day	Mr O'Connell
Mr Degen	Mr Paciullo
Mr Durick	Mr Petersen
Mr Einfeld	Mr Quinn
Mr Face	Mr Ramsay
Mr Ferguson	Mr Renshaw
Mr Flaherty	Mr Rogan
Mr Gordon	Mr Sheahan
Mr Haigh	Mr Sewart
Mr Hills	Mr Wade
Mr M. L. Hunter	Mr F. J. Walker
Mr Jackson	Mr Wran
Mr Jensen	
Mr Johnson	<i>Tellers,</i>
Mr Jones	Mr Bannon
Mr Keane	Mr Johnstone

Question so resolved in the affirmative.

Motion agreed to.

[The Hon. James Alexander Cameron was then taken out of his place by Mr Mason and Mr Duncan and conducted to the chair.]

Mr SPEAKER, standing on the upper step, said: Mr Clerk and honourable members; dating back from the earliest years of the conflict and contest for power between the King and the commons, all new Speakers

approaching the chair have done so with a peculiar mixture of awe, respect and trepidation. I confess that today all three of those emotions are very much mixed up within me. I feel them all. Also I feel deeply honoured and deeply moved.

The speakership is an office vastly different from all offices held under the Crown, for it is an office that comes from the Parliament itself and it depends upon the Parliament. The Speaker is a creature of Parliament and above all is the servant of Parliament. I am conscious that, just as I owe my standing here on this upper step to all of the several members of this Parliament, in turn the obligations and duties that I owe flow back to this House and to its several members on all sides and in all sections of it. It is in that spirit that your new Speaker will approach the office you have given him and it is in that spirit that he will discharge the functions of the speakership as the Speaker you have made.

I cannot stand here without paying my tribute to my immediate predecessor, Sir **Kevin Ellis**. Sir Kevin ranks indisputably as one of the greatest Speakers to have occupied the venerable chair beside which I now stand. As between this House and Sir Kevin the traffic was two-way: he gave amply to the House and the House gave amply to him. But, as between myself and Sir **Kevin** the traffic has been wholly one-way: I have been the recipient of his goodness, generosity, guidance and kindness, dating from a period long before I first entered this Chamber in 1968. The only way I can begin to pay the debt I owe to him, and I acknowledge him as my mentor and guide as well as my friend, is to endeavour to approach this office and chair in the same spirit as that in which he approached it. The recent rising of the House and the circumstances involved prevented us from paying to Sir **Kevin Ellis** the rich tribute which he justly deserves. I hope that the House will find an early opportunity to remedy that omission.

I listened a little unbelieving but gratefully nonetheless to the kind words of my proposer and seconder when they spoke of those segments of my life and character which allow of a favourable construction. They passed unseeing over those weaknesses

and frailties of which I am so conscious. I say quite sincerely to the House that I acknowledge myself to be streaked and flawed with, all manner of human weaknesses. I believe that that is a not uncommon characteristic of the human species as a whole. I believe that it is in fact a characteristic of man that he is weak and has frailties but that by constant and diligent effort and by the slow process of disciplining those weaknesses and frailties he can ascend to higher levels of performance. However, it is easy to tumble back from that higher level, and to tumble back irrevocably.

So far as the **speakership** is concerned, I pledge myself to try that uphill climb. I ask for and seek the co-operation of all members on all sides of the House to assist me in my endeavour to make that slow uphill climb and to avoid the irrevocable tumble back. I believe that I can make that climb. I will be striving at every step, with the assistance of the House, to reach towards two ideals—justice and impartiality. There have been many Speakers whose words have indicated that when they came to the speakership they believed there was available easily at hand an absolute justice which they could dispense **like** clear water poured from a jug. My own confused meanderings through the literature of jurisprudence leave me without any such assurance.

Many Speakers have come to the chair convinced that they, as individuals, could be totally impartial. I give to the House my assurance that I will be striving to discover every partial reflex within me and to expel those reflexes from me. But I am not one of those who believe that impartiality—true and total impartiality—is within human grasp. I believe that all of our characters are too mixed up and confused and too many faceted for that to be possible. Nonetheless, I give the undertaking that I bring to you unimpaired and without subtraction of any kind my goodwill and my striving for the twin ideals of justice and impartiality. I bring to you also a solemn assurance that I will use every atom of my being to defend and uphold this Parliament—your Parliament, the mother of all the Australian parliaments.

I bring to you an assurance that I will work assiduously and diligently in the administration of this House, striving to maximize for the benefit of all members and the staff the limited facilities allowed by our physical situation which, in terms of bricks and mortar, I will work hard to improve and expand according to the time-honoured traditions of the parliamentary institution, maintaining all of its historical character and all of the richness of its past associations dignified by the long spread of the years. Above all, I pledge to you that I will work jealously to defend the ancient freedoms and privileges of members wherever they sit. It is against that background that your new Speaker gratefully approaches his responsibilities in this House.

Mr SPEAKER took the chair.

Sir ROBERT ASKIN (Pittwater), Premier and Treasurer [1.40]: Mr Speaker, on behalf of my colleagues and for myself I warmly congratulate you upon your elevation to the high office of Speaker. You have made clear that you recognize that in carrying out your duties you will be the custodian of the ancient rights and privileges of all members on both sides of the House. I assure you that in the carrying out of your duties you will have the support and co-operation of the Government parties, and now that you have been democratically elected I feel confident that you will have also the co-operation of honourable members who sit opposite.

I am pleased that you paid tribute to your predecessor, Sir Kevin Ellis. Honourable members who have had the privilege of being associated with Sir Kevin from the time he was elected as Speaker have no doubt that he was one of the greatest Speakers of all time. I know that you, Mr Speaker, will look upon his example as a challenge and a spur. I am sure that you will acquit yourself in the best traditions of the speakership and in due course you will find an honoured place in the ranks of the many eminent men who have occupied this high office. Again, I congratulate you and wish you well for the future.

Mr WRAN (Bass Hill), Leader of the Opposition [1.41]: I join with the Premier and Treasurer in congratulating you, Mr Speaker, on your election to the highest office of this Parliament. I regret that only a few moments ago the Government by a signal use of its majority suppressed the very freedom of speech that you are charged to preserve. However, you can expect the co-operation of members on this side of the House, for only with that co-operation can a house of parliament work harmoniously and a more positive and independent attitude be expected from the Chair.

Mr L. B. KELLY (Corrimal) [1.42]: I join the Premier and Treasurer and the Leader of the Opposition in conveying congratulations to you, Mr Speaker, on your election to your high and honoured position. I appreciate all that you have said. Honourable members on the Opposition side of the House look to you for the qualities about which you have spoken: impartiality, tolerance and the preservation of the rights and privileges of members. I give you my assurance that as far as possible I will endeavour to co-operate with you.

Mr SPEAKER: I thank the House for its congratulations.

PRESENTATION OF Mr SPEAKER

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

[Mr Speaker left the chair at 1.43 p.m. The House resumed at 2.45 p.m., and proceeded to Government House.]

The House having returned,

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

I then, in the name of and on behalf of the House, laid claim to all their undoubted rights and privileges, particularly to freedom of speech in debate and to free access to His Excellency when occasion should require, and asked that the most favourable construction should, on all occasions, be put upon their language and proceedings; to all of which His Excellency readily assented. I take this opportunity to thank the House once again for the high honour it has seen fit to confer upon me.

THE MINISTRY: LEADER OF THE HOUSE: GOVERNMENT WHIP

Sir ROBERT ASKIN: I desire to inform the House that on 3rd December, 1973, with a view to reconstructing the Ministry, I submitted to the Governor my resignation as Premier and Treasurer and as a member of the Executive Council, an action which involved the resignation of the whole of my colleagues. His Excellency immediately commissioned me to form a new Ministry. On the same day I was sworn in as Premier and Treasurer and as a member of the Executive Council, and the following gentlemen were appointed by His Excellency as members of the Executive Council and to the offices indicated: the Honourable Sir Charles Benjamin Cutler, K.B.E., E.D., M.L.A., Deputy Premier, Minister for Local Government and Minister for Highways; the Honourable Eric Archibald Willis, B.A., M.L.A., Minister for Education; the Honourable John Bryan Munro Fuller, M.L.C., Minister for Planning and Environment and Vice-President of the Executive Council; the Honourable Leon Ashton Punch, M.L.A., Minister for Public Works; the Honourable Kenneth Malcolm McCaw, Q.C., M.L.A., Attorney-General; the Honourable Milton Arthur Morris, M.L.A., Minister for Transport; the Honourable Thomas Lancelot Lewis, M.L.A., Minister for Lands and Minister for Tourism; the Honourable John Clarkson Maddison, B.A., LL.B., M.L.A., Minister of Justice; the Honourable Geoffrey Robertson Crawford, D.C.M., M.L.A., Minister for Agriculture; the Honourable Wallace Clyde Fife, M.L.A., Minister for Mines, Minister for Power and

Assistant Treasurer; the Honourable **Fred-erick Maclean Hewitt, M.L.C.**, Minister for Labour and Industry and Minister for Consumer Affairs; the Honourable **John Lloyd Waddy, O.B.E., D.F.C., M.L.A.**, Minister for Health; the Honourable **George Francis Freudenstein, M.L.A.**, Minister for Conservation and Minister for Cultural Activities; the Honourable **James Caird Bruxner, M.L.A.**, Minister for Decentralisation and Development; the Honourable **Ian Ross Griffith, M.L.A.**, Chief Secretary and Minister for Sport; the Honourable **Laurence Frederick McGinty, M.B.E., LL.B., M.L.A.**, Minister for Housing and Minister for Co-operative Societies; the Honourable **Richard Owen Healey, M.L.A.**, Minister for Youth and Community Services.

The Minister for Planning and Environment will be represented in this House by the Deputy Premier and Minister for Local Government and Minister for Highways; and the Minister for Labour and Industry and Minister for Consumer Affairs will be represented by the Minister for Education.

Also, I desire to inform the House that the Hon. **E. A. Willis, B.A., M.L.A.**, will be Leader of the Government in the House, and the honourable member for Monaro, **Mr S. G. Mauger**, has been re-appointed Government Whip.

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

SIR CHARLES CUTLER: I desire to inform the House that I have been re-elected Leader of the Country Party, the Hon. **Leon Ashton Punch**, Deputy Leader of the Country Party, and **Mr James Hugh Taylor**, Country Party Whip.

LEADER AND DEPUTY LEADER OF THE OPPOSITION: OPPOSITION WHIP

Mr WRAN: I have to inform the House that on 3rd December I was elected Leader of the Parliamentary Labor Party, **Mr Laurie John Ferguson**, Deputy Leader of the Parliamentary Labor Party, and **Mr James Patrick Flaherty**, Opposition Whip.

ASSENT TO BILLS

Royal assent to the following bills reported since the last meeting of Parliament:

Appropriation Bill
Education (Amendment) Bill
Industrial Arbitration (Amendment) Bill
Land Tax (Amendment) Bill
Registrar-General Bill
Strata Titles Bill
Travel Agents Bill

LAW OF EVIDENCE BILL (pro *formâ*)

FIRST READING

Bill presented and, on motion by **Sir Robert Askin**, read a first time.

MESSAGE FROM THE COMMISSIONERS

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

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

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

Members of the Legislative Assembly—

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

ELECTION OF CHAIRMAN OF COMMITTEES

Mr OSBORNE (Bathurst) [4.14]: I move:

That **James Hill Brown, Esquire**, be Chairman of Committees of the Whole House.

If it were not for the fact that there are new members within this Chamber, I need say no more. For their information let me point out that **James Hill Brown** occupied the position of Chairman of Committees from February of last year until the Parliament was dissolved. He established such a fine record as Chairman of Committees that I have no doubt he will be unanimously re-elected to that position. As Chairman of

Committees he upheld the dignity of that important office. Many honourable members knew that Mr Brown would do a good job in that capacity, but none of them realized his potential. Owing to the unfortunate illness of the previous Speaker, Sir Kevin Ellis, it became evident that as Deputy-Speaker Mr Brown would have to assume heavy responsibilities in this Chamber. However, all fair-minded honourable members will agree that his performance in this position was outstanding.

This morning when you, Mr Speaker, were being nominated for your high office, many honourable members spoke of the qualities needed by a person who occupied the office of Speaker of this House. I submit that similar remarks would apply to the holder of the position of Chairman of Committees. Over and above all these qualities another is looked for in a person irrespective of his position in life—loyalty, which I believe far exceeds the qualities that have already been mentioned. No man will succeed unless he possesses the cardinal quality of loyalty. Without it no man earns his place on this earth. I submit that in Jim Brown we have the outstanding example of a person who is loyal to everything he comes in touch with.

I do not intend to deal at length with Jim Brown's history; it was well and truly recorded some twelve months ago. Let me merely remind members that he came from a family whose father was a coalminer. When the children were of tender age they lost both parents. It was at this early stage in life that Jim Brown's loyalty was put to the test, and anyone who has had any contact with the family will know that Jim Brown's sterling attributes showed out.

Most members will know of Jim Brown's loyalty to Maitland Boys' High School. His pride and loyalty to his old school are unquestioned. He promotes it on every possible occasion. Again, Mr Brown's loyalty is evident in his attitude to sport. Indeed, he has been loyal to everything he has come in contact with. During the last war when this country needed loyal men, Jim Brown served in the army. After hostilities ceased he did not forget his old service friends; he took up their cause in the Returned Services League and Legacy.

Mr Osborne]

For many years Jim Brown has been a well respected member of the Country Party. He has always been loyal to his colleagues and, more important, to the Parliament. In nominating Jim Brown for the position of Chairman of Committees, I am putting forward a man who possesses an outstanding quality needed by all of us. Mr Brown has basic loyalty to his country and, through the Parliament, to its people. Earlier today honourable members referred to the institution of Parliament. Jim Brown is a great supporter of Parliament and of the system under which we live—the monarchy, which is above politics. This is a great safeguard. When we consider the strife and turmoil in various countries of the world we realize how fortunate we are to have a system above politics, something that is stable and a tremendous safeguard for everyone in this State and the nation.

People who serve in the army, navy, air force or the police force take a pledge of loyalty not to one political party or another, but to Her Majesty the Queen. Psychologically that is a tremendous thing for us all. Jim Brown supports the responsible, secure type of government that we are so fortunate to have in Australia. In his task as Chairman of Committees and in his added and onerous task as Deputy-Speaker of this Chamber he has shown strength and understanding. His background has built into him an understanding of the problems of people. When he has occupied the chair he has demonstrated his understanding by his flexibility. Also, he has brought humour and colour to a job that he has handled with impartiality. Honourable members on both sides of the House will agree that his firmness has been tempered with compassion.

When first elected to this House an honourable member is inexperienced and raw in parliamentary procedure. It is in this sphere that Jim Brown has shown compassion. It is easy for a person blessed with fluency, a glib tongue, to approach the table of this House to address members. Many honourable members do not possess this blessing. In order to do the job for which they have been elected they must rely for help on an occupant of the chair who has understanding and compassion. Members

who lack the blessing of fluency and an easy flow of words need help of the kind I have mentioned in order that they may do their best for their constituents. Jim Brown has shown great kindness to members who have had **difficulty** in getting the point across.

It is with great pride that I have nominated James Hill Brown for this position. It **affords** me tremendous satisfaction to do so because he has been a good friend of mine as he has to many honourable members in this Chamber. To **all** members who value the parliamentary institution and its high standards his appointment will be acceptable. Many people denigrate the title of member of the Legislative Assembly and sometimes honourable members **bring** criticism upon themselves but I assure all who value this institution that its standing and respect will be not only uplifted but also embellished by having **Jim** Brown as Chairman of Committees. I commend his nomination.

Mr BARRACLOUGH (Bligh) [4.24]: I have pleasure in seconding the motion moved by the honourable member for Bathurst for the appointment of Mr James Hill Brown as Chairman of Committees. Since he entered the Assembly in March of 1959 the honourable member for Raleigh has endeared himself to members on both sides of this House. The honourable member, who is commencing his sixth term as a member of this Chamber, is noted for his common touch. Above **all** he is noted for his generosity. During his membership of this Chamber, now approaching 15 years, he has had a distinguished parliamentary career. His continuous term of service has been demanding for him mainly because he is the kind of person who does not do things by half measures. It would be difficult to **find** a more conscientious person than the honourable member for Raleigh. The true measure of a good parliamentary member is the way in which he represents his constituents. **Jim** Brown has no peers in this respect. I am sure that my sentiments will be heartily echoed by the constituents of **Raleigh**, whom he has served willingly and untiringly.

Mr Brown has spent a lifetime helping others. When he was an insurance agent his assistance to clients went far beyond the call of his office duty. As a leader in that field he was noted for the personal interest he showed in other people and in the requirements of his clients. He is a man who follows a task through and a man with drive. Upon my election to Parliament I immediately came under the eye of **Mr** James Brown.

[Interruption]

Mr SPEAKER: Order! There is far too much audible conversation on both sides of the Chamber.

Mr BARRACLOUGH: I had entered the Country Party building without permission but the honourable member left me in no doubt that he was a firm and vigorous but kindly Whip. In true style he literally tackled me out of Richmond Cottage. Mention of the word tackle reminds me of another aspect of the career of James Brown. It may interest honourable members to learn that he was noted for his vigorous tackling as a Rugby Union winger—of course on the right wing. In 1937 **Jim** Brown played for Northern New South Wales against the Springboks and in 1938 against the All Blacks. I have here an article from the *Sydney Morning Herald* of Thursday, 20th July, 1938, headed "All Blacks: Errors in play, match at Newcastle". The article reads:

The New Zealand Rugby Union All Blacks did not live up to their reputation in the game at Newcastle today in which they beat Newcastle District by 39 points to 16. Opportunity instead came the way of J. Brown, who had been selected as a winger, and then moved into the centre. He had a great afternoon, scoring one of the two Newcastle tries, making the other possible, converting both tries and kicking the penalty goals.

Any man who has scored 13 points against an All Blacks team is possessed of great courage. The Leader and Deputy Leader of the Country Party will agree that they have been fortunate indeed to have as a colleague a man of the wit and calibre of **Jim** Brown. Our former colleague, the Hon. S. T. Stephens, who was Minister for Housing and Minister for Co-operative

Societies for many years, paid a glowing personal tribute to Jim Brown for his work as president of the Association of Co-operative Building Societies. I know that Jim Brown derived much satisfaction from that work. It stemmed from the help he gave to thousands of homeseekers by means of his wisdom and planning while acting as president of the association.

It is with the greatest of pleasure and a deep feeling of personal honour that I support the motion moved by the honourable member for Bathurst for the election to the position of Chairman of Committees of a man who will discharge his duties with impartiality and distinction.

Mr F. J. WALKER (Georges River)
[4.31]: I move:

That Eric Daniel Ramsay, Esquire, be Chairman of Committees of the Whole House.

I move this motion because I know of no man in the House more suited than Eric Ramsay, both from the point of view of qualifications and personal qualities, to fill the distinguished office of Chairman of Committees of the Whole House. Each honourable member will have his own view on the particular attributes with which a Chairman of Committees should be endowed. My view is that the interests of the House would be best served if, when filling this office, we were to seek out men noted for their qualities of warmth, tolerance and human understanding, rather than cold, legalistic enforcers of the rules. Although Eric Ramsay is not a lawyer and lays no claim to be an expert on standing orders, he does possess a wealth of those human qualities which, in my opinion, when combined with a little experience in office, will earn for him the respect and admiration of the Parliament.

The first quality one looks for in a Chairman is an ability to command the respect and co-operation of the overwhelming majority of members of the Committee. I am sure you would agree, Mr Speaker, that it would not be in the interests of the dignity and decorum of this House to force upon it by a weight of numbers a person who was held in great disregard by a significant section of honourable members. Such a thought can be readily dismissed

when considering the candidature of Eric Ramsay, for his greatest asset is his capacity to make friends on both sides of the House. I submit that it is indeed rare in an institution where human conflict is a way of life to find a man with so many friends and no enemies. Honourable members know that in electing Eric Ramsay they would have a Chairman who would be firm when firmness was required but who would at all times be patient and understanding and would invariably give honourable members the benefit of the doubt. Perhaps he would be a little more generous in his interpretation of what is relevant or within the order of leave than honourable members have been used to in the past. However, we all know that he would give short shrift to any member who set about wasting time or trifling with the Committee.

One only has to look at Eric Ramsay's background for factual confirmation of the qualities of which I have spoken. Eric was educated to university matriculation standard during the depression. He served an apprenticeship as a boilermaker, and attained the highest standards in his trade, in which he served for many years, first as a tradesman and later as a teacher. He was quickly recognized as a leader by his peers, and was elected and served for many years as secretary and State president of the Boilermakers and Blacksmiths Society of Australia, and as president of the South Coast Labor Council. He became renowned as an industrial advocate in both the State and federal jurisdictions, and he was an architect of the excellent industrial harmony that prevailed under the most difficult circumstances on the Snowy Mountains scheme. For twenty-two years he has been a member of the Apprenticeship Council, and for fifteen years he has been a member of the Technical Education Advisory Council.

Eric Ramsay is a modest man and it may surprise honourable members to learn that he has an outstanding sporting record. He has represented New South Wales at Rugby League, and the Southern Districts of the State at athletics; he has played soccer for Balgownie and has contributed

thirty years to first-grade cricket in the Illawarra district, as well as being an active member of several surf lifesaving clubs. Typically, he has put far more back into sport than he has taken from it. For many years he has been a State soccer administrator. For more than twenty years he has served as president of the Balgownie soccer and cricket clubs and as a coach for junior soccer players and cricketers. His outstanding contribution to the welfare of youth in the Wollongong area was recognized recently by the Wollongong city council, which bestowed upon him the great honour of a special civic award for his services. However, that is but one example among thousands in Eric Ramsay's long career of community service, which includes an award from the Polio Society and six year's service on the Wollongong University Advisory Council. Even in this House he has continued his selfless work, serving with distinction on the House Committee where his most notable achievement, to my mind, was his successful stand on the right of qualified female staff members to enjoy the same privileges of the House as had been bestowed upon their male counterparts.

I have no wish for honourable members to interpret from what I have said or have not said, by way of inference or otherwise, that I am in any way deprecating the honourable member for Raleigh, whom I have known since I was a schoolboy. Indeed, I was a Rugby League winger—left, of course—in 1960, and I recall playing at Kempsey until after about thirty minutes I was put out of the game by a stiff-arm tackle by the right-winger on the opposing side. It was not Jim Brown: it was his son. Honourable members should always take what I say about Jim Brown with a grain of salt, for it was a condition precedent for recipients of the J. H. Brown Prize for English Literature that they signed a pledge of irrevocable support for the donor. The Labor Party is justly proud of Eric Ramsay and I confidently nominate him for the office of Chairman of Committees of the Whole House—an office that we believe he will fill with great distinction.

Mr COX (Auburn) [4.36]: I second the nomination of Eric Daniel Ramsay, Esquire, for election to the position of Chairman of Committees of the Whole House. I do so, for since Mr Ramsay has been a member of the Legislative Assembly I have had an opportunity of assessing his abilities and characteristics. I come into contact with him quite frequently, and I have formed a friendship with him. I know that if Mr Ramsay were elected Chairman of Committees, honourable members would have in him a man who would carry out the functions of his office in a completely satisfactory manner.

The honourable member for Georges River has given the details of the career of Mr Ramsay and has spoken of the positions he has held or still holds in society. One of the points that comes through strongly is Mr Ramsay's association with the trade-union movement, particularly as State president of the Boilermakers and Blacksmiths' Society of Australia for fourteen years, and as president of the South Coast Labor Council for fifteen years. This is a background of stability in the trade-union movement, and Mr Ramsay can be seen to be a man who has become a leader in that field.

In sport, Mr Ramsay has considerable attainments, and has given back much to soccer and cricket, particularly in his coaching of juniors for twenty years. It is interesting to note that he represented the under-18's in playing Rugby League for the country, scoring the winning try when Country beat City 3 to nil. Mr Ramsay has a good background; he has understanding and maturity, and would certainly carry out the duties of Chairman of Committees in an impartial way.

I want to deal briefly with the Government's nominee for this position. It was obvious that the Government had great difficulty in "selling" Mr Brown to this Parliament in nominating him for election to the office of Chairman of Committees of the Whole House, because honourable members have had an opportunity to observe Mr Brown as Chairman of Committees. I do not say this with any bitterness, but he made wrong decisions, and he made one of them when I was speaking in a debate and referred to the Mafia. The Chairman of

Committees ruled that I could not use the word Mafia, whether it was the Mafia in Iceland, Britain or anywhere else. Subsequently, honourable members were prevented from using that word at a time when there was much discussion in the community about criminal activities. That decision was wrong, and everybody knows it was wrong. It is a decision that will have an important bearing on future proceedings in this House, for it has resulted in the stifling of debate, and honourable members have been prevented from exercising their rights.

I mention that because it has to be mentioned. If the House is making a decision on this matter today, members should be fully aware of all factors, including the temperament of the person who will be elected to this position. I am not saying this with any bitterness, but I do say that if members re-elect the honourable member for Raleigh to this position of Chairman of Committees, we shall want an assurance that his decisions will be the right ones and that the Opposition will not be denied the opportunity of ventilating matters that should be ventilated in this Parliament. For that reason I support the Opposition nominee, the honourable member for Wollongong, who represents opinion, balance and understanding, and who would carry out the functions of Chairman of Committees in a wonderful way because of his character and ability. He has mixed with men and he knows the requirements of this position. If elected, he would bring an honest approach to bear and would make the right decisions that must be made.

For these reasons I strongly support and second the nomination of Mr Eric Ramsay as Chairman of Committees, which is an important position indeed. I should be wrong if I failed to mention some of the Opposition's fears in the light of what has taken place in the previous twelve months. If I had not done that, we would not be able to say that we had criticized some of Mr Brown's earlier decisions in this Chamber. They should be criticized. I make these remarks for the reason that we of the Opposition want a fair crack of the whip. We do not want a Chairman of Committees who

Mr Cox]

will make decisions that reflect upon the Opposition. I am pleased to support the nomination of Mr **Eric Ramsay**.

Mr **RAMSAY** (Wollongong) [4.45]: I accept the nomination with pleasure and, according to precedent, I await the will of the House.

Question—That **James Hill Brown**, Esquire, be Chairman of Committees of the Whole House—put.

The House divided.

AYES, 51

Mr Arblaster	Mr McCaw
Sir Robert Askin	Mr McGinty
Mr Barraclough	Mr Mackie
Mr Boyd	Mr Maddison
Mr Brewer	Mr Mason
Mr Brooks	Mr Mauger
Mr Brown	Mrs Meillon
Mr Bruxner	Mr Morris
Mr Coates	Mr Mutton
Mr Coleman	Mr Osborne
Mr Cowan	Mr Park
Mr Crawford	Mr Pickard
Sir Charles Cutler	Mr Punch
Mr Darby	Mr Rofe
Mr Doyle	Mr Rozzoli
Mr Duncan	Mr Ruddock
Mr Fife	Mr Singleton
Mr Fischer	Mr Taylor
Mr Fisher	Mr Viney
Mr Freudenstein	Mr Waddy
Mr Griffith	Mr N. D. Walker
Mr Harrold	Mr Willis
Mr Healey	Mr Wotton
Mr D. B. Hunter	<i>Tellers,</i>
Mr Leitch	Mr Jackett
Mr Lewis	Mr Mead

NOES, 45

Mr Bannon	Mr Jones
Mr Barnier	Mr Keane
Mr Bedford	Mr Kearns
Mr Booth	Mr L. B. Kelly
Mr Brereton	Mr Maher
Mr Cahill	Mr Mallam
Mr Cox	Mr Mulock
Mr Crabtree	Mr Neilly
Mr Day	Mr O'Connell
Mr Degen	Mr Paciullo
Mr Durick	Mr Petersen
Mr Einfeld	Mr Quinn
Mr Face	Mr Ramsay
Mr Ferguson	Mr Renshaw
Mr Flaherty	Mr Rogan
Mr Cordon	Mr Sheahan
Mr Haigh	Mr Stewart
Mr Haffon	Mr Wade
Mr Hills	Mr F. J. Walker
Mr M. L. Hunter	Mr Wran
Mr Jackson	<i>Tellers.</i>
Mr Johnson	Mr Jensen
Mr Johnstone	Mr Mahoney

Question so resolved in the affirmative.
Motion agreed to.

TEMPORARY CHAIRMEN OF COMMITTEES

Mr SPEAKER nominated the following honourable members to act as Temporary Chairmen of Committees during the present session: Harold George Coates, Esquire; Evelyn Douglas Darby, Esquire; Robert Bruce Duncan, Esquire; Lawrence Borthwick Kelly, Esquire; and George Paciullo, Esquire.

PENALTIES FOR SERIOUS CRIMES

PETITION

Mr FISHER presented a petition from certain citizens alleging that in view of the large number of atrocities upon persons involving sexual violations of children, rape with violence, kidnapping and premeditated murder the penalties for these crimes are inadequate; and praying that the Legislative Assembly will legislate to impose increased sentences for these crimes of violence and to re-introduce the death penalty for premeditated murder.

Petition received on motion by Mr Fisher.

QUESTIONS WITHOUT NOTICE

CROWN LAND AUCTIONS

Mr WRAN: I ask the Premier and Treasurer whether last Saturday twenty-six blocks of Crown land at Maroubra were auctioned, bringing a total return to the Government of \$1,019,800, which was \$231,000 above the already absurdly high reserve price imposed by the Department of Lands. Last year did the Government reap a total of \$8,446,124 from Crown land auctions, which was an increase of something more than \$23 million on the previous year? Is it estimated that this year Crown land auctions will return a total of \$10,300,000 to consolidated revenue? Because of the grave public concern at the continued sky-rocketing of land prices, what does the Government propose to do during this session of Parliament to combat this growing social cancer?

Sir ROBERT ASKIN: I shall be glad to refer the matters raised by the Leader of the Opposition to the Minister for Lands for a reply.

RAIL LINK TO SYDNEY AIRPORT

Mr JACKETT: I ask the Minister for Transport whether more than one million over-sea passengers and four million intra-state and interstate passengers pass through the Sydney (Kingsford Smith) Airport each year. Further, do coaches and cars conveying passengers and their friends to and from the airport add seriously to the congestion of inner-city and near inner-city streets? Is the Minister aware that the Eastern Suburbs Railway could be connected to the airport by a short over-line link at Sydenham station and serve directly both domestic and international terminals by about 5 chains of underground construction? Will the Minister investigate the possibility of adding this work to the construction of the Eastern Suburbs Railway and so make available a ten-minute airport-to-city service for air travellers, an assured out of peak hours passenger payload of up to 100,000 per week and a reduction in city traffic congestion?

Mr MORRIS: On a number of occasions the Commonwealth Government has approached the State Government suggesting the desirability of having the airport at Mascot connected to the Eastern Suburbs Railway system. The Department of Civil Aviation has been concerned about the great aggregation of employment at the Sydney (Kingsford Smith) Airport. Several thousand people are employed permanently at the airport, which causes great traffic congestion and parking problems. Last year the State and federal governments had discussions about the subject and the State Government suggested that this was a project towards which the federal Government ought to make a contribution. I do not know what stage these discussions have reached. The suggestion of the honourable member for Burwood seems to be a worthwhile one indeed and obviously he has given it considerable thought. Perhaps he

would permit me to provide a considered reply for tabling as soon as I can! produce it so that he and the House may be informed.

ALLEGATION OF POLICE BRIBES

Mr FERGUSON: My question without notice is directed to the Minister of Justice in his capacity as ministerial head of the police force. Has the Minister's attention been drawn to an allegation by a sergeant of police that police were accepting bribes? Does the police officer claim that the police officers involved have not taken any action to stop **bashings** by persons associated with a city club, despite the fact that they have evidence to warrant prosecutions being launched? Has this most serious allegation been investigated, and, if so, what has been the result of the investigation? So that the public might be satisfied that a thorough and searching investigation was carried out, will the Minister table all the papers concerning this allegation and also permit their publication by the news media?

Mr MADDISON: My attention has been drawn to the statements made by a sergeant of police along the lines mentioned by the Deputy Leader of the Opposition. Of course, it is not unusual for one to find members of the Opposition making allegations of impropriety against police officers. Indeed during the last Parliament it was common to find this type of allegation being made. The fact that the allegation on this occasion has been made by a sergeant of police on a television programme adds a little more colour to it. When I assumed responsibility for administration of the police force I intimated that one of the matters that concerned me was the satisfaction of the public that when the police made investigations into complaints made by members of the community, they could be confident that it was not a whitewash job that was done, that a thorough investigation had been made, and that the report was made public.

I have still under consideration the techniques which might be used to investigate complaints made by citizens about alleged misconduct by police officers. In my researches I have been directed to the present

attitude expressed by the Metropolitan Commissioner of Police in London, Sir Robert Mark, who has recently made some important statements demonstrating that he believes some tribunal should be established which would not be a public tribunal but a tribunal of reputation to examine the thoroughness of investigations by police into complaints made against individual officers. I believe that the proposal by Sir Robert Mark is still under consideration by the Home Office. It has a great deal of interest for me to see whether it would be relevant to the situation which one finds in New South Wales.

At this point I know nothing of the truth or otherwise of the particular allegation to which the Deputy Leader of the Opposition has drawn attention. From what I have read and heard I believe the allegation relates to facts and incidents which occurred some twelve to eighteen months ago. Until fairly recently they had been under consideration by courts and in a sense had therefore been sub *judice*. I have asked the Deputy Commissioner of Police in the absence of the Commissioner of Police to provide me with a report relating to the allegations, and when I receive it I shall determine what should be the attitude that I should adopt on whether the contents should be made known. I shall give no undertaking at this stage that any report that I receive from the Deputy Commissioner of Police will be made available to the public or to this House; it will depend entirely on the facts and circumstances which are alluded to in the report.

SCHOOL LIBRARY SUBSIDY

Mr FISCHER: Has the Minister for Education announced a major change to the school library subsidy system in New South Wales? Will country schools be disadvantaged because freight and cartage will be included in the basic amount to be provided to schools under the new system? Will the Minister examine this matter with a view to reviewing the announced intention to include freight and cartage under the new formula and to providing true equality in the assistance by the State Government for the worthy cause of provision of books to the schoolchildren of New South Wales?

Mr WILLIS: I am grateful to the honourable member for Sturt for raising this matter because the particular anomaly to which he has drawn attention in his question was brought to my notice during the recent election campaign when I was in country districts in different parts of the State. When the decision was taken to change the library subsidy scheme from one in which the department, in essence, gave the most to schools where the parents' body raised the most money, to one in which all children would be given an equal *per capita* allowance throughout the State, somehow or other in the transmission of that policy decision the circular from the department to all schools in the State led to some misunderstanding. Perhaps it was the way it was phrased. On my return to Sydney I called for the circular. In the light of my study of its contents I asked the Director-General of Education to send out another circular clarifying the position.

I certainly do not want to have one type of inequality replaced by another. As the honourable member implied in his question, previously there was a form of inequality stemming from the fact that the amount of the library allowance depended on the activity or affluence of a school parents' body. I wanted a system under which every child in this State would be treated equally, but I found from the wording of the circular that an impression had been created whereby schools situated farthest from the department's head office were disadvantaged by having to meet freight costs out of the library allocation. In essence, it appeared as though there was some sort of discrimination. I assure the honourable member for Sturt and all other honourable members who have shown an interest in this matter that I have already requested the Director-General of Education to distribute to schools another circular clarifying the position so as to make it clear that the library subsidy scheme incorporates the principle of equality for all children, and that freight is a separate matter and it will be reimbursed.

HOSPITAL SERVICES IN OUTER WESTERN SUBURBS

Mr MULOCK: My question without notice is directed to the Minister for Health. Did the Premier and Treasurer indicate in his Loan Estimates Speech that the amount to be spent this financial year on Royal North Shore hospital would bring the total spent on this hospital over the past few years to \$25 million? As the Government since coming to office almost nine years ago has not built one new hospital in Sydney's expanding areas, what does the Minister intend to do to provide urgently needed hospital services in the outer western suburbs?

Mr WADDY: I appreciate the confidence that the honourable member for Penrith has shown in me by seeking an immediate answer to such a question. I shall give the question consideration and when I am in a position to do it I will give him an answer.

HOVERMARINE TRANSPORT

Mr MUTTON: I ask the Minister for Transport whether he has noted the arrival of the Hovermarine II Mark 3 to be known here as the hoverferry. In view of the advantages of this vessel over the hydrofoil and ordinary hovercraft—the advantages being less noise, less wash and a much shallower draught than other vessels, making it possible to travel about in comparatively shallow waters, even as far up the Parramatta River as Rosehill and to Roseville baths on Middle Harbour—will the Minister do all in his power to encourage the licensing of fresh routes, including to Rose Bay, and the construction of more wharves to enable the hoverferry company to bring more of these vessels to Sydney, and to give Sydney commuters much greater access to water transport?

Mr MORRIS: All honourable members, including the honourable member for Yarralla, who, for a long time, has been making ardent representations for hovermarine craft to be introduced to Sydney Harbour, will be delighted to learn that one has arrived in Sydney and is in the process of being unpacked, if that is the appropriate expression. Early tomorrow morning the craft will make a trial run on Sydney Harbour carrying

several honourable members who have been making representations on this matter. The Minister for Tourism will be among those having a jaunt on the harbour in the craft in the early hours of tomorrow morning as the guest of Dolphin Ferries Pty Limited. It will not be long before a regular hover-marine service will be introduced from Circular Quay to Gladesville. It is the Government's aim to do all it possibly can to encourage greater use of Sydney Harbom for commuter purposes. I assure the honourable member for Yaralla, and the honourable member for Fuller, who is also interested in this matter, that when an application is made to the department for permission to extend the franchise to take in new areas approval will be quickly and readily given for them.

ROAD SAFETY ON MOUNT OUSLEY

Mr L. B. KELLY: I wish to direct my question without notice to the Minister for Transport. I ask the Minister whether his attention has been invited to the fact that yesterday a heavily laden coal-truck got away on Mount Ousley and that an accident occurred in which the driver was fatally injured. Owing to the fact that there are no signs indicating a long descent of about five miles on this road, do some drivers of heavy trucks not always engage low gear before beginning the descent? Yesterday, despite the driver's attempts to stop his vehicle he was unable to do so, but fortunately were no other vehicles involved? As the Mount Ousley road is a popular route I ask the Minister whether he will have the matter investigated with a view to ensuring that adequate warning and road safety signs are positioned in the area.

Mr MORRIS: The honourable member for Corrimal has raised a serious matter. So far I have only read the press statement concerning the unfortunate accident involving the coal-lorry on this road yesterday. It is a few years since the honourable member for Bulli—as this particular electorate was then styled—had me down in the area to visit Bulli Pass. As a result, considerable work was done on that road, including sign posting, the provision of flashing

lights and other road safety signs. I take it that the honourable member for Corrimal is suggesting that this type of work ought to be repeated on the Mount Ousley road. If it is in the interests of road safety and if the present warning signs on this road are inadequate, I assure the honourable member that something will be done. I ask him to allow me, first, to obtain a full report. I give the honourable member an assurance that every precaution will be taken to avoid a recurrence of the unfortunate incident to which he has referred.

PRESERVATION OF COASTAL LANDS

Mr SINGLETON: I wish to ask the Minister for Lands a question without notice. Can the Minister tell the House what progress has been made in relation to the preservation of coastal land? Have some areas of residential land been excluded from this policy? Have some false claims been made in relation to errors in this plan and has this been brought to the Minister's notice? Can the Minister inform the House on what basis compensation will be assessed for land to be purchased by the Crown under this policy?

Mr LEWIS: I was surprised to see during the election campaign a claim by the honourable member for Casino that he had been responsible for releasing some land—

Mr DAY: On a point of order. In replying to a question a Minister is required by the standing orders to **confine** his answer to the subject-matter of the question. The Minister for Lands was not asked about any statements that I made or did not make. In fact, during the election campaign I made no such claims. They were made by the Corindi Beach Protest Association.

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

Mr LEWIS: I was surprised to see the claims allegedly made by the honourable member for Casino. Many outrageous claims were made during the election campaign, but this was the most outrageous of all, for the only approach made to me was by three members of the Country Party. The honourable member for Clarence

led the trio that came to see me in relation to the protection of coastal land. He pointed out that some mistake could have been made—and I said this in the House in answer to a question in the latter part of the last Parliament. The committee that was looking into the protection of coastal lands had taken some two years to do the job and obviously changes occurred between the time they inspected some areas of coastal land and the time they made their report to the Deputy Premier, Minister for Local Government and Minister for Highways and myself.

The honourable member for Clarence was outraged and he came to see me and pointed out, particularly in relation to Corindi, that an error had occurred. The Leader of the Country Party and I rectified that error quickly. All I can say is that claims made on this matter by any person other than the honourable member for Clarence were wrong and should never have been made. I pay tribute to the honourable member for Clarence for looking after his constituents so well that the town of Corindi now has no fear that the areas in question will be added to the lands to come under coastal protection.

ROYAL COMMISSION INTO ALLEGATIONS OF ORGANIZED CRIME IN CLUBS

Mr COX: My question without notice is directed to the Premier and Treasurer. I refer to the Premier's cross-examination at the Royal commission of inquiry into allegations of organized crime in clubs and in particular to the Premier's reference to a visit by three of his Ministers to Superintendent Lendrum. Did the Premier indicate during that cross-examination that he was not certain whether three of his Ministers had gone to see Mr Lendrum, but, subsequently, upon returning to his office and referring to some notes, did he recall that one of those Ministers had intimated to him that the three Ministers in question were going to see Mr Lendrum? Will the Premier inform the House whether those notes have been forwarded to the Royal

commissioner in accordance with the terms of reference of the Royal commission, which require that all relevant notes and documents be made available to the commission?

Sir ROBERT ASKIN: What the honourable member for Auburn says is mainly correct. It is true that in the 2½ hours during which I gave evidence I was asked many questions, and the facts in relation to one or two I could not remember offhand. Afterwards, when I checked with some Cabinet papers, I remembered that the Hon. F. M. Hewitt came and asked me whether he and his two colleagues could go and see the police department about something that had come under their notice. Anybody who has been in Cabinet knows that there is a running conference between Ministers and the chairman of Cabinet—that is, myself—about extraneous matters not listed for consideration. I just said, "Yes, see Sir George Gray"—who is now dead of course—and that is all there was to it. I just gave my permission. It was said like that.

When I attended the Royal commission I had no recollection of this. It is of no significance whatever; it was just that I did not remember offhand that Mr Hewitt had spoken to me and asked for permission. That is all it was; it was just a pencil note on the edge of the Cabinet minute. However, I will take the opportunity of saying that although there is still time for them to do so, I should have thought that the honourable member for Auburn and some of his colleagues who were responsible for the formation of the Royal commission by saying that the Government was doing something wrong in covering up for criminal elements, would have done what I, and my three colleagues did, and that was to write to the commission and say that we were quite willing to go along voluntarily and be cross-examined. Four Queen's Counsel asked me questions for more than two hours and I was quite happy to give them all the information I had.

The people who made the allegations about covering up have been most noticeable by their absence from the Royal commission. I should have thought that the gentlemen who alleged these things would not do so without having some information.

Surely they could not make serious allegations like that without any foundation. If they did, they should not be in Parliament. Apparently, that seems to be the case, or else there is a reluctance on their part to give evidence and for some other reason that I do not understand they will not appear before the Royal commission—up to date, at any rate. It ill behoves the honourable member for Auburn to ask a question like this when he, as one of the main offenders, has not seen fit to go before the Royal commission.

Mr Cox: On a point of order. I object to the words main offenders as used by the Premier in his reply. I have not offended against anyone in relation to this Royal commission which is taking place.

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

Sir ROBERT ASKIN: I am willing to withdraw the word offenders and substitute the word accusers.

Mr Cox: On a further point of order. The word accusers is offensive to me on the basis of what has taken place. I ask that the Premier be directed to withdraw that word and to apologize for using it.

Mr SPEAKER: Order! I remind honourable members that in relation to matters of this sort their skins must not be too thin. In the political sense I do not think that is the sort of phrase I ought to require the Premier to withdraw.

THE COMMUNITY AND ITS SCHOOLS

Mr VINEY: I ask the Minister for Education a question without notice. Has the attention of the Minister been invited to a press advertisement asking members of the general division of the Public Service Association of New South Wales to attend a special general meeting, and stating that the purpose of the meeting is to consider action arising from ministerial proposals for the employment and control of ancillary staff in schools by proposed school councils? Will the Minister advise the House whether he has any such proposal in mind? If he has not, will the Minister endeavour to track

down the authors of such malicious and misleading rumours that are sweeping through the ancillary staffs and causing unnecessary meetings to be called?

Mr WILLIS: My attention has been invited to the advertisements referred to in the question. These advertisements cover much the same ground as was covered by staff representatives, including the president of the Public Service Association, who came to see me in deputation concerning the document that is being circulated, and known commonly as the White Paper, or something of that nature, entitled *The Community and Its Schools*. One or two sentences in that document have been interpreted—or perhaps I should say misinterpreted—by certain persons in the Public Service Association to mean that the Government intends to do something of the sort suggested, even though I have given them strong assurances that no such proposals are at this stage under consideration.

What the Public Service Association has told its general division members, and that includes all the clerical staffs employed in schools, is that the Government has a plan whereby it will establish councils in each of the schools, and those school councils will consist of local people, without any consideration of matters other than those of a local nature, and they will be the employing authority for the ancillary staff of the school. The effect of this, so the general division employees have been told, is that there will be a great deal of nepotism and patronage, that the present employees unquestionably will lose their jobs, that all sorts of terrible consequences will flow from this, that they will no longer be members of the public service, that they will not have the protection of the Public Service Association, and goodness only knows what else.

I am sure that I do not need to tell any honourable member who has taken the trouble to read the White Paper in question that there is no proposal or plan at this stage. That document was circulated solely for the purpose of stimulating discussion in the community about the general idea of community involvement in education administration. A number of suggestions were made that were possibilities. However, not

even in the document and the other things to which I have just referred are those matters alleged to be a Government plan. There is no Government plan at this stage. The matter is still under consideration by a panel of experts appointed by me several months ago and from whom I should not be expecting a report for a few weeks yet.

No plan will be implemented until it has again been circulated for public discussion. I am quite sure that all the ill feeling and panic being whipped up at present is without foundation. Certainly it does not justify the advertisement to which the honourable member referred, calling the public meeting which, I understand, is to be held somewhere in Sydney next week. I should be grateful if the honourable member for Wakehurst or any other honourable member who may have this matter raised with him would assure those of his constituents who might mention this subject that there is no plan at present; that the matter is still subject to investigation, discussion and consideration; and that no plan will be implemented until after what is ultimately submitted to me by the panel of experts is circulated for further consideration. At this stage the agitation and the public meeting being called are literally much ado about nothing.

ILLEGAL GAMBLING CLUBS

Mr F. J. WALKER: I ask the Minister of Justice whether he promised the House during the previous Parliament that he would call for a report from Crown law officers on the question of closing illegal gambling casinos. Is that report to hand, and if so, does it deal with the legal position regarding the closure of clubs obviously conducting illegal games such as baccarat and roulette? Will the Minister table the report so that the Opposition and the public may study it?

Mr MADDISON: I am not sure that I said that I should table a report on illegal gambling clubs, so-called. What I said recently was that the Government, through the Chief Secretary and myself, has been examining deficiencies in the Gaming and Betting Act which made it difficult to have

various notorious establishments declared common gaming houses. The current position is that the Government has under consideration a proposal for amending the Gaming and Betting Act in order to close the gap, but the amendments have not yet been dealt with by the Government. During the previous Parliament we had a lot of loose talk in this Chamber—and apparently it is going on in this Parliament—about illegal gambling clubs, and the ease, existing apparently only in the mind of the honourable member for Georges River, of having them declared common gaming houses. I point out that some legal gaps exist and I want to read one or two extracts from judgments to indicate the difficulty of closing them. I propose to quote from a judgment of Mr Justice Taylor in the Supreme Court on an application for an order declaring premises at Rozelle a common gaming house. The facts were these. There had been a series of four arrests made from the premises for the playing of what were illegal games. Mr Justice Taylor drew attention to the connotation of a common gaming house and in his judgment he said:

There is no question of any disorderly conduct of the premises; there were no complaints or noise, no evidence that people who went there were other than respectable, quiet and well behaved; and the element of pernicious tendency, if it existed, must be found in the fact that people went there habitually for the purpose of playing these card games for money . . . I have no doubt that the Police were justified in entertaining the suspicion that they did entertain, that is that card games were being played for money in these premises and that that constituted a Common Gaming House. The fact that they entertained the suspicion, the fact the various persons in charge at the games pleaded guilty to being the Keeper of a Common Gaming House and that the players forfeited their recognizance in a large number of cases, does not, in my opinion, afford a ground for holding that these premises were used in contravention of the Act, as a Common Gaming House. In the absence of any evidence that this use of the premises was accompanied by acts or circumstances which could constitute the use of a public mischief or nuisance injurious to public morals and so make it a pernicious use of the premises, the premises were not, in my opinion, being used in contravention of the Act.

Similarly, Mr Justice Isaacs referred in a judgment to the law to which Mr Justice Taylor had adverted. It related back, of

course, to a long-standing decision of Mr Justice Street, as he then was, in the case of *Eggin v. Wilcox*, 60WN 215. Mr Justice Isaacs, who was dealing with the question of whether premises could be declared a common gaming house, said in his judgment:

The qualification so placed as constituting a Common Gaming House by Street J. has stood for more than twenty five years notwithstanding amendments made in that period to the Gaming and Betting Act, and *Sugarman J.* (as he then was) in *Grigg v. Bell* and others (85 W.N. Part 1 P.628 at P. 629/630) adopted this qualification and referred to its adoption in New Zealand and Queensland, and although he distinguished that case from the facts in *Eggin v. Wilcox*, he did not in my view depart from its principles. In my view applying these principles on no occasion was the subject premises used as a Common Gaming House as a matter of law or fact. The fact that its conduct was not approved by the Police did not convert it into one. The raiding of the premises on the eight occasions did not convert it into one. Nor would it be so converted if the Police had been minded to raid it every day and discover the same facts . . . Nor in my view arresting the occupier and charging him with being the Keeper of a Common Gaming House or his plea of guilty and being fined convert those premises in law to Common Gaming House. His plea cannot constitute the law or define it. He might want to plead guilty for any number of reasons but in law he was not guilty, nor were any of the other persons guilty of any of the offences with which they were charged. If the charges had been defended and convictions made on this evidence then I am confident that on prohibition or case stated or appeal to Quarter Sessions the convictions would have suffered the same fate as in *Eggin's* case.

The honourable member for Georges River said in this Chamber during the previous Parliament that it was a simple matter of going to the court and getting a declaration. He knows that is deliberately false and as a lawyer it does not do him credit to make that allegation.

Mr F. J. WALKER: On a point of order. I take exception to the words deliberately false. I submit that they are unparliamentary and should be withdrawn.

Mr SPEAKER: Order! The honourable member for Georges River indicates that he takes objection to those two words and I require the Minister to withdraw them.

Mr MADDISON: I withdraw the word "deliberately" and say that it is false. Quite clearly the decisions of the courts on the application of the provisions of the Gaming and Betting Act in relation to the declaration of a common gaming house are not as alleged by the honourable member for Georges River but are in line with judgments of the Supreme Court to which I have referred this afternoon. Obviously there are gaps in the law, but the Government is determined to close them. By virtue of the Chief Secretary's involvement, and mine as ministerial head of the police, the Government has the problem under consideration and is desirous of resolving it urgently.

HOUSING SHORTAGE

Mr N. D. WALKER: My question is directed to the Minister for Housing and Minister for Co-operative Societies. Will the Minister examine the frequent representations I have made on behalf of a number of my constituents who are experiencing severe housing problems through no fault of their own? Will he give an undertaking that he will do all he possibly can in his new capacity as Minister for Housing to relieve the unfortunate position in which these people find themselves at this time of the year?

Mr MCGINTY: Nobody knows better than I, having worked closely with him for the past six years, that there could be no harder worker for his constituents than the honourable member for Miranda. This fact is evidenced by his magnificent victory at the recent State elections. I will certainly investigate the matter he has raised and do everything in my power to assist.

CHILD WELFARE ACT

Mr KEARNS: I ask the Minister for Youth and Community Services whether the Child Welfare Act is currently under review. Have submissions been sought from individuals and organizations working in the child welfare field? What consideration will the Minister and his departmental officers give to these submissions, and will the Minister establish an advisory committee of experts from outside the department to assist in a review of the Act?

Mr HEALEY: It is true that a review is being made of the Child Welfare Act. Invitations have been issued to the public seeking contributions or suggestions from interested persons for the drawing up of the new Act. All wisdom in relation to children and their welfare does not necessarily fall within the Department of Child Welfare, and I assure the honourable member that any matters placed before the department relating to child welfare will be carefully considered and, if thought to be worth while, possibly included in the legislation. As to the last part of the honourable member's question, I am discussing with officers of my department the possibility of setting up a committee of some kind to study this matter.

STRIKE OF TEACHERS

Mr RUDDOCK: My question is addressed to the Minister for Education. Was there a proposed stoppage of teaching in New South Wales departmental schools last week? Was this projected strike a success or failure according to the view of the New South Wales Teachers Federation? What approximate percentage of teachers attended for duty?

Mr WILLIS: Last week a stoppage of school teachers, both secondary and primary, was called by the New South Wales Teachers Federation. The number of teachers who responded to their union's call varied somewhat from place to place, and between primary and secondary levels of schooling, but 43 per cent of the total number of teachers employed by the Department of Education in primary and secondary schools, including infants departments, attended for duty on that day. I regret to say, however, that a lower percentage of children—about 30 per cent—attended. This was no doubt due to the fact that parents were a little apprehensive about sending their children to school when they were not sure that there would be sufficient teachers to supervise and take care of them. It all depends upon one's viewpoint as to whether one regards an attendance of virtually half as a success or failure when a stoppage of this nature is called.

Whether it was a success or failure from the viewpoint of the Teachers Federation, I can say that the strike was certainly most disruptive of the education of children in this State and a poor example to set the children. In addition, it was a grave inconvenience to say the least to the parents of those children. I am quite sure that as a result thereof the teaching profession and the Teachers Federation did not enhance their status, reputation or popularity with the community generally: they succeeded in lowering their reputation in the minds of the people of New South Wales.

As regards the industrial aspect, I take the opportunity of saying that the strike was a dismal failure. All it succeeded in doing was to cause teachers who stayed away from work the loss of a day's pay, which indirectly benefited the Government by saving it \$700,000 in salaries. The teachers did not succeed in altering by one iota the situation in regard to negotiations between the employer's agent, the Public Service Board, and the Teachers Federation. When the strike was over the parties to those negotiations were back precisely where they were on the day before the strike, and they are now back at the negotiating table. In fact today they have been back to the Industrial Commission, having agreed on exactly the same things as they agreed upon the day before the strike and having taken to the Industrial Commission those things that they could not agree upon on the day before the strike but are now leaving to the Industrial Commission to settle.

All that the Teachers Federation succeeded in doing was to inconvenience the public, to cause the loss of a day's pay to 57 per cent of teachers in this State, and to put back negotiations for salary increases and the like by a few days. The strike did not serve any useful purpose whatever. From my point of view, trying to be objective about it, I would say that the strike was a dismal failure. Apart from that, it succeeded in disrupting schooling and inconvenienced parents. I hope that in future teachers will think more carefully before

going on strike. I am more convinced than ever that they will get much further in their negotiations by sitting around the table discussing these matters than by direct action.

BROKEN HILL WATER AND SEWERAGE (AMENDMENT) BILL AND OTHER BILLS

Mr WILLIS (Earlwood), Minister for Education [5.44]: I ask leave of the House to move a motion to suspend standing orders to permit a number of bills to be brought in and passed through all their stages in one day.

Mr WRAN (Bass Hill), Leader of the Opposition [5.45]: We object.

URGENCY

Mr WILLIS (Earlwood), Minister for Education [5.45]: In that case, I move:

That it is a matter of urgent necessity that the following bills be brought in and passed through all their stages in one day, viz.:

Broken Hill Water and Sewerage (Amendment) Bill

Gaming and Betting (Poker Machines) Amendment Bill

Hunter District Water, Sewerage and Drainage (Amendment) Bill

Land Development Contribution Management (Amendment) Bill

Metropolitan Water, Sewerage, and Drainage (Amendment) Bill

Motor Vehicles (Taxation) and Motor Vehicles Taxation Management (Amendment) Bill

Stamp Duties (Amendment) Bill

Mr WRAN (Bass Hill), Leader of the Opposition [5.46]: I wish to speak against the motion. I direct attention to the very basis upon which the Minister has moved the motion—that there is a situation of some urgency. What is the need for urgency in respect of the seven bills which the Minister seeks to pile-drive through this Parliament virtually today?

Mr MAUGER: YOU will learn.

Mr WRAN: Perhaps I shall learn and perhaps we might all learn something in the next twenty minutes, because urgency is the key note. If I might foreshadow the answer which the Minister will seek to give to my

objection, it is this: that before Parliament was terminated for the just-past election most of these bills were debated in this House. I see that Government members are fully in accord with that observation. However, what the Minister and the Government seem to forget in moving for urgency on this matter, is that this is a new Parliament and is constituted differently from the last Parliament.

Mr MAUGER: We have a mandate.

Mr WRAN: The honourable member for Monaro, who interjects, may have been here on the last occasion but the fact is that there are new members here today who were not here on the last occasion.

Mr MAUGER: That is bad luck.

Mr WRAN: The honourable member again interjects and says that that is bad luck. Earlier today he listened with all solemnity when there was talk of fairness, freedom of speech and a proper consideration of matters brought before the Parliament. Later he went to Government House and solemnly stood by when there was talk of the undoubted rights and privileges of members of Parliament and freedom of speech. What about the freedom of speech of the fourteen new members who are present in this Chamber today but have had no opportunity whatever to address their attention to the seven bills which the Government now seeks to pile-drive through this Chamber? Of course, by tomorrow there will be fifteen new members in this House because today the Australian Labor Party candidate for the seat of Coogee doubled his majority from one to two and tomorrow he will be added to the contingent on this side of the House.

Mr RUDDOCK: That might put you out.

Mr WRAN: The honourable member for Coogee will be another member for my party which, I am pleased to say, does not employ the same pile-driving tactics as this Government.

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition is entitled to be heard in silence.

Mr WRAN: I remind some members on the Government side that they have had their day and their little joke. Let us now come back to the substance of freedom of speech and privilege of members. This motion for the suspension of standing orders will completely deprive fourteen members of this Chamber of the right to study and argue the rights and wrongs of the measures contained in those seven bills. If one looks seriously at the matter of urgency one sees that in the period from 1st January, 1973, to this date, the legislature has sat on only forty-eight days. Now, because Government members want to get home for Christmas, the Government, by moving urgency, is endeavouring to deny the new members of this Chamber the right to study and argue these measures. That is hypocrisy, it is cynical and it is definitely a degradation of the parliamentary institution.

I have only recently discussed with the Leader of the House the situation of being told a few minutes before one comes into the Chamber what bills are to be debated. How can anybody, no matter who he is, debate a measure sensibly when he is told only a quarter of an hour beforehand what is on the notice paper? Sir, what is being practised in this Parliament today, and I hope it will not be practised in the future, is an analogy to the game of Russian roulette. The Opposition proposes to deal with this problem here and now, and unless there is an assurance that this sort of pile-driving of measures through the Parliament will not occur we propose to take the matter to the people and on to the forums wherever we can and let the people know what happens in New South Wales in the area of parliamentary democracy. The Opposition will certainly not tolerate members who represent hundreds of thousands of people—and the fourteen new members of this Chamber do represent hundreds of thousands of people—being treated as though they were non-existent and the recent election being treated as though it were a non-event by the Minister, saying the matters are urgent and were talked about in the last Parliament, so they shall be pile-driven through the House.

Amendments will be moved and matters have to be discussed. The ordinary parliamentary procedures should be adopted. On this, the first day of Parliament, in the midst of all the euphoria about freedom and parliamentary democracy, almost within the first half hour of the parliamentary sitting, the gag was moved to prevent the honourable member for Illawarra putting forward his point of view as to the rights and wrongs of the election of a Speaker in this Chamber.

Mr RUDDOCK: We know him of old.

[*Interruption*]

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

Mr WRAN: The honourable member for The Hills who was so loquacious in his interjection might have known the honourable member for Illawarra of old but I should have thought that someone who has been so long associated with Parliament would have more respect for the rights of any member, whatever might be his views and however anyone might disagree with them, to put those views forward in an atmosphere of calm and in a position in which he would have ample time to present them. What is being attempted in this Chamber today is a grave reflection on the stability of parliamentary democracy in New South Wales. Now that we are embarking upon a new Parliament, I hope that the Leader of the Government in this House will turn, over a new leaf and that we shall see co-operation between the Opposition and the Government so far as its procedures are concerned; that we shall behave more like civilized human beings, rather than like animals setting upon each other in a situation where if one party has the numbers it tramples the other to death.

Question of urgency put.

The House divided.

AYES, 50

Mr Arblaster
Sir Robert Askin
Mr Barraclough
Mr Boyd
Mr Brewer
Mr Brooks
Mr Brown
Mr Bruxner
Mr Coleman

Mr Cowan
Mr Crawford
Sir Charles Cutler
Mr Darby
Mr Duncan
Mr Fife
Mr Fischer
Mr Fisher
Mr Freudenstein

Mr Griffith	Mr Osborne
Mr Harrold	Mr Park
Mr Healey	Mr Pickard
Mr D. B. Hunter	Mr Punch
Mr Jackett	Mr Rofe
Mr Leitch	Mr Rozzoli
Mr Lewis	Mr Ruddock
Mr McCaw	Mr Singleton
Mr McGinty	Mr Taylor
Mr Mackie	Mr Waddy
Mr Maddison	Mr N. D. Walker
Mr Mason	Mr Willis
Mr Mauger	Mr Wotton
Mr Mead	
Mrs Meillon	<i>Tellers,</i>
Mr Morris	Mr Doyle
Mr Mutton	Mr Viney

NOES, 45

Mr Bannon	Mr Jones
Mr Barnier	Mr Keane
Mr Bedford	Mr Kearns
Mr Booth	Mr L. B. Kelly
Mr Brereton	Mr Maher
Mr Cahill	Mr Mahoney
Mr Crabtree	Mr Mallam
Mr Day	Mr Mulock
Mr Degen	Mr Neilly
Mr Durick	Mr O'Connell
Mr Einfeld	Mr Paciullo
Mr Face	Mr Petersen
Mr Ferguson	Mr Quinn
Mr Flaherty	Mr Ramsay
Mr Gordon	Mr Renshaw
Mr Haigh	Mr Rogan
Mr Hatton	Mr Sheahan
Mr Hills	Mr Wade
Mr M. L. Hunter	Mr F. J. Walker
Mr Jackson	Mr Wran
Mr Jensen	<i>Tellers,</i>
Mr Johnson	Mr Cox
Mr Johnstone	Mr Stewart

Question so resolved in the affirmative.

Motion of urgency agreed to.

SUSPENSION OF STANDING ORDERS

Mr WILLIS (Earlwood), Minister for Education [5.59]: I move:

That so much of the Standing Orders be suspended as would preclude the following bills being brought in and passed through all their stages in one day, *viz.*:

Broken Hill Water and Sewerage (Amendment) Bill

Gaming and Betting (Poker Machines) Amendment Bill

Hunter District Water, Sewerage and Drainage (Amendment) Bill

Land Development Contribution Management (Amendment) Bill

Metropolitan Water, Sewerage, and Drainage (Amendment) Bill

Motor Vehicles (Taxation) and Motor Vehicles Taxation Management (Amendment) Bill

Stamp Duties (Amendment) Bill

For the information of honourable members, and particularly the novice Leader of the Opposition, I should like to advise that all—not most, as was stated earlier by one honourable member—of the bills that I have enumerated were passed by this House towards the end of the last Parliament. All the bills are either consequential upon the Budget or were incorporated in the policy speech of the Premier and Treasurer, who was given a mandate by the people of this State only a couple of weeks ago. Further, they are all of such a nature that it is essential they should be passed before the Christmas recess so that the people of New South Wales will gain the benefit of them. As the bills have been approved already by this House—indeed, most of them without any dissent whatever—I can assure the Leader of the Opposition that, to use his delightful phrase, the euphoria of parliamentary democracy is not being diminished in any way by restoring the situation to where it was when Parliament was dissolved prior to the election.

[Interruption]

Mr SPEAKER: Order! The Minister for Education is entitled to be heard in silence.

Mr WILLIS: I assure you, Mr Speaker, that these bills are not in the nature of pile-driving or Russian roulette, which was alleged earlier; they are bills that the people of this State have supported and are awaiting passage through Parliament. It would be of the greatest convenience to not only members of the Legislative Assembly but also members of the Legislative Council if we got the House back to the state of affairs that existed prior to the dissolution of the last Parliament. Threats to take these matters out to the people fall on particularly deaf ears at the present time, and I advise the Leader of the Opposition that one of the reasons for the last elections was that his illustrious predecessor in this House gave notice here of a motion of no confidence in the Government. In effect, the Premier and Treasurer of the State said, "Let us take this question to the people". He took it to the people and, as a result, we gained a bigger percentage of the votes than we had at the previous general elections.

I assure the honourable gentleman that I shall give him all the co-operation he gives to me. Also, I assure him that this legislation is most desirable, and that all he is achieving by making one maiden speech after another here today is, if he is not careful, becoming not a maiden M.L.A. but a worn-out old maid M.L.A. before the House rises. I assure him that the House is staying here tonight until these bills are sent on to the Legislative Council.

Mr **WRAN** (Bass Hill), Leader of the Opposition [6.2]: In regard to the comment that I might become a worn-out maiden, I should prefer to be worn out for the right reasons rather than for the wrong reasons. In reply to the Minister's assertion that the Government has an overwhelming mandate, he seems to have forgotten a number of things: first, that the combined Government parties polled far fewer votes than the Opposition; second, that the Government lost two seats; third, that the fourteen new members of this House are entitled to understand the proposed legislation and to express their views on it; and fourth, that if for the purposes of argument I can accept the assertion by the Minister that the Government has a mandate in respect of these measures, the Government has no mandate to claim that the measures cannot be improved. For these reasons, the Opposition and each new member are entitled to examine the measures.

Mr **LEWIS**: What a disappointment.

Mr **WRAN**: The Minister for Lands, in his usual charitable and gentlemanly fashion, says, "What a disappointment". He proved the biggest disappointment today when a question was put in relation to the scandal of Crown land being auctioned.

Mr **BARRACLOUGH**: You asked the wrong question.

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

Mr **WRAN**: Let us have all the shouting and all this talk about novitiates, and then let us get down to tin tacks. What we are debating now is our being deprived of the right fully to debate measures that will come

before this Parliament for the first time. We adhere to the view we have expressed previously, and we oppose the motion.

Question—That the motion be agreed to—put.

The House divided.

AYES, 50

Mr Arblaster	Mr McGinty
Sir Robert Askin	Mr Mackie
Mr Barracrough	Mr Maddison
Mr Boyd	Mr Mason
Mr Brewer	Mr Mauger
Mr Brooks	Mr Mead
Mr Brown	Mrs Meillon
Mr Bruxner	Mr Morris
Mr Coleman	Mr Mutton
Mr Cowan	Mr Osborne
Mr Crawford	Mr Park
Sir Charles Cutler	Mr Pickard
Mr Darby	Mr Punch
Mr Duncan	Mr Rofo
Mr Fife	Mr Rozzoli
Mr Fischer	Mr Ruddock
Mr Fisher	Mr Singleton
Mr Freudenstein	Mr Taylor
Mr Griffith	Mr Waddy
Mr Harrold	Mr N. D. Walker
Mr Healey	Mr Willis
Mr D. B. Hunter	Mr Wotton
Mr Jackett	
Mr Leitch	
Mr Lewis	
Mr McCaw	

Tellers,

Mr Doyle
Mr Viney

NOES, 45

Mr Bannon	Mr Jones
Mr Barnier	Mr Keane
Mr Bedford	Mr Kearns
Mr Booth	Mr L. B. Kelly
Mr Brereton	Mr Maher
Mr Cahill	Mr Mahoney
Mr Crabtree	Mr Mallam
Mr Day	Mr Mulock
Mr Degen	Mr Neilly
Mr Durick	Mr O'Connell
Mr Einfeld	Mr Paciullo
Mr Face	Mr Petersen
Mr Ferguson	Mr Quinn
Mr Flaherty	Mr Ramsay
Mr Gordon	Mr Renshaw
Mr Haigh	Mr Rogan
Mr Hatton	Mr Sheahan
Mr Hills	Mr Wade
Mr M. L. Hunter	Mr F. J. Walker
Mr Jackson	
Mr Jensen	
Mr Johnson	
Mr Johnstone	

Tellers,

Mr Cox
Mr Stewart

Question so resolved in the affirmative.

Motion agreed to.

[Mr Speaker left the chair at 6.6 p.m. The House resumed at 7.30 p.m.]

SUSPENSION OF STANDING ORDERS

Mr WILLIS (Earlwood), Minister for Education [7.31]: I seek the leave of the House to move a motion to suspend standing orders to permit a number of bills to be brought in and read a first time at this sitting.

Leave granted.

Mr WILLIS (Earlwood), Minister for Education [7.32]: I move:

That so much of the Standing Orders be suspended as would preclude the following bills being brought in and read a first time at this sitting, viz.:

Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill
Industrial Arbitration (Further Amendment) Bill
Local Government (Amendment) Bill
Local Government (Regulation of Flats) Amendment Bill
Registration of Births, Deaths and Marriages Bill

The purpose of the motion is to permit some business to get on to the business paper today so that it will be possible to have a proper debate tomorrow, otherwise the House will have no business before it tomorrow.

Motion agreed to.

STAMP DUTIES (AMENDMENT) BILL

INTRODUCTION

Mr MADDISON (Ku-ring-gai), Minister of Justice, on behalf of Sir Robert Askin [7.33]: I move:

That leave be given to bring in a bill to make further provisions with respect to exemptions from, and concessional rates applicable to, death duties; to make provisions with respect to the reduction of death duty upon estates of certain persons; for these purposes to amend the Stamp Duties Act, 1920; and for purposes connected therewith.

This bill is exactly the same as the bill that was introduced during the last Parliament but, because of insufficient time, did not pass through both Houses of Parliament prior to the recent State general elections. The bill contains very important concessions. First, it provides for an increase to \$50,000 in the general exemption from

death duty for close dependants of a deceased person. Second, the range of estates within which a concessional rate of duty applies to be lifted to cover estates between \$50,000 and \$68,000 in value and the concessional rates are also to be extended. Third, the exemption and each of the levels within the concessional range are to be increased by a special dependants allowance of \$4,000 for each dependant beyond the first.

Finally, the bill contains further concessions for primary producers' estates. The maximum rebate for estates up to \$150,000 is to be raised to 50 per cent, with an appropriate adjustment to the sliding scale now applying to larger estates up to \$200,000. I am sure all honourable members will support these measures and I am pleased to commend the motion to the House.

Mr MULOCK (Penrith) [7.35]: As the Minister indicated, this bill passed through all stages in this House during the last Parliament. At that time the Opposition took no exception to the bill and there will be no objection to it on this occasion. However, I should like to place on record at the beginning of this sitting that the concessions foreshadowed in the bill by the Minister in fact arise from the specific promises that were made by the Opposition during the bye-election campaigns last February. At that time the former Leader of the Opposition indicated what our attitude was to the question of death duties, and it was only after this had been announced that the Premier made a similar statement.

Mr FISCHER: What a lot of humbug.

Mr MULOCK: You would be an expert in humbug.

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

Mr MULOCK: It is, of course, necessary at times of inflation to look at variation of the principles set down and the scales that have been applied, and this is exactly what has taken place in this bill. The Opposition supports the measure and looks forward to the second-reading debate and the passage of the bill.

Mr MADDISON (Ku-ring-gai), Minister of Justice [7.36], in reply: I cannot let the remarks of the honourable member for Penrith go unchallenged. The fact is that the concessions in this bill are far more extensive and in a different form from those that the former Leader of the Opposition promised during the by-election campaigns to which the honourable member has referred. The provisions in this bill are far more generous and are in accordance with the policy speech made by the Premier and Treasurer—and not by the former Leader of the Opposition.

Motion agreed to.

Bill presented and read a first time.

MOTOR VEHICLES (TAXATION) AND
MOTOR VEHICLES TAXATION
MANAGEMENT (AMENDMENT) BILL

INTRODUCTION

Mr MORRIS (Maitland), Minister for Transport [7.37]: I move:

That leave be given to bring in a bill to provide for the reduction of, or exemption from, taxes in respect of certain motor vehicles; for this purpose to amend the Motor Vehicles (Taxation) Act, 1971, and the Motor Vehicles Taxation Management Act, 1949; to validate certain matters; and for purposes connected therewith.

The bill is a formal measure to validate the action that has been taken to eliminate certain anomalies that came to light subsequent to the amendment of the Motor Vehicles Taxation Management Act in December, 1971, and to extend certain concessions under that Act. The bill is also designed to amend the Motor Vehicles (Taxation) Act to validate the action that has been taken to implement the undertaking given by the Government earlier this year to reduce the weight-tax portion of the registration charge payable in respect of certain vehicles owned by primary producers and certain organizations.

The various provisions of the bill will be explained in detail during the second-reading speech. At this point, I feel that all it is necessary to say is that the proposals are straightforward, and I am sure they will have the support of all honourable members. I commend the motion to the House.

Mr COX (Auburn) [7.40]: A measure in the same terms as this bill was dealt with by the House during the last Parliament. It provides relief for the rural motorist, and on that occasion I said that the Opposition supported the measure on the basis that it provided concessions to motorists engaged in primary production. I said also that there were other people to whom the Minister should consider granting some sort of concession. I raised a matter that had been brought to my notice by the honourable member for Murrumbidgee relating to people who own trucks and work solely in conjunction with local government authorities. In this category are gravel carriers who are solely engaged on contract work for shires and municipal councils. I suggested that the Minister give consideration to providing them with some sort of concession.

Pensioners in rural areas do not enjoy the public transport provided in metropolitan areas and they must rely on their motor vehicles to a far greater extent than do pensioners in the metropolitan area. I suggested on the former occasion that the Minister should give consideration to providing some form of concession to pensioners in rural areas who are faced with heavy registration charges. The Minister said that he would look into these matters, and I should have thought that the Minister may have had sufficient time to deal with them. Motorists are the most heavily taxed people in our community. They are faced with heavy burdens, and I refer to not only motor vehicle taxation but also petrol prices, which have been increased regularly no matter what government is in power.

The Minister should have taken the opportunity to consider the points I raised in the debate on the bill previously. As I have said, this measure provides relief for a number of people, and the Opposition is not against providing relief for rural people who use motor vehicles solely or largely in the course of rural occupations. We support that principle without any hesitation, for it is a step in the right direction. The measure will be supported by the Opposition but we should like the Minister to consider in the near future the points I have raised. He

should give further consideration to pensioners in rural areas and to those persons who own motor lorries and use them solely for work by contract with shire and municipal councils. Many owners of vehicles are engaged solely on the cartage of gravel for shire and municipal councils and they regard themselves as doing a service for the rural community. The argument advanced by them is that they are virtually no different from the man on the land. They, too, are playing a part in the rural development of the State and they feel that some concession should be extended to them.

From a study of the departmental estimates it is apparent that motorists of this State may be in for another onslaught by way of increases in motor vehicle taxation. Let us not have another episode involving many taxation measures during the first year back in office of the Government. In the past as soon as this Government has come back into power after a general election the motorist has been hit with increased costs. Those who use public transport are also hit. Decisions will soon have to be made in relation to the motor car. There is a fuel shortage and the Government's intentions should be quickly announced as a matter of policy. There must be some rationalization with regard to the motorists of this State. Let us not have a situation where, at the first available opportunity after the Government is returned to office, a marked upsurge in motor vehicle taxation occurs. That has happened on every occasion that the Government has been returned to office, and it has taxed the motorist almost out of existence. The Opposition supports the measure but asks the Minister to give consideration to the problems of people in the categories I have mentioned.

Mr MALLAM (Campbelltown) [7.45]: I support the measure. I live in the Campbelltown area where my constituents pay the higher country prices for almost everything, including beer, but they also pay city motor vehicle registration fees. An electorate should be declared either a metropolitan or country electorate. It should not be said to be a country electorate for commodities that are dearer in the country, but a city

electorate for the things, such as motor vehicle registration and insurance charges, that are dearer in the city. The Minister should give consideration to extending the benefits of this measure to the people of Campbelltown. People in Campbelltown pay country prices for petrol: they should have the advantage of country charges for motor vehicle registration purposes. They are classed as being in a country electorate for the purpose of telephone and other charges that are dearer in country areas.

I ask the Minister to give consideration to the plight of my constituents. They should not be in a situation in which they pay the city rate when it is the dearer rate, and the country rate when it is the dearer rate, as is the case with the price of petrol. Will the Minister look at those matters in an endeavour to make things uniform? If an area is classed as country it should be classed as country for all purposes. The cheaper motor vehicle registration fees should apply to Campbelltown. The Minister promised the people in the area a silver train during two general election campaigns—the election just held and the previous election. They still have no silver train. From an answer I received to a question I notice that one new carriage was built last year. On my calculation there might be a full train in ten years' time. I hope the Minister will soften and provide these people with the same benefits as for other country people. Campbelltown motorists live in a country area and should receive an automatic concession.

Mr MORRIS (Maitland), Minister for Transport [7.50], in reply: I do not want to stir up this debate, which has been going along quietly, but I should say one or two things to put the record straight. First, I will say to the honourable member for Auburn that at the moment the Government is looking at a number of proposals in respect of motor vehicle registration that would be classed as further minor concessions. I must emphasize that they are minor concessions, for I do not want to give a false impression. The matters raised this evening by the honourable member for Auburn are

being looked at. They are not easy of implementation, especially in relation to pensioner concessions. That is a difficult matter, but it and a few other possibilities of a fairly minor nature are being examined.

The Government will have a look at the matter raised by the honourable member for Campbelltown. I do not know a great deal about zoning so far as registration is concerned. I know that country rates are charged in various areas but I was unaware of the situation at Campbelltown. Nevertheless, I should say that I am entering my fourth term as Minister for Transport, and even though the honourable member for Auburn said that the Government might be looking at the possibility of increasing motor vehicle taxation as it has done each year, as he puts it—

Mr Cox: Increasing it in each first year of new office.

Mr MORRIS: Well, as to his suggestion that the Government is looking at the possibility of increasing motor vehicle taxation in the first year, the matter is not under consideration at all. During the period of almost nine years that I have been Minister for Transport it has been my unhappy duty to ask this House but once to pass legislation increasing motor vehicle taxation—just once. That increase brought into the Treasury, and through me to the Department of Main Roads, some \$40 million for expenditure on roadworks only. I should not like to give the impression that I am always shooting measures into the House to catch the motorist. I have a great understanding of and sympathy for the motorist who, I think, is regarded by many persons, not only in government but also in private business, as a good milch cow. At the present time I am looking at the question of motor vehicle insurance, the rates for which were increased willy-nilly by 10 per cent last weekend. These increases are sometimes made, I think, without regard to the cost of repairs or to whether the charges are justified. We are looking also at the practice of writing off, willy-nilly, cars that are involved in collisions, and at the question whether they ought to be written off, handed over to the

wreckers, and a new car provided for the owner. I am not happy about these imposts on motorists.

In my own defence I should say again that although in the nine years that I have been Minister I have been required by the Government only once to increase charges to obtain revenue for our road building programmes, and this brought in about \$40 million, in the past two federal budgets—one introduced by the present Government and one by the former Government—\$300 million has been taken out of the pockets of motorists in petrol tax—\$150 million in each budget—and not one brass farthing has gone into road building or been expended on any other purpose connected with motoring. I mention that fact in passing and, having done so, I conclude by saying that I shall look carefully at the specific matters raised by honourable members who have taken part in the debate on the motion for leave to introduce the bill.

Motion agreed to.

Bill presented and read a first time.

GAMING AND BETTING (POKER MACHINES) AMENDMENT BILL

INTRODUCTION

Mr GRIFFITH (Cronulla), Chief Secretary and Minister for Sport [7.55]: I move:

That leave be given to bring in a bill to make further provision with respect to the keeping, use, and operation of, and the supplementary license tax payable in respect of, poker machines; for this and other purposes to amend the Gaming and Betting Act, 1912, and the Gaming and Betting (Poker Machines) Taxation Act, 1956; and for purposes connected therewith.

This bill is similar to the one that was before the House prior to the general elections and is designed to give effect to the budget proposals to grant tax concessions and remove the restrictions on the number of 20c poker machines that may be licensed. I commend the motion.

Mr FERGUSON (Merrylands), Deputy Leader of the Opposition [7.56]: The Opposition does not propose to delay the introduction of this measure. A bill dealing with poker machines has been introduced virtually every year since the Government has been in office. The bill for which leave to introduce is sought on this occasion will give the clubs an additional concession in regard to the amount of depreciation that they can claim on each poker machine. This year the Government proposes to allow the clubs to claim a depreciation allowance of an additional \$25 for each machine. Considering the amount of revenue that the Government obtains from the club movement in New South Wales, one can only conclude that the proposed concession is not great. In 1966 the Government piously introduced legislation to limit the number of 20c machines that any club may have. The Government claimed that this was necessary to minimize the evils of gambling. In the bill for which leave to introduce is now sought, that restriction will be lifted. When the Minister introduced a similar bill during the last Parliament, he did not give the reason for this, and he has not yet given any explanation.

At a later stage—probably some time next year—there should be a thorough examination of the club movement in this State. Although my parliamentary colleagues and I are proud of the clubs in our electorates, we must all be concerned at the fights, the squabbles, the seeking of injunctions and so forth that are taking place. There is a struggle for the management of clubs in this State and I believe that the Parliament ought to look closely at the position. However, the order of leave granted by acceptance of the motion now before the House will not be wide enough to enable such a debate to take place on this occasion.

Motion agreed to.

Bill presented and read a first time.

LAND DEVELOPMENT CONTRIBUTION MANAGEMENT (AMENDMENT) BILL

INTRODUCTION

Sir CHARLES CUTLER (Orange), Deputy Premier, Minister for Local Government and Minister for Highways [7.58]: I move:

That leave be given to bring in a bill relating to liability for contribution under the Land Development Contribution Management Act, 1970; for this and other purposes to amend that Act and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith.

With the dissolution of the last Parliament, a bill on this matter, which had reached the second-reading stage, lapsed and has to be reintroduced. It will be recalled that the Government announced in February, 1973, that the charge established by the land development contribution legislation would be abolished. The bill for which leave to introduce is sought is substantially the same as the measure previously introduced. As on the previous occasion when the bill was introduced, reference will be made to details of the measures at the second-reading stage. I commend the motion.

Mr JENSEN (Munmorah) [7.59]: I am pleased indeed that the Government has made a death-bed repentance after having done something which, more than any other single factor, contributed to the grievous inflation of land prices that has occurred in our community. No other single factor contributing to higher prices for land has been of anything like the dimensions of the Government's action in introducing the legislation proposed to be repealed by the bill for which leave to introduce is now sought. It was obvious to everybody except an irresponsible government, hungry for funds and willing to put aside all considerations of decency and reason, that the Askin-Cutler Government, in introducing the bill now proposed to be repealed, did more to push up land prices than did any other single element in our present serious inflationary trend.

The fact that the Government has now decided to repeal the legislation only confirms all the things we on the Opposition side said when the measure was introduced.

The Opposition predicted then that this tax would have the effect of pushing up the price of the land and the consequence would be that the person liable for the tax on the land would not pay it out of his own pocket but would add the tax to the price of his land. This was obvious. Though this was pointed out to the Government it persisted in imposing the most iniquitous tax of the most iniquitous government in the history of New South Wales. The Government imposed the tax and pushed up the price of land so that people now live in anguish and fear. The Valuer-General has been advising people that the valuation of their land has gone up 600, 700, 800 or even 1,000 per cent and citizens are wondering what huge sums they will have to pay in local government rates next year.

The Government took no action to overcome this problem but now, at last—years too late—it has decided to remove this iniquitous tax that should never have been imposed, the only effect of which has been to give an impetus to the inflation in land prices. The Government has robbed tens of thousands of people of their chance to get a home of their own. The Government has profited from increasing land prices because at every sale of Crown land prices have been stimulated by this dreadful tax that the Government imposed. Now, when it is far too late, the Government proposes to repeal the legislation. We on the Opposition side will do nothing to obstruct the repeal of this measure; we did everything we could to stop its implementation. The people of this State will never recover from the consequences of the imposition of this tax. Every block of land in New South Wales is thousands of dollars dearer because of the iniquitous tax that this coalition Government introduced. The Government admits its mistake and is now asking the Parliament to agree to the introduction of a bill to repeal legislation that should never have been enacted. There will be no impedence to the repeal of this legislation and the erasure from the statute book of a piece of legislation that should never have been introduced. That this **tax** should ever have been imposed must stand to the eternal shame of the Government.

Mr FERGUSON (Merrylands), Deputy Leader of the Opposition [8.3]: I congratulate the honourable member for Munmorah on reminding the Government of the iniquity of this tax. As one who represents an electorate which felt the savage impact of this tax he reminded the Government of what the Opposition said when the legislation to impose the tax was before this Chamber. This afternoon the Leader of the Opposition was protesting about steamrolling tactics by the Government. He pleaded on behalf of new members that they should be given time to consider legislation. Evidently his words have fallen on deaf ears. The Government has only two of its eight new members sitting in this Chamber but the Opposition has five of its six new members taking an interest in legislation to come before us. They are showing the interest that all new parliamentarians—indeed, all parliamentarians—should display. The fact that only two new members from the Government side are in the Chamber shows that Government supporters are merely rubber stamps, not interested in the people they represent and unwilling to listen to the introductory debate, to examine the legislation and to make a contribution on behalf of their constituents.

Mr MALLAM (Campbelltown) [8.4]: I have one case now before the Minister of a man whose land was forced up in price by this tax. Because he could not pay the tax the Minister kindly deferred it but has been charging the owner interest. The Government was not only getting its tax but was also going into the money lending business. This man will be forced to sell his land as he cannot meet the interest on the tax that the Government imposed. I want to draw the attention of the Minister and the House to the fact that many people are paying interest to the Government. This man would not be an isolated case. He changed the use of land; it was a truck depot. It was his own land and he did not want to sell it. The Minister should look through the correspondence about this case. I think at the moment the debt is \$12,000 and the man is paying interest. If the Minister proposes the repeal of the legislation, at least he should not go into the money lending business and

charge a landowner interest. If the Minister seeks to repeal the Act he could repeal the interest and give the landowner a chance to pay the tax. The interest is mounting up all the time and I have been trying to get this man time to pay. I appeal to the Minister not to charge interest on money owing under this tax. People are being forced into bankruptcy because they cannot pay this iniquitous tax.

Motion agreed to.

Bill presented and read a first time.

METROPOLITAN WATER, SEWERAGE, AND DRAINAGE (AMENDMENT) BILL

INTRODUCTION

Mr PUNCH (Gloucester), Minister for Public Works [8.7]: I move:

That leave be given to bring in a bill to increase the allowable rebate of rates to certain classes of pensioners and to enable the Metropolitan Water Sewerage and Drainage Board to vary those rebates by a by-law; to reduce the rates payable by ratepayers in respect of residential land in certain areas where the Valuer-General has revalued land; to postpone the operation of a general valuation by the Valuer-General in respect of certain areas; for these and other purposes to amend the Metropolitan Water, Sewerage, and Drainage Act, 1924; and for purposes connected therewith.

In recent months, the Government has been confronted with two particular problems in relation to rating by the Metropolitan Water Sewerage and Drainage Board. The purpose of this bill is to provide relief to two classes of ratepayers who have been adversely affected by changing circumstances. The first group of ratepayers to be given relief is the pensioners. Honourable members will recall that in December, 1971, the Government introduced legislation which allowed the metropolitan board to reduce pensioners' water rates by 50 per cent, subject to a maximum rebate of \$80 where sewerage rates are charged, and \$40 where sewerage rates are not charged. In the light of increased assessments brought about by revaluations, the maximum rebates are no longer giving the degree of relief that the Government intended.

The bill increases by 50 per cent the maximum benefit, operative from 1st July, 1973. This means that the new maximum rebate will increase from \$80 to \$120 where sewerage rates are charged, and from \$40 to \$60 where sewerage rates are not charged. It is possible that, in the light of further changes in the future, the Government will want to make further adjustments of maximum pensioner rebates. To simplify this procedure, it is further provided in the bill that the future maximum may be varied from time to time by by-law of the board. Such by-laws are required to be laid on the table of both Houses of Parliament.

The second group of ratepayers affected by the bill are certain residential property-owners who were subject to steep increases in water and sewerage rates this year, brought about by major revaluations. From 1st July, 1973, following general valuations by the Valuer-General made in 1972, new values operated for the Metropolitan Water Sewerage and Drainage Board's rating in nine of its forty-five districts, namely, Ashfield, Campbelltown, Colo, Drummoyne, Fairfield, Hunters Hill, Hurstville, Randwick and Ryde. Because the previous valuations for these districts had been made five or six years earlier, the valuations of the properties concerned rose quite steeply.

In budgeting for the year commencing 1st July, 1973, the board was faced with increased expenditure in its area of operations, and, notwithstanding the increased values in the nine districts to which I have referred, the board found that its rates in the dollar would have to be maintained at the same rate as for the previous year. This meant that many ratepayers in the nine districts were faced with greatly increased rate bills when they received their assessments this year. The Government has decided that relief should be given in these districts.

It is now intended that, for the years commencing 1st July, 1973, and 1st July, 1974, where the increase in annual rates is solely due to the general valuations made by the Valuer-General in 1972, the board will rebate the owners of residential properties in these nine districts 50 per cent of the

increase. This is subject to not reducing the rates of any property below the minimum charges set by the board, namely \$25 for water and \$35 for sewerage.

The bill contains also a provision that the board will not take into account any general valuation furnished to it during 1973 for the rating year commencing 1st July, 1974, to avoid a similar situation occurring elsewhere to that which has arisen this year in the nine districts. This provision also serves as a necessary preliminary step for the Government's proposed system to rate on values made at a common base date, which system is to be introduced early next year. At the second-reading stage I shall give further and fuller details of the bill.

Mr HAIGH (Maroubra) [8.12]: The Minister said that the purpose of the bill is to provide relief for two classes of ratepayers. In fact, the Government is acting as a highway robber in legislating to fleece the public by way of increased charges. Because of increased valuations, ratepayers in nine local government areas have had their water rates increased by more than 100 per cent. Thirty-five local government areas are unaffected by increased valuations. Ratepayers in the nine affected areas where water rates have been increased by over 100 per cent are now being told by a beneficent Minister that the Government will reduce that increase by 50 per cent. This is a sham and a hoax. All the bill does is to legalize the Government's action in wrongly imposing this burden on ratepayers. It has singled out nine of the forty-four local government areas and thrust unjust taxation upon the ratepayers in those areas.

The Government originally intended to get \$8 million out of the people's pockets for its depleted coffers because it was not able to make moneys available to the water board. By this exercise the Government will get \$4.2 million. The Government has said that it **will** give relief to two classes of ratepayers--ordinary ratepayers and pensioners. Let us consider the situation of pensioners in my electorate where water rates for an ordinary residential property went from, say, \$100 to \$200. A pensioner billed with \$100 for water prior to this action got a 50 per cent rebate, which

meant that he paid \$50. Under this proposal, with \$200 water rates, that pensioner will get a maximum rebate of \$120 and pay \$80, which represents a 60 per cent increase in his rates. Thus, pensioners are at a greater disadvantage than ordinary ratepayers.

Another section of ratepayers who will not benefit in any way are people who have extended their cottage or built a new cottage which, if completed after 1st January, 1973, will not have a valuation set by the Valuer-General's Department. Such persons will not be entitled to a 50 per cent rebate on any increase over what the valuation may have been in 1972; the water board will put its own valuation on the property. The Minister said that the Government will stabilize the situation by setting the base date for rating purposes early next year at 1st July, 1974. That is what the president of the water board said. In December, 1972, the Minister said that there would be no relief for this class of ratepayer. The Government changed its attitude because it was afraid that it would lose seats at the elections. It was right in that belief. To improve the situation, a week prior to the elections the Government reduced the increase by 50 per cent.

Mr MALLAM: Illegally, too.

Mr HAIGH: That is true. Now the Government is legalizing this raid on the pockets of ratepayers in these nine areas. All the other areas will not be **affected** by any increase; they will go on their merry way until 1st July, 1975, without any increase at all. This Government is using the water board in its tactic of dipping into people's pockets to get another \$4.2 million for the water board. It has not stopped there. The Minister has increased excess water charges. Because of this, ratepayers will not get a 50 per cent reduction in their water bill; they will get a further increase in excess water charges. This Government has used the water board in its method of exploiting the people and extracting money from them. The Government will not tax the people directly. Instead, it is using the water board as a facade and a front to dip its hands into the **pockets** of the ordinary family unit.

The Minister has spoken of a base date. How will this operate? The Minister said in December, 1972, that he could not help ratepayers. The president of the water board said that ratepayers in areas zoned for home units, or for commercial and industrial purposes, would not get any relief such as that provided under section 160C of the Local Government Act. What did the Government do? People who are growing old and enjoying the environment in which they have lived for many years suddenly got rate notices that will force them out of their homes. There is no relief for them. The Opposition cannot oppose a reduction in the exorbitant charges that have been thrust upon the people in the nine affected areas. However, we intend to argue the position and to draw attention to the grievous anomalies and the fact that the Government is unjustly imposing pressures on the finances of people in those areas. The Opposition contends that a different approach should be adopted. The Government should be pegging valuations in those nine areas at a reasonable date—not 1st January, 1973, when revaluations imposed unjust burdens on the ratepayers, but at a reasonable time as in the other thirty-five local government areas where there will be no increases until 1975. Let those nine areas have the same benefits as the other thirty-five local government areas are getting.

If the Government wants to give consideration to pensioners, let it ensure that their rates are held at the same levels as they were before this anomalous increase. These matters must be debated here. Though the Opposition cannot oppose any reduction to the obnoxious charges that have been imposed upon the people, we say that they should not be imposed on ratepayers in these areas. Pensioners should not suffer a further increase in rates. The Opposition proposes to argue these issues in detail at the second-reading stage. We shall then set out the facts in the hope that the Minister and the Government will show some of the sincerity about which they talk a great deal but fail to put into practice.

Mr Haigh]

I appeal to the Government to give the people in these local government areas the same benefit as people in the other thirty-five local government areas are getting.

It is not right that the Government should use some other body as its taxing authority for the purpose of bringing in funds to assist it with its budgetary problems. The Government is starving the water board of funds, and at the same time forcing it to impose these excessive charges on ratepayers. We reject this type of financing. I have made these comments to expose the Government for applying its powers in this way to force the water board to impose unjust charges.

The people will soon realize, if they have not already done so, that to assist it to overcome its budgetary problems the Government is exacting this unjust tax and is exploding to excess ratepayers in nine local government areas. This Government, instead of being sincere and telling the people it has to raise money in this way or in some other way, is adding to its income by increasing charges thorough the rating system. The Opposition will debate this bill at length. At the second-reading stage the Opposition will bring forward some more facts and will move some amendments.

I hope that the Government and the Minister appreciate the turmoil that this legislation will cause. Already officers of the water board have told people who have inquired about rate charges that the situation is in complete and utter turmoil. I accept that statement by public servants who are trying to do a sincere and honest job but are directed by this Government to oppress ratepayers.

Mr MALLAM (Campbelltown) [8.22]: I rise to speak on this measure because I represent an area where the so-called 50 per cent rebate of rate increases proposed by the Government in this measure will apply. The Government's illegal action in this regard was purely a vote-catching measure. A few weeks before the election many people in the Campbelltown electorate received rate notices which showed not a reduction but, in fact, an increase. Putting it briefly, their rates went from, say, \$100

to \$200 but were cut down to \$150. They did not get a reduction; their rates were increased by 50 per cent. In Campbelltown ratepayers got a 50 per cent reduction on a 100 per cent increase. That is not the first time this Government has tried the thimble and pea trick. I am suspicious of the actions of this Minister and this Government.

It was not long ago that Parliament brought the water board under ministerial control. At the same time the Government slipped through legislation to increase the price of water. Previously a householder was allowed to use 88,000 gallons of water before being charged for excess. Legislation introduced recently reduced that quantity to 55,000 gallons. At the same time the cost of excess water was increased from 32c to 45c a thousand gallons. The Campbelltown area is hot and dry. Last year age pensioners who live in Housing Commission flats in the Campbelltown electorate complained to me that their water rates were higher than ever before. These elderly people were being charged \$18, \$20 and \$25 a year for excess water by a Government that holds itself out as doing something for pensioners and elderly persons. Despite this the Government reduced from 88,000 gallons to 55,000 gallons the quantity of water that a householder could use before being charged the excess rate. Normally the amount of water used by a household in a year is between 80,000 and 88,000 gallons. Even a small home does not use less than that quantity of water in a year. However, this Government used its thimble and pea trick on the people and slipped through legislation to bring the water board under ministerial control.

The changes made in that legislation may not have affected people who live on the North Shore and enjoy a heavy annual rainfall but the people of Campbelltown, where month after month can pass without any rain and where the summer is hot and dry, are grossly affected. They have to use hoses and excess water. Pensioners living in Housing Commission flats and tending a small garden about the size of the table in this Chamber are charged for excess water at the rate of 45c a thousand gallons. Should

this Government remain in power for much longer, I have no doubt that I shall see the day when a person will feel obliged to pay for a glass of water when he visits a home in the Campbelltown area. On behalf of the people of Campbelltown I protest against this legislation. The Government is putting through a phony measure and telling the people it will afford them a decrease in rates but in fact there will be an increase in rates. A charge of 45c a thousand gallons for excess water is outrageous. It is bad enough for the Government to drop the cut-off for excess water from 88,000 gallons to 55,000 gallons but a charge of 45c a thousand gallons for excess water is nothing short of daylight robbery.

People who live in the western suburbs of Sydney will have a real problem following the passing of this legislation. At times parts of Sydney are quite dry. Fortunately last summer Sydney enjoyed a reasonable rainfall and the prospects this summer look good also. However, God help pensioners in the Campbelltown area when it next suffers a hot, dry summer. The Housing Commission will not pay excess water rates for pensioner tenants or ordinary tenants. Rebates are not applicable to excess water charges. This is another thimble and pea trick perpetrated by the Government. This is a dishonest piece of legislation and the Government ought to hang its head in shame. The Government has embarrassed members of the water board which is responsible for the collection of water rates from the people. The Government is completely dishonest and without morals. The previous bill was the roughest and toughest piece of legislation I have ever seen emanate from a government that has had the audacity to say it will look after pensioners. In fact, the Government is taxing Housing Commission pensioners by charging them for using water in excess of a reduced quantity. The Minister should be ashamed of himself for introducing this legislation.

Mr F. J. WALKER (Georges River) [8.27]: I suppose in a way I should be grateful to the Minister and the Government for introducing this legislation. I am quite sure I would not be here this evening had my constituents not realized that this was the dirtiest, cheapest and most dishonest

electoral gimmick ever perpetrated upon the people of New South Wales. I give my constituents credit for becoming aware of this. They attended in their hundreds at public meetings and decried the Government for precisely the reasons I shall point out to the House.

Though this Government has the power to control land prices, it refused to do so. The Government refused to exercise its constitutional power to prevent the price of land from spiralling out of hand. For some time, because the rating system has been based upon the price of land, my constituents and the rest of the people of New South Wales have paid ever-increasing rates commensurate with the inflationary spiral in the cost of land. Is it any wonder that the people were upset? People in my electorate received valuation notices increasing the value of their property by from **150** per cent to **200** per cent. People in the Colo shire were notified of increased valuations of their property to the extent of 400 per cent. They did not like that. Incidentally, the nine local government areas affected by the bill happen to contain nearly all the vital seats that might cause a swing at the recent elections. No doubt that is merely coincidental.

This cynical and dishonest Government tried to do something about the electoral disadvantage that it knew would flow from the people's anger and ire over increases in rates. The Government changed the system of valuations from one that the Government's own Royal commission had recommended in **1967** as the only fair and equitable system. Water board officials and anyone else who knew anything about rating agreed with the commission's recommendation. Nevertheless, this Government changed the system from an assessed annual value basis to an unimproved capital value basis. Water board officials pointed out that that system would increase the rates payable by an ordinary householder but decrease the rates payable by persons owning commercial premises, home units or flats. The Government introduced a system that must in due course increase considerably the rates payable by the ordinary householder.

Mr F. J. Walker]

Then the Government changed the period of revaluation of properties by the Valuer-General from every six years to every two years and it told the people this would be of benefit to them by leading to a reduction in their rates. In this House I have given example after example to establish that it will in fact increase by at least **\$20** a year the average water rates payable by the homeowners of the State. Anyone with the faintest knowledge of interest rates will know that the shorter the period over which interest is payable the greater will be the amount of interest when compared with payment over a longer term. A similar principle applies to water rates: the shorter the period between valuations the more rates property owners have to pay over a six-year period. In my electorate the average increase over a period of six years with two-yearly valuations would have been **\$120** more than that which would have been payable with six-yearly valuations.

Further, the board increased payments for excess water usage. This was effected by reducing the volume of water that might be used before excess became payable. Also by a manipulation of the decimal system there was a **6** per cent increase in the amount of excess charges. On the eve of election the Government was faced with a revolt by ratepayers. In my electorate there were at least two meetings of 400 ratepayers who expressed their anger with the Government. The honourable member for Hurstville knows how angry they were and he was one of those persons who **rushed** to the Minister at the table and said, "Change it, or I am gone". As a result the Government prepared the bill that is now before the House. It is a dishonest piece of legislation. The Government promised to reduce by 50 per cent the increase in the nine municipalities. That is a fair enough political gimmick. I have no particular complaint other than it is a gimmick. It is not a change in the system: it is just a handout.

The Minister may look at me with horror and amazement, but the people in my electorate do not want the proposed system. They want a change in the principle by which water rates are levied. They know that in a couple of years' time they will

face the same situation again. The Government decided to reduce by 50 per cent the increase in rates that had occurred in nine municipalities and it brought a bill before this House to give effect to that decision. However, the Premier and Treasurer in his rush to the polls forgot to get the bill through both Houses of Parliament and as a result it did not become law. That means that the existing legislation, the Metropolitan Water, Sewerage, and Drainage Act, is in force until such time as the legislation that is now re-introduced in this Parliament amends it. However, all honourable members know that at the time of the election the existing Act applied. Section 94 of that Act is in the following terms:

Subject to the provisions of this Act the board shall in the manner prescribed, for purposes for which it is so authorised, levy rates, the proceeds of which, together with any other revenues of the service for which the rate is levied, shall be sufficient to discharge all its obligations under this Act.

In other words, the board is under a legal duty to levy rates in accordance with the Act. That is simple and sensible. What happened, of course, was that the Government made a promise at a time when an election was near to reduce rates levied under the Act by 50 per cent of the increase. What did the Government do? It instructed the Metropolitan Water Sewerage and Drainage Board to go ahead and implement the reduction in rates; it instructed the board to break the law, to defraud the Treasury of New South Wales by at least \$3½ million. The Government was asking the members of the board to be criminals. As they complied with the Government's request they were criminals. They went ahead and issued notices in contravention of the Act. They broke the law on the instructions of the Minister, and he ought to resign because any Minister who instructs public servants of a department under his control to defraud the Treasury of at least \$3½ million ought to do so without hesitation. However, the Minister did go ahead and gave those instructions.

At a public meeting in Hurstville a member of the water board stated that the Minister and the Government had given the members of the board an indemnity for any legal proceedings that **might** be taken against

them for dishonest and illegal acts. Notices were sent out on the Wednesday before the recent elections. They arrived in the letter boxes of my constituents on the Thursday and Friday. The notice that I received informed me that I would have to pay \$35 less in rates for the year. It was a dishonest and illegal action, which is now to be ratified by this Parliament. Of course, the Government should put in the measure a provision to indemnify those members of the board who have taken part in the illegal act. I ask the Minister to say that it was not illegal. He knows that it was. The Government puts itself forward as supporting law and order yet it has sponsored the committing of an illegality.

Not only did the members of the water board commit illegal acts, but also they had the board's employees work overtime on the Saturday and Sunday of the week before the elections so that they might re-programme the board's computer to enable illegal notices to be sent out. I do not know how many thousands of dollars of taxpayers' money has been spent on the posting of illegal notices so that the Government might obtain an electoral advantage. The Minister ought to be ashamed of himself. It is a disgraceful action and in any other parliament of the Commonwealth a Minister who participated in this illegal procedure would resign overnight. As a member of a law and order Government which supports such an action he should be ashamed of himself. I can assure the Minister that he has not heard the end of it, as I shall have more to say on it at a later stage.

Pensioners are always a problem. They are on a relatively fixed income and in spite of extra benefits they are now receiving from the Australian Government in Canberra, they are in a difficult position in endeavouring to meet water rates. I gather that the Minister intends to improve slightly their position compared with their obligations under the existing Act. Nevertheless, they will still be in a most embarrassing position as percentage increases are more harmful to them than to other citizens. I am receiving dozens of letters from my pensioner constituents complaining about the increases which are so steep in my electorate that they will have to sell

their homes and move to other areas where valuations do not attract such high water rates. The Opposition intends to move amendments to cover the position of pensioners and the principles of valuation. I shall have a lot more to say about this measure at the second-reading stage.

Mr PUNCH (Gloucester), Minister for Public Works [8.37], in reply: The House has just heard some amazing statements by the eminent gentleman opposite——

Mr F. J. WALKER: The facts are amazing.

Mr PUNCH: The statements were a long way from the facts and if I am given the opportunity to do so I shall answer most of them in my second-reading speech. There are a number of points that I do not intend to dwell upon at this stage as I shall cover them adequately at the second-reading stage. Members of the Opposition appear to want things both ways. At one stage the Leader of the Opposition was crying that the Government was not getting on with the job of sending out notices of rebate. I think some 160,000 notices had to be sent out and that was a fairly major operation for the board. The Government then said, "All right, we will do this; we will send them out and bring in validating legislation later". This is what the Government is now doing and it causes the honourable member for Georges River to jump up and down and to say that it is illegal, that I ought to resign and all this nonsense.

Mr F. J. WALKER: It is illegal.

Mr PUNCH: Yes, it is illegal in this regard; I cannot dispute that. However, it was introduced for the convenience and benefit of the people of this State. It follows a precedent set some years ago when the person whom the Opposition put the chopper across yesterday was the Minister for Local Government. So the Government is following a precedent set by the Labor Party.

Mr F. J. WALKER: That is not true.

Mr PUNCH: Junior comes to the fore again. He might profess to know something about the law but I ask him to refer back to what happened and make sure that his

facts are correct. It was done at a time when the former Leader of the Opposition was Minister for Local Government. It is not unusual for a government to bring in a measure to confer benefits quickly on certain classes of people and to validate it later. I do not know why Opposition members are getting excited. Obviously the election was a foregone conclusion. The Government gave an undertaking that it would bring in a bill to validate the measure, and that is what is happening now. So the Government is merely honouring an undertaking that it gave. The honourable member for Campbelltown, in his usual waffling way, gets up and talks about how a water bill went from \$100 to \$200 and then came back to \$150.

Mr MALLAM: It did. I could show the Minister dozens of accounts.

Mr PUNCH: What does that prove?

Mr MALLAM: That it is not a reduction but an increase.

Mr PUNCH: If the honourable minister for Campbelltown is passing a kindergarten at any time he should get the teacher to give him a lesson in elementary arithmetic. The Government never said that rates were being reduced. It said that the legislation was introduced to reduce by 50 per cent the increase in rates brought about by the rise in valuations. I know that is a bit hard for the honourable member for Campbelltown to comprehend. As it has nothing to do with smearing, he would not understand. The whole idea behind the measure was an attempt to reduce to a minimum the effect on ratepayers. That is what the Government is doing.

Motion agreed to.

Bill presented and read a first time.

HUNTER DISTRICT WATER, SEWERAGE AND DRAINAGE (AMENDMENT) BILL

INTRODUCTION

Mr PUNCH (Gloucester), Minister for Public Works [8.42]: I move:

That leave be given to bring in a bill to increase the allowable rebate of rates to certain classes of pensioners and to enable the Hunter District Water Board to vary those rebates by

a by-law; to reduce the rates payable by rate-payers in respect of residential land in the municipality of Maitland; to postpone the operation of a general valuation by the Valuer-General in respect of certain areas; for these and other purposes to amend the Hunter District Water, Sewerage and Drainage Act, 1938; and for purposes connected therewith.

This bill is similar in content to the bill I have just introduced for the metropolitan board, except that the only municipality that has been subject to revaluation in the Hunter District Water Board's area is the municipality of Maitland. There has, however, been a general increase to the order of 73 per cent in the level of rates throughout the Hunter board's area. The bill provides that for the municipality of Maitland the rebate will apply only in respect of the increase in rating due to revaluation and not to the general increase in rating that has been experienced throughout the remainder of the board's area. The provisions in respect of pensioners are the same as those for the metropolitan board. I commend the bill to the House.

Mr JONES (Waratah) [8.44]: Members on this side of the House object to this type of legislation being brought forward. We believe that it is just another measure to protect the coffers of the Country Party and will do nothing to assist other areas that have suffered from similar valuation increases. At a later hour, when the second-reading stage is reached, I shall put for my party the Opposition's case on rate increases in council areas where people will have to foot the bill. If the Government intends to do this for Maitland, it should do it for the rest of the Hunter board's area. It should not simply pick out one district and give the people there the benefit of a rate rebate, especially as the increase in that area has not been as great as that in the Newcastle city council area, or even in the Lake Macquarie shire.

Mr M. L. HUNTER (Lake Macquarie) [8.45]: I support the honourable member for Waratah, and emphasize that the people in the rest of the Hunter District Water Board area are upset because favours are being bestowed on the municipality of Maitland which is represented in this Chamber by the Minister for Transport. I shall bring to

the notice of the Minister the predicament of a number of Lake Macquarie people who have had their properties valued in 1973. A general valuation does not come into effect there until 1974, but during this year some new valuations have been issued. I can cite more than one example of people who have subdivided their land and as a result have received new valuations for the new properties. One case, which I shall elaborate at the second-reading stage, concerns a family that has been living in the area for many years. Being good neighbours, they agreed to give to the owner of an adjoining property three feet of their property for no charge whatever. Of course, the neighbour receiving the land paid the legal expenses. However, when new valuations were issued it showed an assessed annual value rise from \$650 to \$1600. People notified of such valuations will not receive the concessions that are to be conferred upon certain property owners by this measure. If the Minister and the Government were fair *dinkum* they would agree to amending the bill to take in all revaluations since the Maitland area was revalued.

I have given an example of a person who was doing a neighbour a good turn. He will not be covered by the bill. I hope that the Government will give the Opposition an opportunity to debate the bill in more detail at the second-reading stage so that we can explain quite a number of other anomalies in this measure.

Mr PUNCH (Gloucester), Minister for Public Works [8.47], in reply: I shall **cover** one point that was made by the honourable member for Lake Macquarie and touched on by the honourable member for Waratah also. They submitted that this concession **should** apply to all parts of the Hunter board's area. I should be **the** first to be happy to do this and to reduce rates, which we acknowledge are too high. We are trying to carry out relief measures and to introduce a new scheme within a year. We are doing this in **an** effort to relieve the rate-payer of some of his burden. I am referring to water rates, council rates and other rates. They are very high and burdensome for the property owner, but **if** we **did** what **honourable** members asked we would **be** cutting the

rate set by the board. A statutory board says, "We have to fix a rate at a certain figure in order to raise so many dollars."

Mr M. L. HUNTER: But I have mentioned a new valuation.

Mr PUNCH: If we applied this rate right across the board, whether in Sydney or Newcastle, we would be cutting back the programme of the two boards. That cannot be done. The whole idea was to try to relieve the burden on the people who were affected this year because the overall valuation increases which brought about rate increases in certain sections, were higher than they had ever been before.

Mr M. L. HUNTER: But what about the person I have mentioned?

Mr PUNCH: Unfortunately anomalies always arise. We know that many anomalies will arise during the changeover. When all properties are valued on the same date that will overcome many of the present anomalies. But until that takes place many anomalies will remain. I know that we shall have them, but we are trying to do the best we can in this regard. Maitland was picked out only because it was the only council area in the district served by the Hunter District Water Board that was revalued in 1972. If councils at Lake Macquarie, Newcastle, Cessnock or any other council had been in that position, they would have been subject to the same concessions that were extended to the nine Sydney areas. We could not include Lake Macquarie or Cessnock. The honourable member for Waratah rightly says that the Newcastle area carries a big burden in the Hunter District Water Board rate. We could not say, "We shall give you this concession", because we would have had to redate it to last year. If we went back to last year, it would then be suggested that we should go back to the previous year.

Mr M. L. HUNTER: We are asking for the concession to be extended only to properties in respect of which valuations have been altered, the same as at Maitland.

Mr PUNCH: It would not be possible to do this in view of the complexity of the whole issue. As an example, if this suggestion were adopted in the Sydney metropolitan area it would involve going physically through about 900,000 rate notices. The problems mentioned by the honourable member for Lake Macquarie are valid and the Government has tried to overcome them. However, it is considered that in a couple of years after the introduction of this legislation with the new system of rating and when the backlog of sewerage needs is caught up with, a great many of the anomalies the Opposition has referred to will be overcome.

Motion agreed to.

Bill presented and read a first time.

BROKEN HILL WATER AND SEWERAGE (AMENDMENT) BILL

INTRODUCTION

Mr PUNCH (Gloucester), Minister for Public Works [8.52]: I move:

That leave be given to bring in a bill to increase the allowable rebate of rates to certain classes of pensioners and to enable the Broken Hill Water Board to vary *those* rebates by a by-law; for these purposes to amend the Broken Hill Water and Sewerage Act, 1938; and for purposes connected therewith.

This bill follows on from the two other bills I have just introduced in respect of the metropolitan board and the Hunter District Water Board. **This** particular bill, however, covers **only** the aspect of rating for pensioners, and in this respect is identical in content to the other two bills. No provision is made for rebate of rates because the rating position in respect of the Broken Hill Water Board is different from that of the other two boards. For the information of honourable members, I point out that the Valuer-General does not operate in the western area of the State. Valuations there are made under the Local Government Act, and the Broken Hill Water Board engages professional valuers to carry out its valuations. The last valuation was undertaken in 1971, and **new valuations** are not due for several years yet. As there has not been a great deal of movement in property values in the

Broken Hill Water Board area the question of rebates does not therefore arise. As I have said, the provisions of this bill apply only to pensioners' rates, and I commend the bill to the House.

Mr JOHNSTONE (Broken Hill) [8.55]: I agree that the bill is a worthwhile measure and one which will be of assistance to many people in Broken Hill. However, as we all know, there are various kinds of pensioners. Broken Hill, like any other mining town, has problems affecting its mine pensioners, and the bill excludes those people from its provisions. I hope the Minister will clarify this matter in his second-reading speech. As a mine pensioner retires at the age of 62 he is not eligible to come within the provisions of this measure. He is excluded until he has reached the age of 65 and is eligible for the age pension. I hope that something can be done to include these people within the provisions of this bill because at present they are at a disadvantage. Many people in receipt of mineworker's pensions do not receive as much as age pensioners and they do not benefit from concessions granted to age pensioners in respect of water rates.

I look forward to the Minister's second-reading speech and to examining the bill to see whether these pensioners are covered by the bill. In his introductory remarks the Minister referred to certain types of pensioners. If this term can be clarified—as I am sure it will be—we shall see whether these people who have been penalized as a result of an agreement that requires them to retire at the age of 62 but have to wait three years before they are entitled to benefits available to ordinary age pensioners are to be granted these concessions. We have our own way for dealing with this problem in Broken Hill, because these people are given certain sums of money to help them over this difficult period. If the provisions of the bill could be extended to include these people—and there would not be a great number of them, perhaps 200 or 300—it would be of assistance to the mine pensioners in Broken Hill. I look forward to the Minister's

second-reading speech to learn whether the Government contemplates doing anything for these people.

Mr PUNCH (Gloucester), Minister for Public Works [8.57], in reply: I can give the honourable member for Broken Hill an immediate answer to his query. The people to whom he refers are not covered by the bill. The legislation deals only with social service pensioners. Although I am not familiar with the point the honourable member has raised, I shall be happy to take it up with the president of the board. However, I point out that to adopt the honourable member's suggestion would create other anomalies because if the concessions envisaged by the bill were granted to retired mineworkers in the Broken Hill area it is obvious that the benefits would have to be extended to people in a similar situation throughout the whole of the State. Although only a couple of hundred people are involved in the suggestion made by the honourable member for Broken Hill, if it were adopted—and no doubt it would be welcome—it would have to be extended to many other pensioners throughout the State.

Mr JOHNSTONE: I am interested in only one type of pensioner.

Mr PUNCH: That is right, but I hope the honourable member appreciates my position. If these benefits are given to mine pensioners many other types of pensioners would have to be considered. However, I am happy to have a look at the position of these people and deal with it at the second-reading stage. Though I am happy to talk with the president of the board, to ascertain the position, including the number of other types of pensioners involved throughout the State and see if anything can be done, quite frankly, I can see problems. We must draw the line and establish a cut-out point in different areas of the State.

Motion agreed to.

Bill presented and read a first time.

LOCAL GOVERNMENT (REGULATION OF FLATS) AMENDMENT BILL

INTRODUCTION

Sir CHARLES CUTLER (Orange), Deputy Premier, Minister for Local Government and Minister for Highways [8.58]: I move:

That leave be given to bring in a bill to extend the time within which applications may be made to convert certain existing buildings into residential flat buildings; to restrict the extent to which buildings so converted may be enlarged, altered, rebuilt or extended; for these and other purposes to amend the Local Government (Regulation of Flats) Act, 1955; and for purposes connected therewith.

The Local Government (Regulation of Flats) Act, 1955, to which I shall hereafter refer as the Regulation of Flats Act, is expressed to operate for a period of eighteen years from the date of its commencement, which was 13th December, 1955. Therefore the present act will expire on 12th December, 1973, and the purpose of this short bill is to extend its period of operation until 31st December, 1978.

The Regulation of Flats Act provides that the owner of any building erected before 30th June, 1949, may apply to the council of the area in which the building is situated to make alterations or alterations and additions to that building for the purpose of converting it into a residential flat building. Under the Act the council may approve of the application notwithstanding the fact that the proposed alterations or additions will result in a building which does not comply with the requirements of the Local Government Act relating to minimum distances of the external walls from side boundaries of the allotment or prohibitions under residential district proclamations.

Two other minor amendments to the Act are proposed by the bill. The first is designed to ensure that after a building is converted into a residential flat building in accordance with an approval under the Act no future extension may be permitted which would make the total floor plan area of all additions exceed thirty per centum of the ground floor area of the building as it was immediately prior to its conversion. There is some

doubt whether existing use rights normally included in planning scheme ordinances, and interim development orders which apply to buildings within residential districts would enable a building converted under the Regulation of Flats Act to be demolished and replaced by a new residential flat building in a locality where the erection of such a building would otherwise be prohibited.

To eliminate any doubt on the matter, the bill provides that any such existing use provisions shall apply to a converted building only so as to permit the maintenance and continued use of that building. I shall have more to say on the matters outlined at the second-reading stage. In the meantime, I commend the motion for favourable consideration.

Mr JENSEN (Munmorah) [8.59]: The Opposition does not object to this proposal although, as indicated by the Leader of the Opposition, we object to the procedure the Government has elected to use to bring the measure before the House. The original legislation was enacted in 1949, which indicates that it was the result of much activity and skilful planning because it related to the efforts of a Labor government. The proposal to extend the provisions enacted at that time will not meet with objection in this Chamber, though members of the Opposition deplore the fact that the Parliament has not been given sufficient time to give adequate consideration to the matter. Probably we ought to be further amending the procedures relating to the regulation of flats and probably local government would benefit from the mature consideration that would be given were circumstances different to what they are. Notwithstanding those factors, the Opposition will not oppose the extension of the regulations regarding local government and flats.

Motion agreed to.

Bill presented and read a first time.

LOCAL GOVERNMENT (AMENDMENT)
BILL

INTRODUCTION

Sir CHARLES CUTLER (Orange), Deputy Premier, Minister for Local Government and Minister for Highways [9.2]: I move:

That leave be given to bring in a bill, to amend the definition of "newspaper" in the Local Government Act, 1919; to increase the maximum reduction allowable in respect of certain rates payable by eligible pensioners; to empower the making of ordinances to control transmission of noise in buildings; to validate certain matters; for these and other purposes to amend the Local Government Act, 1919; and for purposes connected therewith.

[Quorum formed.]

This short bill contains three proposed amendments to the Local Government Act, all of which have some degree of urgency. They are listed in the explanatory note on the bill, and at this stage I shall only comment briefly on the matters dealt with. This bill will not be continued tonight.

The first proposal is to amend the definition of "newspaper" in section 4 of the Local Government Act. For many years a "newspaper" had been defined in the Act as one which was either registered for transmission by post or registered under the New South Wales Newspapers Act of 1898. The Newspapers Act was repealed earlier this year and there is now no appropriate State registration scheme. The Printing and Newspapers Act of 1973 inserted in the Local Government Act a new definition which restricted newspapers to those registered for transmission through the post. It was not appreciated at the time that most local free newspapers were not registered in this way. Consequently, these newspapers, which are used extensively for advertising by councils, and which report council proceedings are, strictly speaking, no longer newspapers for the purpose of the Local Government Act. The bill which I now seek leave to introduce will correct the situation.

The second proposal provides for an increase in the maximum reduction allowable under the rate reduction scheme for eligible pensioners. The maximum reduction allowable will be increased from **\$80 to \$120** for

general rates and from **\$40 to \$60** for each water and sewerage rate levied by a council. As honourable members are **aware**, this scheme makes it mandatory for councils to reduce by one half the rates payable by persons in receipt of pensions under the Social Services Act, 1947, and the Repatriation Act, 1920, and who hold or would be entitled to hold a pensioner medical **service** entitlement card. However, because of inflationary pressures the particular limit of rebate now requires revision and an increase is justified. As from the 1974 rating year, therefore, the maximum reduction will, as I have indicated, be increased by **50** per cent.

The third **and** last amendment to be introduced in the bill is one relating to noise transmission in buildings. Honourable members will appreciate that noise transmission in residential flat buildings has been a source of complaint in recent years. This question of noise in buildings has assumed greater importance as the proportion of flats to single dwellings has increased. Although it is not possible to completely eliminate the transmission of noise in flats, a great deal can be done to reduce its effect by regulating methods of construction and materials used. The Australian model uniform building code issued by the interstate standing committee on uniform building regulations contained recommendations for the regulation of noise in buildings. These were to have been incorporated, with other provisions of the code, in the recently promulgated ordinance **70**. However, we have been advised that there is no power in the Local Government Act to make ordinances relating to these matters and the provisions dealing with noise transmission have therefore been omitted pending the introduction of this amendment. I shall say more about these matters at the second-reading stage. Meanwhile, I commend the motion to the **House**.

Mr JENSEN. (Munmorah) [9.7]: There is no objection from the Opposition to the introduction of the bill to perform the purposes the Minister has outlined, the first of which is to give to newspapers a definition that would include those newspapers that are distributed freely in areas and are not

therefore subject to the **definition** of a newspaper in terms of the Printing and Newspapers Act of 1973. That will meet with no objection from this side of the House. The need to increase the maximum rebate of rates to pensioners is largely attributable to the failure of this Government to do things that would regulate the price of land and reduce the incidence of the problem. That proposal also meets no opposition from honourable members on this side of the House, though we would much prefer that the Government be fundamental in its approach and do things to control the price of land and abstain from the kind of conduct in which it so freely engages in profit making by the sale of Crown land. While the Government persists in this way, certainly the Opposition will not take any exception to the proposal to increase the maximum rebate on rates of pensioners from \$80 to \$120 for general rates and from \$40 to \$60 for water and sewerage rates. I hope this measure takes cognizance of the fact that pensioners with a medical service entitlement card can get a full reduction in rates but those whose income is as little as ten cents a week more than the amount that qualifies them to a pensioner medical service entitlement card get no rebate at all.

Mr VINEY: They do not get a reduction on their television licence either.

Mr JENSEN: They do not, but I am concerned about the sphere of administration and the social conscience of this Government to see that not only do pensioners who qualify for a medical service entitlement card get a reduction in rates but as well that those who miss out by five or ten cents and who might be up for \$120 for general rates or \$60 for water and sewerage rates also get some consideration. I hope that the amendment proposed by the Minister takes cognizance of the fact pointed out by the Opposition that no social conscience is manifested in the sharp cut-off in concessions given to pensioners by the Government.

On the question of noise in flats, the proposals outlined by the Minister certainly will not be objected to by the Opposition, particularly if we are to have regulations to ensure that flats constructed in

future will reduce noise more effectively than flats constructed in the past. However, we shall await with interest the proposals to be made by the Government. More important and axiomatic is the need to do something about flats already constructed to stop the noise nuisance being transmitted from one flat to another with the consequent inconvenience to which persons are subjected by their neighbours who are inconsiderate of the problems created by noise. Generally, the Opposition takes no exception to the Government's proposals, but it will wish to look at the details of the measure, particularly those relating to increased maximum rebates for pensioners, in regard to both general municipal rates and water and sewerage rates, in view of the factors to which I have already referred.

Motion agreed to.

Bill presented and read a first time.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL

INTRODUCTION

Mr MADDISON (Ku-ring-gai), Minister of Justice [9.12]: I move:

That leave be given to bring in a bill to provide for the registration of births, deaths, marriages, still-births and adoptions and the recording of legitimations; to make provision with respect to certain matters consequent on deaths and still-births; to amend the Conveyancing Act, 1919, and certain other Acts in certain respects; to repeal the Registration of Births Deaths and Marriages Act 1899, the Marriage Act, 1899, The Legitimation Act of 1902 and certain other enactments; and for purposes connected therewith.

Honourable members will recall that a measure similar to the one for which leave to introduce is now sought was introduced in this House during the last Parliament. I then indicated that the bill would enable implementation of a more efficient system of registration of births, deaths and marriages resulting in substantial economies in administration and improved services to the community. With one exception, the bill is substantially the same as the one that was previously introduced. The exception to which I refer is the incorporation of a

new provision designed to prevent continuance by the Registrar-General of a **former** practice of automatically notifying the Commissioner of Police of certain births. I shall explain this provision in detail at the second-reading stage.

The main purposes of the bill for **which** leave to introduce is sought fall into three broad categories: **first**, to modernize the outmoded language and procedure of the registration Act to permit the introduction of a regional system of registration for births and deaths, and a central system for marriage registrations, making use of contemporary processing and data preparation techniques; **second**, to revise the statute law in the light of entry by the Commonwealth into the legislative fields of marriage and legitimation, thereby rendering nugatory certain State legislation; and **third**, to introduce a number of changes of a remedial nature in the substantive law. **I commend** the motion.

Mr MULLOCK (Penrith) [9.15]: I have noted with interest the Minister's comment that the bill for which leave to introduce is sought is substantially the same as the measure in the course of consideration at the time the last Parliament was prorogued. The exception is the incorporation of a new provision designed to prevent the continuance of the practice of the Registrar-General's automatically notifying the Commissioner of Police of the birth of a child that was apparently conceived when the girl was under 16 years of age. That amendment was foreshadowed by the Opposition when the earlier bill was introduced. I raised the matter in the course of deliberations on the bill, and the **honourable member** for Illawarra also spoke on the subject. In fact, it was he who initiated the matter in our party and drew attention to the **practice**. The Minister commented on it, noted our observation and said that he would look into the question. Apparently he has done so, and the Opposition now looks forward to seeing the terms of the provision in question.

Summarizing our attitude to the other matters dealt with in the proposed bill, we believe that the scheme for regional registration of births and deaths and the introduction of a central system of registering marriages are steps forward, as is the use of contemporary processing and data preparation techniques. This will produce a better record, and provide a more efficient recording system. The Opposition appreciates the need to amend the statute law of New South Wales pursuant to the Commonwealth's entry into the fields of marriage and legitimation, and in that respect the Opposition will adopt the same attitude that it adopted to the earlier bill. If my memory serves me correctly, we did move a couple of amendments on that occasion, and I could not say that the Minister will be free of our moving amendments again, for my recollection is that the amendments related to matters of principle on which the Government and the Opposition differed. No indication has been given so far that the Government's attitude has changed in that respect.

We await the presentation of the bill with interest. The only matter of difference between the bill proposed to be introduced and the one that was previously before the House has been referred to. Members of the Opposition will decide their attitude on the matter when we have seen the wording of the provision in question, and we will have more to say on the other provisions after refreshing our memories on the terms of the bill.

Mr PETERSEN (Illawarra) [9.17]: I commend the Minister for accepting the amendment suggested by the Opposition when a bill similar to the one for which leave to introduce is now sought was last before the House. That amendment will have the effect of virtually ceasing the practice of the Registrar-General's automatically advising the police when a child is born to a girl who was apparently under the age of consent at the time of conception of the child. That is an interesting advance in the field of civil liberties at a time when, in general, one finds that with new legislation greater restrictions tend to be imposed. If anyone asks what I have been

doing in the six years I have been in Parliament, I shall be able to point to a double yellow line on a particularly dangerous road in my electorate, and to this amendment.

Motion agreed to.

Bill presented and read a **first** time.

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL

INTRODUCTION

Mr FIFE (Wagga Wagga), Minister for Mines, Minister for Power and Assistant Treasurer [9.19]: I move:

That leave be given to bring in a bill to remove the restriction on mineworkers receiving pension payments under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as well as workers' compensation or certain other damages for injury; for this purpose to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith.

The objects of this bill are, first, to remove the disqualification from receiving a pension presently imposed by section 12 of the Act on a mineworker who is in receipt of workers' compensation or who has recovered damages for injuries independently of the Workers' Compensation Act and, second, to make the cessation of the disqualification effective from 15th July, 1973.

Since the Coal and Oil Shale Mine Workers (Pensions) Act, as it was then called, was passed in 1941, section 12 of the Act has made receipt of workers' compensation payments or recovery of damages independently of the Workers' Compensation Act a disqualification against the immediate payment of pensions to injured mineworkers.

In 1942, 1950 and 1969, amendments were made to section 12 which progressively had the effect of immediately removing the disqualification from certain classes of pensioners. Unfortunately, the relaxation of the disqualification rule was limited to those injuries covered by the table to section 16 of the Workers' Compensation Act and no account was taken of injuries for which compensation was payable or for which damages could be claimed but which were not included in the section 16 table.

The table for section 16 covers injuries causing loss of an arm, or the greater portion of it; the lower part of either arm; a hand; a finger or all fingers or joint of a finger; a leg or the greater portion of it; a **foot**, a toe, or toe joint; loss of an eye or diminution of sight; loss of hearing; complete deafness; and loss of the power of speech. The existing legislation is discriminatory in its treatment of injured mineworkers in as much as one injured mineworker can recover substantial damages for a table injury, say for loss of a leg, and receive payments of pension, whereas another mineworker who receives multiple back injuries, obtains compensation for such injury and subsequently becomes a paraplegic and loses the use of both legs, is disqualified until he attains the age of 60 years.

Because of the anomaly created by this limitation of the disqualification rule, the situation is obviously one that should be rectified. It has, indeed, already been rectified in Queensland by the repeal of an almost identical section in the Queensland Coal and Oil Shale Mine Workers (Pensions) Act. For these reasons section 12 will be deleted from the Act, thus abolishing the disqualification rule. This is a measure that is long overdue and I commend the motion to the House.

Mr JOHNSTONE (Broken Hill) [9.23]: The Opposition has awaited this bill for some considerable time, especially when the Premier in July, 1973, made a press statement about this measure—though not in exactly as much detail as the Minister has given in his introductory speech. A number of questions will be asked at the second-reading stage and the Opposition might be moving one or two amendments on behalf of mineworkers in New South Wales. I have here correspondence from retired miners who have matters that they wish to bring up and provisions they would like included in their own superannuation fund. One of these matters, of course, is that the miner retires at 60 and has to wait until age 65 to receive an age pension to supplement his superannuation payment. The miner retiring at age 60 is not only adversely financially affected by his inability to **obtain** an

age pension but also denied a number of medical and fare concessions. When a man reaches age 65 he is entitled to certain medical and fare concessions from the Government, but because a miner must retire at age 60 to go on the fund, he is not entitled to these concessions until he reaches the later pensionable age. As the Minister intimated, the bill will be welcomed but the Opposition will examine the provisions of the legislation to see whether it agrees with them.

Mr PETERSEN (Illawarra) [9.25]: I am a little disappointed in what the Minister has said; he made no reference to retrospectivity. If my memory serves me correctly, only a few miners are affected. Perhaps the Minister could correct me if I am wrong, but I believe that only about seventeen miners are affected.

Mr FIFE: I am not sure of the number.

Mr PETERSEN: As the Minister has said, this is a clear anomaly which in my view—and I think in the view of any reasonably minded person—should have been remedied a long time ago. This class of person—and as the Minister said they normally fall into the class of paraplegics—has been severely affected. As the Minister said, these persons are compelled to eke out their damages before they become entitled to miners' superannuation. In my view they are entitled to a considerable amount of retrospectivity. They are almost invariably pathetic cases and almost invariably persons requiring permanent care and attention.

When the Minister issued his press statement the immediate thought that struck me then was the lack of any reference to retrospectivity. When our caucus comes to deal with the legislation, I shall certainly be raising this question. Might I suggest that the Minister look at this question of retrospectivity before he delivers his second-reading speech. It seems totally unfair and anomalous that these persons are not entitled to back payment of their pension for a considerable period. They should not be made to suffer unnecessarily by the lapse of time.

Mr FIFE (Wagga Wagga), Minister for Mines, Minister for Power and Assistant Treasurer [9.27], in reply: I thank the honourable member for Broken Hill and the honourable member for Illawarra for their contributions. This is a small measure and I do not know what amendments the honourable member for Broken Hill has in mind. The bill for which I seek leave to introduce will merely delete section 12 of the principal Act, so the House will either delete the section or leave it in. Let me deal with the point of retrospectivity raised by the honourable member for Illawarra. I said a few moments ago that the legislation would take effect from 15th July, 1973. I recognize that the honourable member feels that perhaps retrospectivity should extend beyond 15th July but as today is 4th December, at least six months' retrospectivity will be provided.

I shall refresh my memory on the number of persons concerned but as I recall it—and I stand to be corrected—all those affected are covered by the date I have mentioned. Of course, the legislation does not go back to cover perhaps those who are no longer affected by this section, but the Government did not feel that it would be appropriate to backdate the legislation beyond the date of the announcement of the Cabinet decision. However, in the light of the comments made by the honourable member for Illawarra, I shall again look at this question and make further comments during my second-reading speech.

Motion agreed to.

Bill presented and read a first time.

INDUSTRIAL ARBITRATION (FURTHER AMENDMENT) BILL

INTRODUCTION

Mr WILLIS (Earlwood), Minister for Education [9.29]: I move:

That leave be given to bring in a bill to remove the right to reduce ordinary working hours by agreement or award made by consent; to authorise the Industrial Commission of New South Wales, in certain circumstances, to make awards reducing the ordinary working hours in industries; for these purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

The purpose of this bill is to empower the industrial commission in court session, on application, to make an award prescribing reduced working hours for employees, or any class of employees in an industry, after taking into account the economic consequences of the proposed award. Honourable members will recall that on 11th October last I introduced a similar bill which reached the Committee stages on 18th October. The passage of the bill was not completed, due to the dissolution of Parliament. Honourable members will recall details of the measure but I shall again refer to its provisions at the second-reading stage.

Mr QUINN (Wentworthville) [9.31]: The Minister has informed us that this is the same bill—

Mr WILLIS: A similar bill; there is a slight difference.

Mr QUINN: In other words, the Minister has incorporated in this bill the amendments that he rushed into the House at the last moment when the earlier legislation was before us—the ones that he brought in to ensure that the bill would not, when existing agreements expired, destroy the working conditions and hours of employment of State employees who have been granted a working week of less than 40 hours. Is that the only alteration?

Mr WILLIS: The honourable member should be patient.

Mr QUINN: The Opposition is becoming very impatient with the Minister and the Government for introducing this type of legislation. Ever since the Industrial Arbitration Act has been in existence in New South Wales there has been provision whereby employer and employee can sit down and come to some agreement on terms of employment and hours of work. By this bill the Government will make it illegal in future for anybody, by agreement or consent award in the courts, to reduce working hours below 40 a week. The Government must think that such agreements will utterly destroy the economy of New South Wales, that it is a **terrible** and devastating thing for employers and employees by agreement to reduce working hours.

Most workers under State awards work less than 40 hours a week. The Government intends to ensure that never in future in any circumstances will workers be permitted to work less than 40 hours a week unless they have the permission of the full bench of the Industrial Commission. There was provision in the bill that the last Parliament considered whereby any employer could be fined \$1,000 if he agreed on hours of work less than 40 a week. It was written into that measure that before such terms of employment could be permitted between the two parties there must be a full hearing before the full bench of the Industrial Commission and approval of that body. The Opposition is opposed to the introduction of this measure, which it would seem is no different from the bill that the Government introduced toward the end of the last Parliament. This measure has been amended to overcome the great failing of the last measure, even from the Government's point of view, whereby employees at present working a 35, 36 or 38-hour week would have had it taken away from them. But it appears that this is the only change in the bill. The Opposition is very much opposed to it; we do not think the Government should be given leave to introduce it, and we intend to vote against it.

Question—That leave be given to bring in a bill—put.

The House divided.

AYES, 48

Mr Arblaster	Mr Jackett
Mr Barraclough	Mr Leitch
Mr Boyd	Mr Lewis
Mr Brewer	Mr McCaw
Mr Brooks	Mr McGinty
Mr Brown	Mr Mackie
Mr Bruxner	Mr Maddison
Mr Coleman	Mr Mason
Mr Cowan	Mr Mauger
Mr Crawford	Mr Mead
Sir Charles Cutler	Mrs Meillon
Mr Darby	Mr Morris
Mr Duncan	Mr Mutton
Mr Fife	Mr Osborne
Mr Fischer	Mr Park
Mr Fisher	Mr Pickard
Mr Freudenstein	Mr Punch
Mr Griffith	Mr Rofe
Mr Harrold	Mr Ruddock
Mr Healey	Mr Singleton
Mr D. B. Hunter	Mr Viney

Mr Waddy
Mr N. D. Walker
Mr Willis
Mr Wotton

Tellers,

Mr Doyle
Mr Rozzoli

NOES, 44

Mr Bannon
Mr Barnier
Mr Bedford
Mr Booth
Mr Brereton
Mr Cahill
Mr Crabtree
Mr Day
Mr Degen
Mr Durick
Mr Einfeld
Mr Face
Mr Ferguson
Mr Flaherty
Mr Gordon
Mr Haigh
Mr Hills
Mr M. L. Hunter
Mr Jackson
Mr Jensen
Mr Johnson
Mr Johnstone
Mr Jones

Mr Keane
Mr L. B. Kelly
Mr Maher
Mr Mahoney
Mr Mallam
Mr Mulock
Mr Neihly
Mr O'Connell
Mr Paciullo
Mr Petersen
Mr Quinn
Mr Ramsay
Mr Renshaw
Mr Rogan
Mr Sheahan
Mr Stewart
Mr Wade
Mr F. J. Walker
Mr Wran

Tellers,

Mr Cox
Mr Kearns

Question so resolved in the affirmative.

Motion agreed to.

Bill presented and read a first time.

STAMP DUTIES (AMENDMENT) BILL

SECOND READING

Mr MADDISON (Ku-ring-gai), Minister of Justice, on behalf of Sir Robert Askin [9.42]: I move:

That this bill be now read a second time.

Considerable publicity has already been given to the reasons that have prompted the Government to introduce further concessions in the death duty field and I am sure honourable members will be aware of them. I refer honourable members to the debates in *Hansard* of the last Parliament for the full exposition of the reasons and circumstances prompting the introduction of this bill. I therefore propose to limit this speech to a summary of the specific provisions contained in the bill itself.

Briefly, the measures provide for an increase from \$30,000 to \$50,000 in the exemption which applies to New South Wales domiciled estates where property is left to certain close relatives. Under these provisions no death duty will be payable in

respect of property passing to the widow, widower, children under 21 and wholly dependent adult children, or to the wholly dependent widowed mother or widowed father unless the final balance of the estate exceeds \$50,000. The increase in the general exemption to close dependants will require adjustments in the scale of concessional rates of duty applicable in the same circumstances above \$50,000. The new scale of concessions proposed is considerably more generous than that now applicable, which ranges from a concessional duty of one-half between \$30,000 and \$32,000 to nine-tenths between \$38,000 and \$40,000.

The bill provides for the concessional rate of duty to commence at one-tenth of the full rate of duty prescribed on estates between \$50,000 and \$52,000 in value, rising by a further one-tenth for each \$2,000 by which the estate value increases until the full rate of duty becomes payable at \$68,000. I stress that these are the minimum levels for exemption or concessional duty and apply where there is only one dependant in the specified categories.

The bill introduces a new concept which might be described as a multiple dependants allowance. In essence, the new exemption level will be increased under the bill by \$4,000 for each person in excess of one who survives the deceased and is within the specified categories of related persons. Similarly, each of the levels within the concession range will also be increased by \$4,000 for each additional dependant. The higher exemption and concession levels, and the special dependants allowance will have equal application to limited interest estates. Limited interest estates benefit also from the special relief afforded by section 112D where there is an exemption to \$40,000 in certain circumstances. This level is to be lifted to \$68,000.

The specific primary producers' concession introduced in 1971 is further increased under the bill. At present there is a reduction of 30 per cent in duty on defined rural assets, which is applicable under certain conditions to estates of primary producers

of up to \$150,000. The bill increases this rebate to 50 per cent. An appropriate adjustment is proposed in the sliding scale now applicable to estates between \$150,000 and \$200,000, and the concession will apply to normal and **limited** interest estates. The various concessions will apply to estates of persons dying on or after the date of assent. On present indications, the loss of revenue could exceed \$5 million in a full year but the effective cost in 1973-74 will be much lower because executors have **six** months within which to pay the duty.

The measures outlined will provide real and substantial relief in a great number of estates. The concessions provided for in the bill represent the largest absolute increases since relief was first introduced for the special class of beneficiaries involved, and I am sure they will be warmly welcomed by all taxpayers. I commend the bill to the House.

Mr MULLOCK (Penrith) [9.47]: The Minister said he would not deal in detail with this bill because of the publicity already given to the reasons for the measure expounded by the Government. To summarize that, what he meant to say was that a confidence trick has been played by the Government upon the people of New South Wales by the introduction of this bill. It was a confidence trick because this measure does not do anything to offer real relief: it does not even provide sufficient relief to match the inflationary spiral that has taken place, particularly in real estate values which play a vital part in the assessment of estate values. It is a confidence trick because this proposal emanated from promises made by the Opposition, which was first cab off the rank in putting forward a policy before the by-elections earlier this year. Subsequently the Premier and Treasurer endeavoured to match the Opposition's policy but failed to do so in any shape or form.

Labor's policy, repeated at the recent general elections, is that as a first step towards the abolition of death duties a family home valued at up to \$80,000 would be excluded from duty. That exemption would be in addition to the existing exemption of total assets to the value of \$30,000. Under

Labor's policy a person may have a home valued at up to \$80,000 and other assets to the value of \$30,000, a total of \$110,000, and still enjoy complete exemption from the payment of death duties. If a family farm to the value of \$100,000 is included in the estate, that may be added to the existing exemption of \$30,000, making a total exemption of \$130,000.

For the Government to suggest that the proposals in this legislation in any way match Labor's policy is nothing short of a confidence trick. I have no hesitation in saying that the policy espoused by Labor prior to the last general elections will, if it is within the order of leave of this bill, be put before the Parliament as an amendment to the bill at the Committee stage. I appreciate that there could be difficulties there for the simple reason that we are dealing with sectional exemption of duty. Labor's proposal, apart from the adoption of the \$30,000 base exemption figure, involves the exemption of a home to the value of \$80,000 or a farm to the value of \$100,000. I have illustrated quite clearly the difference between the approaches of the Government and the Opposition to this matter. The Opposition seeks to provide real relief and not the type of relief that the Government is purporting to offer.

Under this legislation receipts will increase by \$4 million in 1973-74 over those received for 1972-73. For the financial year 1972-73 there was a rise of something like \$11 million over the previous financial year. The Government is not giving anything away when it brings forward this concession, which does not match even the inflationary spiral that is occurring. So that the record will be kept straight on this subject, I put the following figures before the House. In 1965-66 the Government collected \$40,400,579; in 1966-67 it rose to \$44,992,730; in 1967-68 it rose by a further \$4 million to \$48,210,261; in 1968-69 there was a further increase of \$4 million to \$52,157,427; in 1969-70 it rose by almost \$3,300,000 to \$55,459,969; for 1970-71 there was an increase to \$60,922,631; for 1971-72 the amount received dropped by \$2 million to \$58 million, but in 1972-73 it increased by \$11 million to \$69,786,506. As I mentioned

earlier this year, notwithstanding the legislation was foreshadowed by the Premier and Treasurer in his Budget Speech and, therefore, has been taken into account, an extra \$4 million will be received.

Summarizing the figures I have given, for every year except one there has been an increase of \$4 million and the one drop of \$2 million was followed the next year by an increase of \$11 million. Further, the anticipated increase of \$4 million for the current year proves conclusively that the legislation is not the substance but the shadow of the suggested relief in the field of death duties. It is nothing more than what I described at the outset—a confidence trick on the people of New South Wales. It pales into insignificance when compared with the positive policy of relief that was espoused by the Opposition at the by-elections held at the beginning of the year and again during the recently held general election campaign. The financial year 1972–73 was the year of the greatest yield and the greatest slug and the additional \$4 million that is anticipated for the present financial year represents an additional slug and is window-dressing rather than real relief. However, the Opposition welcomes any form of relief that the Government may provide.

Mr MCGINTY: For twenty years a Labor government never did a thing.

Mr MULOCK: Yes, and the present Government went on obtaining \$4 million extra each year until it obtained ultimately an extra \$11 million. Even now it will still receive an extra \$4 million over last year's revenue in the field of death duties. The Opposition's policy is a positive one, which provides relief when there is a home and assets totalling \$110,000. As a practising lawyer the Minister for Housing and Minister for Co-operative Societies would know that is the level of typical middle-range estates. As far as farm properties are concerned, the Opposition will afford exemption when the total value of the estate is \$130,000. If the Opposition can do so within the order of leave it intends to move in Committee amendments necessary to cover its proposals.

Mr MCGINTY: A Labor government did nothing for twenty years.

Mr MULOCK: It did nothing for twenty years but it did not bring in anything like the probate revenue that the present Government has obtained. This financial year it is receiving three times the amount of revenue compared with what a Labor government received in 1964–65. Yet the Government still cannot keep up. The Opposition will consider the position so far as my foreshadowed amendment is concerned. Otherwise we support what has been screwed out of the Government by positive promises.

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 Maddison.

THIRD READING

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

GAMING AND BETTING (POKER MACHINES) AMENDMENT BILL

SECOND READING

Mr GRIFFITH (Cronulla), Chief Secretary and Minister for Sport [9.59]: I move:

That this bill be now read a second time.

As I have already intimated, the purpose of the bill is to give legislative effect to the proposals relating to poker machines announced by the Premier and Treasurer in the Budget. It replaces the measure dealt with by the House prior to the recent general elections. The only difference is that a new clause 2 has been added, which provides that the measure shall be deemed to have commenced on 30th November, 1973. This will ensure that clubs may claim the concessions when submitting their returns of net revenue for the period which ended on 30th November, 1973.

Apart from that aspect the provisions of the bill were debated fully when it was before the House previously and I do not propose to delay the House by reiterating the remarks I then made, except to say that at the introductory stage the Deputy Leader of the Opposition at that time made a comment that no explanation had been given as to why the Government was lifting the embargo on 20c poker machines. The honourable member will recall that when the House debated this measure only a few weeks ago I pointed out that considerable changes had taken place since 1965, especially in the value of a 20c coin. On that occasion I stated that many clubs were at a disadvantage when compared with clubs that were established since 1966. Those clubs were firmly fixed in respect of the number of 20c machines, whereas the clubs that were established after 1966 had a three-year period, without limit, in which to establish the number of 20c machines. As a result there were two classes of clubs. I explained that fully at the time. The whole purpose of the measure is to give relief to clubs, and to benefit smaller clubs in particular. I commend the bill to the House.

Mr FERGUSON (Merrylands), **Deputy** Leader of the Opposition [10.1]: As I said in the previous debate on this measure, the Chief Secretary and I made the same speeches three years in succession. Although it was not the same Minister all the time, I was the Opposition shadow Minister on each occasion. I was interested to hear the Chief Secretary's reply in which he mentioned the Government's decision to abolish the limit on the number of 20c machines that may be licensed. He said that he devoted considerable time to this question in the last debate, but my recollection is that he devoted to it only two paragraphs in a short speech. That is the way he explained away the decision of the Government in 1966, when it self-righteously came to the Parliament and explained its attitude towards 20c machines. In 1966 the Chief Secretary at the time quoted, as though it were a chapter from the Bible, the announcement that had been made by

the Premier in his policy speech the previous year. On that occasion the Premier, when attempting to justify the discouraging of the 2s. poker machines made these remarks:

The Liberal Party has always taken the basic view that whilst we agree we will not encourage gambling, the question of whether to gamble or not is a matter for the individual to decide.

We cannot see our way to abolish the machines because to do so would destroy hundreds of first-class clubs whose members could not afford steeply increased subscriptions.

In addition, the Government in power could not replace the \$6 million per annum poker machine taxation except with some new heavy taxation.

However, we will keep in close touch with the several combined club associations with a view to eliminating abuses and avoiding proliferation of the machines. The rate of licensing new clubs will be restricted. No licences will be issued for any additional two-shilling machines.

Those clubs which already have them, when decimal currency is introduced next year, will be encouraged by licence fee concessions to voluntarily change over to machines of lower coin denomination.

In 1966 the self-righteous **Liberal-Country** party coalition set about limiting the number of 2s. poker machines, but now in 1973 it has lost its self-righteousness and has decided to make more money from the 20c machines by allowing more of them.

The Opposition generally welcomes the introduction of this measure. We want concessions to clubs, and believe that the depreciation allowance should be more than the present \$175 for each machine. The clubs in this State are a great financial bonanza for the Government. Hell and damnation were heaped upon the **Labor** Party when it proposed the licensing of clubs in this State. The club movement provides an opportunity for people throughout the State, especially in working-class areas, to come together and enjoy conditions and amenities that otherwise they could not afford. We in the **Labor** Party are proud that we created these opportunities for people to come together in the wonderful surroundings that are provided by many clubs in this State, but we are now concerned with some of the injunctions that are being effected in relation to

elections in clubs. Also, club secretaries are continually being sacked for strange and unexplained reasons.

As I said at the introductory stage, the bill does not give members an opportunity to examine the ramifications of the club movement, but I hope that in the new year this Parliament will accept its responsibility in this area, having in mind some of the things that are happening in licensed clubs. I hope that there will be a proper examination, to see whether management can be tightened. At this stage I am not speaking on behalf of the Opposition, but I should like to say that I personally am not satisfied with the management of the club movement in some instances in New South Wales, and believe that it is not in the best hands. We as a Parliament have a responsibility to look at the situation and I hope that we do so in the new year.

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 Griffith.

THIRD READING

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

LAND DEVELOPMENT CONTRIBUTION MANAGEMENT (AMENDMENT) BILL

SECOND READING

Sir CHARLES CUTLER (Orange), Deputy Premier, Minister for Local Government and Minister for Highways [10.8]: I move:

That this bill be now read a second time.

As I mentioned in my introductory speech, the bill is substantially the same as that introduced shortly before the recent election. Its object is to carry into effect the Government's decision in relation to the abolition of the land development contribution legislation. The full details of this measure are set out in my earlier second-reading

speech. Briefly stated, the bill will abolish the charge levied under the land development contribution legislation on certain lands in the Sydney region. A charge representing 30 per cent of the difference in value of the land in its non-urban condition at 1st August, 1969, and its value when rezoned for urban use, has been assessed on declared land as it was sold or brought into development.

The contribution was payable on each occasion that declared land was sold or otherwise disposed of at a higher price, and credit for these payments was given when a final contribution was assessed. After the final date, the final contribution became payable on the date on which the land was then sold or disposed of, or the date on which consent for urban development was first granted. As mentioned, interim contributions paid were taken into account in the final assessment. The Government's objective in introducing the land development contribution legislation was to stabilize prices of homesites. However the owners of land released for urban development took advantage of what was a sellers' market and passed the charge on to purchasers and developers at increased prices. Consequently, the charge was acting as an inflationary element in the escalation of land prices and therefore the Government felt it desirable to announce its abolition on 8th February, 1973. This date has been fixed as the cut-off point to liability for payment of the charge.

I should, however, like to add that among the additional minor consequential provisions to which I referred in my previous second-reading speech, it has been found necessary to expand one of the amendments, so as to clarify the position of a vendor where a contract is rescinded. I commend the bill to the House.

Mr MAHONEY (Parramatta) [10.11]: When the Land Development Contribution Management Bill was introduced in 1970 the Minister spoke of the estimated population growth of the metropolitan area. He drew attention to the escalating cost of providing services to land, particularly of single blocks on which single dwellings would be

erected. He placed much emphasis on the cost to the Government in providing these services. However, reading the Minister's second-reading speech on that bill, I could find nothing relating to the extra cost that would accrue to people who bought single blocks of land, particularly young couples building their own homes. Moreover, that measure was introduced just as hurriedly as the Government has introduced this rescinding bill tonight.

Sir CHARLES CUTLER: I said last February that it would be introduced.

Mr MAHONEY: The Minister might have said that in February but he did not say that he would push this measure through all stages in one night. The Minister has given new members of this House, including Government supporters, no chance of seeing what normally happens when a bill is introduced into this House. Honourable members have not had the opportunity of devoting adequate attention to the bill. Some honourable members who have been in this House for many years are utterly confused by the procedure that has gone on tonight. I wish to protest vehemently on behalf of the Opposition, and particularly on behalf of new members of this House, at the way in which the Government has rushed this bill through tonight. The Government is following the same procedure as it adopted when the original measure was introduced, though it should never have been brought into this Parliament. It is worthy of mention also that when the Government introduced that measure the Opposition drew attention to its weaknesses and to the obvious consequences of introducing a tax on the increment in land value. It is interesting to read some of the comments made by members of the Opposition at that time.

Mr HILLS: The honourable member for Munmorah, in particular.

Mr MAHONEY: I intend to read some of the things he said at that time, when he represented the Wyong electorate. Though I do not intend to read the whole of his speech at the second-reading stage, it would be worth reading. I read the whole of that

speech tonight. I shall read the salient points in his speech on that bill on 17th March, 1970. He said:

This bill deserves to be rejected because it proposes an increase by an avoidable increment of \$3,000 million in the value of land now zoned non-urban, which will be added to the Sydney metropolitan urban region over the next thirty years. It deserves to be rejected because the consequence of this increment being allowed to be added to the already excessive land costs will be detrimental to future users of the subject land because of the increased costs that they will be required to bear.

That is exactly what happened. In another part of his speech, the honourable member for Wyong said:

It further merits rejection because developers who acquire the land for development purposes will seek to recover the tax payable by increasing the price of the land to the end user who will have to pay not only the increment going to the landowner but also the Government's 30 per cent. These people will be involved in outlay for interest required to service the extra finance employed in the acquisition of the land.

He said also:

The release of land at a rate faster than hitherto will not, as the Government claims, offset the tendency to increase prices.

All the things that he drew attention to have come to pass. Only last week the local press contained reports of the tremendous increase in the price of single blocks of land in the metropolitan area. It was reported that single-dwelling blocks of land had been sold at prices between \$31,500 and \$50,000. That shows what has happened to the price of land. Those reports dealt with sales of land in one area only, at Maroubra, but the same thing is happening all over the metropolitan area.

Mr HILLS: Do not talk about South Coogee, where land has sold for up to \$60,000 a block.

Mr MAHONEY: Up to \$60,000 has been paid for a single block of land at South Coogee. How on earth can a young, newly married couple, struggling to build their first home, afford to buy land when they are forced to pay up to \$50,000 or \$60,000 for one block? These are the things that the Opposition drew attention to when the

original measure was introduced. The Opposition warned that its effect would be that the tax would be passed on to the end purchaser, the person buying the block of land on which to build a home. In his speech at the second-reading stage of the Land Development Contribution Management Bill, the honourable member for Wyong drew attention to the practice that was adopted at that time. He said:

What is going on at present? All over New South Wales developers who have read the Sydney regional development plan are buying land in every area where they know these 200,000 acres are to be released.

As we all know, that is what has been going on in every electorate. The same thing has happened in my electorate, particularly at Winston Hills. Developers have bought huge tracts of land on the fringe of the urban area, knowing that it will soon be released for urban purposes. At the time these developers purchase this land it is zoned non-urban, but they know it will soon be released for urban purposes. They buy up these huge areas, sit on them—and they can sit on them for years until they are released—and then they make a huge profit. That is happening in all electorates. It is interesting to read what the Minister, the Hon. Davis Hughes, said in reply to the honourable member for Wyong.

Sir CHARLES CUTLER: He is 12,000 miles away; why bring him into it?

Mr MAHONEY: He was speaking on behalf of the Government and he criticized the honourable member for Wyong and other Opposition members for what they said about that measure.

Mr HILLS: What Minister was that?

Mr MAHONEY: Mr Hughes, who was leading for the Government on that measure. He spoke on behalf of the Government after the honourable member for Wyong had made his speech. He criticized him and other Opposition members for their criticism of that bill. He said: "The honourable member for Wyong said that the release of this land will increase the price of homesites. That is

completely and absolutely untrue". However, we all know that it has come to pass. That is the reason why the Government is now withdrawing the bill. If the Government had taken notice of what the Opposition said at that time, that measure would never have been introduced.

Mr HILLS: When the Labor Party was in government it refused to introduce this measure. The same departmental officers recommended it to us but we rejected it.

Mr MAHONEY: Mr Hughes said:

The actual amount of increase for home sites, because of the order of the release along the lines of the statement made by the Minister for Local Government, will be little.

Have honourable members ever heard such a ridiculous statement? Quite the opposite happened. Mr Hughes said:

The speech by the member for Wyong, leading for the Opposition, ignored completely one of the fundamental issues that was put forward by the Minister for Local Government when he clearly said that the rate of release will be putting into operation the law of supply and demand by making available sufficient homesites to increase the competition in this field.

It is always the cry of the Government that free enterprise ought to be allowed to go on and that the law of supply and demand will solve all problems, that there is no need for controls or for economic planning, as the law of supply and demand will fix everything. It was the Government's argument then that the law of supply and demand would fix the price of land, that it would find its own level. The level it has found is \$50,000 or \$60,000 for a single dwelling block, which is beyond the capacity of the ordinary person to pay.

Sir CHARLES CUTLER: What ordinary person pays \$60,000 for a single dwelling block?

Mr MAHONEY: No ordinary person can afford to pay it.

Sir CHARLES CUTLER: What ordinary person does?

Mr MAHONEY: No ordinary person can afford to pay the ruling price for land because the Government failed to do anything about land prices. When the Government saw the huge profits that developers were making out of land it decided that it would come in and make a little money on the side, that it would get some of the money that developers were making from increased values of land. Now it finds that it is impossible for that to continue. The Government must do something about it because the price has gone too high. The only solution that the Government can see is to withdraw the legislation, but it does not propose to do anything about the price of land. What does the Minister propose to do to control the price of land after withdrawing the legislation? There is no proposal that the Opposition knows of that the Government has or proposes to put before the Parliament in the future.

Sir CHARLES CUTLER: The tax has been withdrawn for nearly a year. The honourable member is talking about something that happened ten months ago.

Mr MAHONEY: What does the Minister propose to do to control the price of land now? Something should be done about it. The Government has been the prime operator in increasing the price of land, which has been the major factor in the cause of inflation in New South Wales. This Government has done nothing to control the price of land or to prevent prices from rising further. The Australian Government will hold a referendum next Saturday. An affirmative vote in the referendum will give the Australian Government the power to control prices, including the price of land, the major factor in increased inflation. On Sunday, 25th November, a press release dealing with the price of land was issued by the Hon. T. Uren, the Minister for Urban and Regional Development, who said that if a successful Yes vote is given by the community on 8th December it will let the Government curb immense windfall profits being made when land is turned from rural to urban use. He said that land hoarders on city fringes do nothing except put building blocks beyond the reach of many young

Australian families. The profits are made when governments provide urban services like roads, water supply and sewerage. The speculators have the virtual blueprint for profiteering in the Government's outlined plans for city growth. Mr Uren also said that the Australian Government's authority would be used to stabilize the price of land which could then be acquired by land commissions or their equivalent established by the States. The price would be fair, but it would be based on the original use of the land and not the value of city land. He said that this would ensure adequate supplies of building blocks. Mr Uren said that last week he had introduced legislation in the Australian Parliament to allocate \$62 million for growth centres and land commissions or their equivalent to buy land for servicing and resale to home builders at a reasonable cost.

Sir CHARLES CUTLER: At what rate of interest is the \$62 million to be available?

Mr MAHONEY: At a reasonable cost. The Australian Government proposes to do something about the price of land.

Sir CHARLES CUTLER: At what interest rate? Do not evade the issue.

Mr MAHONEY: Your Government refuses to co-operate with the Australian Government in controlling land prices.

Sir CHARLES CUTLER: Does the so-called Australian Government intend to hit the home seeker with an interest rate in excess of 9 per cent?

Mr MAHONEY: When the bill was first introduced in 1970 the proposal put forward by the Opposition was that the Government should acquire land, service and develop it and sell it to members of the community at cost.

Sir CHARLES CUTLER: With federal Government money? Answer me.

Mr SPEAKER: Order! The honourable member for Parramatta is entitled to make his speech uninterrupted.

Mr MAHONEY: It is a rotating fund and it can be done. Your Government will not do anything about purchasing—

Sir CHARLES CUTLER: What is a rotating fund?

Mr SPEAKER: Order! For the second time I indicate that the honourable member for Parramatta is entitled to be heard in silence, and he will be heard in silence.

Mr MAHONEY: The present State Government will do nothing to control the price of land. The Opposition put forward proposals that would have been successful. The Australian Government proposes to do something about land prices if next Saturday it gets the power to control prices. When the legislation was introduced the Opposition drew attention to faults in it and the obvious problems that would flow from it. Because the results that we pointed out at that time have come about, we cannot oppose the bill. We offer no objection to it.

Mr HILLS (Phillip) [10.28]: There is no doubt that the reason why the Government decided to revoke the legislation is that when a by-election was held in the Hawkesbury electorate this matter became a hot issue. The Deputy Premier, Minister for Local Government and Minister for Highways, on behalf of the Government, at that time felt that in order to win votes it was necessary to revoke the legislation. As the honourable member for Parramatta has said, during the debate on the introduction of this legislation it was pointed out that its enactment would produce inflationary tendencies. The Government admits that now. It is having some hindsight. It is a pity that the Government did not take notice of the advice that was given when the legislation was introduced. As a former Minister for Local Government I rejected such a proposition when it was recommended to me by the officers of the department. I can imagine that when officers of departments make recommendations to Ministers they think they are the Almighty and know all the answers to all the problems of administration in the various departments and the Ministers refuse to use their own intellect and ability to assess the situation.

What concerns me now is that the Government is admitting that the land development tax has had an inflationary effect. What does the Government propose to do when this bill passes through the House and revokes the existing situation? Does it intend in some way or other to instruct landowners and developers to reduce the price of their land by the amount of the reduction in taxation? Of course, no such provision is contained in the bill, and that will not happen. The inflationary trend started by the imposition of this tax will remain, and not only will the developers cease to continue paying to the Government a sum of money which they were obtaining by adding the taxation to the price of their land, but also in future they will retain that additional amount for themselves, and thus the inflationary spiral will continue.

One only has to watch how the Government itself exploits people who wish to buy land—the ordinary members of the community. Surely the recent Crown land auctions in South Coogee indicate how the Government feels towards the small home buyer. We have seen many dejected land seekers during the long time this Government has been in office. I ask again what the Government intends to do about developers who have already purchased land and added to their costs the taxation imposed under the existing legislation, and whether it will compel them to reduce the price of the land by the amount of the reduction in taxation.

As the honourable member for Parramatta just said, the Government does not really mean what it says in this bill, for it is unwilling to make an attack on the high price of land. The Government merely wants to get itself out of a most difficult situation that it got itself into in 1970. When by-elections were held earlier this year the Government found it necessary to make promises about the matter. The last measure before the House dealt with death duties, and a similar thing occurred with them. When in three by-elections the Opposition put forward proposals to increase the exemptions on the payment of death duties, the Government rushed in, just as it is rushing in on this impost that has been placed on the price of land.

The Government has to face up to its responsibilities and do something to bring down the price of land by controlling it. If by some mischance the referendum on the control of prices is not carried next Saturday, the Government of New South Wales should stop being gutless and tell the developers where they get off. The Government should control the price of land for the benefit, in particular, of young people in this State.

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 Sir Charles Cutler.

THIRD READING

Bill read a third time, on motion by Sir Charles Cutler.

MOTOR VEHICLES (TAXATION) AND MOTOR VEHICLES TAXATION MANAGE- MENT (AMENDMENT) BILL

SECOND READING

Mr MORRIS (Maitland), Minister for Transport [10.37]: I move:

That this bill be now read a second time.

First, the bill will amend the Motor Vehicles (Taxation) Act of 1971 to provide for the 33f per cent registration weight tax concession which now applies to lorries, tractors and trailers owned by primary producers, rural co-operative societies and pastures protection boards to be increased to 50 per cent. Prior to 1st January, 1972, a 10 per cent tax concession was applicable to primary producers' motor lorries, tractors and trailers, except that a 50 per cent concession applied to those motor lorries with a carrying capacity of four tons or more, which were subject to the payment of charges under the Road Maintenance (Contribution) Act. From 1st January, 1972, the weight tax concession for all classes of motor lorries and tractors and trailers owned by primary producers was fixed at 33½ per

cent. This concession was applied also to any motor lorry, regardless of ownership, that was subject to the payment of road maintenance charges.

It has been traditional for successive governments in this State to assist the man on the land as far as practicable and, earlier this year, the Government promised to increase the weight tax concession from 33f per cent to 50 per cent. The increased tax concession has, in fact, been applied to new registrations and registrations due for renewal on or after 1st October, 1973, in anticipation of Parliament's approval. The bill provides for the increased concession and will validate the action that has been taken to fulfil the Government's promise.

It has been customary to specify in the Motor Vehicles (Taxation) Act a maximum amount of weight tax applicable in respect of a tractor owned and used on public roads by a primary producer in connection with his farming activity. The existing legislation provides for a maximum weight tax of \$84.65. As the result of the increased concession, this maximum charge has been reduced to \$63.50. This bill provides for the Act to be amended accordingly. In the past, it has been the practice for rural co-operative societies and pastures protection boards to be granted the same tax concession as primary producers in respect of the classes of vehicle mentioned. It is not proposed to alter this practice and the increased concession will apply also to motor lorries, tractors and trailers and tractors owned by these organizations.

I refer now to the provisions in the bill which amend the Motor Vehicles Taxation Management Act, 1949. Whereas the Motor Vehicles (Taxation) Act fixes the basis for assessing the tax payable in connection with the registration of a motor vehicle, the Motor Vehicles Taxation Management Act deals with such aspects as the classification of vehicles for tax purposes, circumstances under which concessions and/or exemptions from weight tax and/or the tax levy may be granted and similar issues. When the latter Act was amended in December, 1971, efforts were made to cover the various contingencies that were likely to arise from the simultaneous introduction of different

registration tax scales for business vehicles and vehicles used mainly for private purposes. However, there are so many classes of motor vehicles and they are put to such a wide variety of uses that, not unexpectedly, some anomalies did come to light. Rather than come back to the Parliament with each case, the Government felt that it would be preferable and acceptable to all members to deal administratively with each issue as it arose and, after allowing a reasonable time for anomalies and the like to be brought under notice and rectified, to include appropriate provisions in one amending bill to cover the various issues that had come under notice.

The amendments to the Motor Vehicles Taxation Management Act of 1949 therefore are designed basically to validate action that has been taken to extend the classifications of motor vehicles to which private rates of registration, weight tax and tax levy are applicable; to exempt certain additional vehicles owned by councils from the payment of such taxes and to extend the power of the Commissioner for Motor Transport to grant exemption from such taxes or partial exemption from the weight tax for vehicles used for civil defence work arising from emergencies. Under the Act, a motor car, station waggon, caravan or small trailer of the type commonly used for private purposes held for resale by a dealer would, ordinarily, be classified as a business vehicle if registered or re-registered while in the possession of the dealer. However, as following their sale these types of vehicles are usually used for private or pleasure purposes, it was considered to be unreasonable to require that they attract the higher rate of tax and tax levy. Accordingly, it was decided that private rates should apply only to these vehicles.

There is another situation where it was considered that the payment of business rates of registration, weight tax and tax levy was not warranted. This is for a vehicle owned by a public servant or an employee of a statutory authority or local government body which is used in connection with his employment as well as for private or pleasure purposes. It is appreciated that an

allowance is granted in respect of such official use. However, the allowance is not calculated on the basis of the higher rates applicable to business vehicles, and it is not felt that it should be, in the light of the special position of government departments and statutory bodies which would, in the long run, be responsible for the additional charge. The bill provides that vehicles in each of these circumstances I have mentioned shall be regarded as vehicles used for private purposes for assessment of registration and accordingly validates the action that has already been taken to this end.

I turn now to those provisions of the Motor Vehicles Taxation Management Act which enable certain vehicles owned by a city, municipal, shire or county council to be exempt from the payment of the tax levy and weight tax. The Act provides that council vehicles solely engaged either in bushfire control or in road construction, maintenance or repair are exempt from registration tax. However, no provision is made for such exemption when a vehicle is used for bushfire control and road construction or maintenance purposes. This anomalous situation is removed by clause 4 (b) (i). At the same time, provision has been made for any such council-owned vehicle which is used also for civil defence purposes to be similarly exempted. It was considered desirable, too, to extend the existing tax exemption on bushfire fighting vehicles owned by bushfire brigades or similar organizations to such vehicles used for civil defence purposes. The bill provides accordingly.

The final aspect of the bill to which I wish to refer concerns motor vehicles that are used solely in connection with civil defence work—that is, the work of rescue or aid of persons or the protection of property arising from some general emergency. Organizations involved in this work include certain civil defence, industrial mutual aid, and rescue groups, the activities of which I shall deal with more fully in a few moments. Accordingly, where a vehicle is used upon a public street solely for any of the above types of work, or is used mainly for, and is not used for any purpose not connected

with, such work, the bill provides for the Commissioner for Motor Transport to grant exemption from the tax levy and weight tax, or partial exemption from the weight tax as the circumstances may warrant.

Vehicles registered in the name of the State Emergency Services and Civil Defence Organisation or one of its local bodies are already granted exemption from registration charges. Those bodies represent the Crown. The civil defence vehicles which the commissioner will be authorized under the amendment to grant exemption from the weight tax and the tax levy are those not regarded as Crown vehicles, including any such vehicle owned by and registered in the name of a local government body. Industrial mutual aid groups consist of a number of industrial and commercial organizations located in a particular area which join forces to assist one another to determine the potential effects of a disaster, emergency or attack upon their property or personnel. They are regarded as an important supplement to the civil defence effort and their activities are also fully supported by the Civil Defence Organisation, which considers that, in times of emergency, organized groups of this kind would be of invaluable assistance not only to the Civil Defence Organisation, but also to the police and fire services. To carry out their functions, the groups need vehicles, such as fire-fighting vehicles, which are used only in emergencies and on infrequent occasions for training and exercises in preparation for emergencies.

Likewise, rescue organizations are clubs formed by volunteers who train for, and participate in, rescue work in connection with floods, land and water accidents and the like. These groups—such as the Dubbo and the Coonabarabran rescue organizations—also need vehicles that make limited use of the streets for their work and also for training purposes. Certain surf lifesaving club vehicles, too, are in this category. The measures I have outlined, which have been implemented in anticipation of **parliamentary** approval, all provide a reasonable measure of relief to the various groups of people and organizations that they are designed to assist. I commend the bill to the House.

Mr COX (Auburn) [10.47]: The Opposition supports the bill. I do not intend to go through all the matters the Minister has outlined except to say that we on this side support the reduction of weight tax on primary producers' vehicles from 66½ per cent to 50 per cent. We support, too, the principle that certain vehicles held by second-hand dealers for sale be allowed to be registered for private purposes. We have no objection to granting exemption for council vehicles used on road construction, maintenance, or repairs, and similar activities. Similarly, we have no objection to the Civil Defence Organisation receiving concessions. The concessions are available at the moment and this is simply a matter that requires legislative approval.

The only point I want to raise—and I have raised it on previous occasions with the Minister who has said that he will look at it—concerns pensioners, especially those in rural areas who use their vehicles far more extensively than persons in the city areas who have better access to public transport. The Minister said that he would give consideration to those vehicles and also to vehicles used primarily on a contractual basis for the cartage of gravel and so virtually used solely by a council. For these reasons the Opposition supports the bill and hopes that the Minister will give early consideration to the further concessions at which we have asked him to look.

Mr SINGLETON (Clarence) [10.49]: On behalf of the Country Party I support the bill, which will afford much needed assistance to primary producers in this State. I point out that many of the vehicles receiving this concession travel only few miles on public roads. Much of the travelling is done on private property or on private roads and for this reason these vehicles are operated at no cost to the public purse. In my area, and indeed throughout rural areas, many four-wheel drive vehicles used in primary production are rarely used on public roads. I should be glad if the Minister could see his way clear at some future date to assist pensioners in country areas who get no concessions from public transport. Many

living in country areas where no other transport is available need a motor car to survive, and I hope that at some future time the Minister will give consideration to their plight.

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 Morris.

THIRD READING

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

ALLOCATION OF TIME FOR DISCUSSION

Mr WILLIS: On behalf of the Premier I desire to give notice of business to be dealt with under Standing Order 175B, namely: Metropolitan Water, Sewerage, and Drainage (Amendment) Bill, all remaining stages by 7.30 p.m., Wednesday, 5th December; Hunter District Water, Sewerage and Drainage (Amendment) Bill, all remaining stages by 8 p.m., Wednesday, 5th December, and Broken Hill Water and Sewerage (Amendment) Bill, all remaining stages by 8.30 p.m., Wednesday, 5th December.

ADJOURNMENT

PENALTIES FOR CRIMES OF VIOLENCE

Mr WILLIS (Earlwood), Minister for Education [10.54]: I move:

That this House do now adjourn.

Mr SINGLETON (Clarence) [10.54]: I draw the attention of the House to the need for much heavier penalties for crimes of violence. Though the Government by strengthening the Crimes Act in 1969 did much to toughen the laws and increase penalties for violent crime in this State, the time has now come to implement reforms and strengthen the laws again. In 1971 the Attorney-General set up a **criminal** law

committee, headed by Judge Amsberg, the report of which has been tabled in the House, and I hope that its recommendations for additions and deletions to the Crimes Act will be acted upon without delay. I have received many letters from concerned people, particularly women, in my electorate. In particular, people living in outlying parts of my electorate are concerned about the protection afforded them in these days of rapid movement of criminals throughout the State.

I hope that the Government will act to alter the legislation and at the same time set out more accurately for the guidance of the courts the definition and partition of various crimes. There is in our community great concern at the increase in the rate of violent crime committed by escaped and released convicts. People are concerned at the number of crimes committed in lonely parts of the State. Women and girls are at the mercy of the worst type of criminals imaginable.

In recent months many murders, rapes, bombings and crimes of violence have been committed throughout New South Wales. The rate of commission of these crimes is ever on the increase. I am in favour of the imposition of some type of most severe penalty. In fact, I am in favour of the death penalty but if that is not acceptable the minimum penalty imposed upon criminals who commit major crimes should be imprisonment with the proviso that they are never to be released. The community should never again be at their mercy. The State should not be required to keep this type of criminal. The taxpayers should not be loaded with the burden of keeping parasites who are of no use to society.

Recently in New Jersey a commission made a majority recommendation for the retention of capital punishment. The commission recommended also that after an **absolute** life sentence provision had been in effect for a period sufficient to create a body of facts and information, there should be a thorough review of the subject of capital punishment to determine whether new conclusions were appropriate. That is something which I believe should apply also in

this State. With the advent of better education in our community we have seen a rapid increase in major crime. We have seen also a rapid increase in the number of escapes from detention. No doubt this increased incidence of escapes from detention has brought about an incentive for the commission of further crime with a lessening of liability for punishment. On the subject of punishment Lord Justice Denning is reported as having said:

The punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformatory or preventive and nothing else . . . The ultimate justification of any punishment is not that it is a deterrent, but that it is the emphatic denunciation by the community of a crime: and from this point of view, there are some murders which, in the present state of public opinion, demand the most emphatic denunciation of all, namely the death penalty.

What Lord Denning said on that occasion still applies. On the same subject of punishment, almost one hundred years ago Sir James Fitzjames Stephen said:

No other punishment deters men so effectually from committing crimes as the punishment of death. This is one of those propositions which it is difficult to prove, simply because they are in themselves more obvious than any proof can make them. It is possible to display ingenuity in arguing against it, but that is all. The whole experience of mankind is in the other direction. The threat of instant death is the one to which resort has always been made when there was an absolute necessity for producing some result . . . No one goes to certain inevitable death except by compulsion. Put the matter the other way. Was there ever yet a criminal who, when sentenced to death and brought out to die, would refuse the offer of a commutation of his sentence for the severest secondary punishment? Surely not. Why is this? It can only be because "All that a man has will he give for his life". In any secondary punishment, however terrible, there is hope; but death is death; its terrors cannot be described more forcibly.

Although those words were uttered almost one hundred years ago they, too, apply equally today. New South Wales was the first State to introduce legislation providing compensation for victims of violent crime. The original legislation allowed a maximum payment of \$2,000. I was pleased to learn

that amending legislation will be introduced to double that amount, bringing it to \$4,000. At today's charges compensation of \$4,000 would barely pay hospital and medical expenses incurred by victims of violent crime.

I reiterate that many violent crimes of murder, rape and the like are committed by released or escaped criminals. I suggest that the Government should consider holding a referendum to determine the people's views in regard to the re-introduction of the death penalty for violent murder. I believe that the wheel of public opinion turns continually. I believe also that in Australia and particularly in New South Wales the wheel has already turned and the public has become aware that no good purpose is served by dealing leniently with the worst type of criminals where their guilt has been proven beyond doubt.

A government's basic duty is to make New South Wales a better place in which to live. I know a lot of people live in isolated parts of Australia and New South Wales. People can be equally isolated in city areas. One reads almost daily of violent crimes. I have been most disturbed by the number of letters that I have received from citizens, particularly women who are concerned about their rights and their ability to protect themselves in the situation that has developed in our community. I believe it is the Government's responsibility to ensure that New South Wales is a safe place for all its citizens to go about their daily business.

Mr McCaw (Lane Cove), Attorney-General [11.1]: The honourable member for Clarence is saying the same thing as hundreds of thousands of people in this community today are thinking. Every thoughtful person must be concerned at the rising volume of violent crime. However, it is not a phenomenon peculiar to New South Wales; it is a worldwide problem. That is not to say that government here and elsewhere should not be attempting to tackle it. The Government has been doing what it can to tackle it. This afternoon a petition signed by more than a thousand people, if I remember correctly, was presented to this Chamber asking for the return of the death

penalty, which was abolished in New South Wales in 1955 when the Hon. W. F. Sheahan was Attorney-General. From the Opposition benches I supported that move.

Crimes of violence are frequently committed in passion when the killer turns the weapon upon himself or herself; or they are committed deliberately so that the meshes of the law are to be avoided. Perhaps even fourteen days hard labour would have prevented that entire crime if the criminal had known that he or she would be caught. Nowhere in the world has it yet been established that the death penalty is a deterrent to violent crime. Nevertheless, there is a widespread movement here and elsewhere for its restoration. The task that a judge faces in sentencing those charged with crimes is a heavy one. They know, as most honourable members know, that historically the purpose of punishment has been threefold: first, to deter not only the accused in the dock but others from committing a similar crime. Second, in more enlightened times the purpose has been to reform the prisoner in the dock. Third, in times now long distant in history, there was an element of retribution. Those who today call for heavier penalties are seeking—and one cannot blame them—retribution in the belief that they will deter. If the Government can be satisfied that this would be so, serious consideration must be given to the last and greatest of all penalties. However, no penologist, criminologist or scientist concerned with this problem—and there are many—has yet been satisfied that it does deter.

Much has been done since the present Government in New South Wales came to office. Heavier penalties have been provided for crimes committed while armed and in company. As the honourable member for Clarence acknowledged, prior to the 1971 general elections the Premier and Treasurer promised a review of the criminal law. Pursuant to that promise, a committee was set up under the chairmanship of former Judge Amsberg, Q.C., with the aid of representation from police, public defenders, the bar, the Council for Civil

Liberties and Crown prosecutors, with a view to overhauling the Crimes Act. This is one of the longest Acts on the statute book of this State and has never been thoroughly reviewed since it became law in 1900.

The Amsberg committee made its report and on 27th September last I tabled it in the House. I have taken to Cabinet proposals for a review of the Crimes Act, and Cabinet has approved of them. I have taken the proposals to the joint Government parties' meetings quite recently, and a committee was set up, I am grateful to say, to have a look at some of the detail. I hope that when this session of the House resumes after this brief part of it, I shall have the privilege of bringing into the House a bill to review the Crimes Act.

May I mention two aspects of the matters raised by the honourable member for Clarence. The police of this State—too few in number but vastly greater in number than when we came to office—are handicapped by a number of considerations. First, when in days long past the standard of education was not what it is today, the law properly protected ignorant, ill-educated people against police. They were not obliged to answer questions that might incriminate them, and no adverse deduction could be drawn from refusal to do so. In those days they were not permitted to give evidence on their own behalf, and the courts, in fairness, when accused persons could not give evidence from the witness box, allowed them to make an unsworn statement from the dock which was not capable of being tested by cross-examination, but was capable of being used to criticize, condemn and destroy police and other Crown witnesses prosecuting crime. It is time that an uncontested statement made from the dock was abolished, as it has been in New Zealand, subject to safeguards. That is one of the matters upon which the Amsberg committee has reported.

Frequently the defence relies upon a previously unannounced alibi. In England this situation has been corrected, and I think it should be here. Particulars of any alibi should be given in advance and if, when checked, the police find it is demonstrably capable of proof, the prosecution can be dropped. If it cannot, at least it can be tested in the light of knowledge and the Crown not caught by surprise. By this means I believe greater justice can be done. In those, and several other ways recommended by the committee, I believe that the Government is doing much, and will do more, to tackle the really horrifying problem with which the honourable member for Clarence has dealt in his speech on the adjournment tonight.

Motion agreed to.

House adjourned at 11.9 p.m.

Legislative Council

Wednesday, 5 December, 1973

Sessional Committees—Sessional Orders—Committee of Subordinate Legislation—Chairman of Committees—Australian Constitutional Convention—Temporary Chairman of Committees—Stamp Duties (Amendment) Bill (first and second reading)—Motor Vehicles (Taxation) and Motor Vehicles Taxation Management (Amendment) Bill (first and second reading)—Gaming and Betting (Poker Machines) Amendment Bill (first and second reading)—Land Development Contribution Management (Amendment) Bill (first reading)—questions without Notice—Metropolitan Water, Sewerage, and Drainage (Amendment) Bill (first and second reading)—Hunter District Water, Sewerage and Drainage (Amendment) Bill (first and second reading)—Broken Hill Water and Sewerage (Amendment) Bill (first and second reading)—Local Government (Regulation of Flats) Amendment Bill (first reading)—Local Government (Amendment) Bill (first reading).

The PRESIDENT took the chair at 4.30 p.m.

The Prayer was read.

SESSIONAL COMMITTEES

STANDING ORDERS

Motion (by the Hon. J. B. M. Fuller) agreed to:

That the Standing Orders Committee for the present Session consist of the following Members, viz.—The President, Dr Byron-Faes, Mr Ducker, Mr Hewitt, Mr Landa, Mr McKay,

Mr McPherson, Mr Serisier, Sir Edward Warren and the Mover, with leave to sit during any adjournment, and authority to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Assembly.

LIBRARY

Motion (by the Hon. J. B. M. Fuller) agreed to:

That the Library Committee of this House for the present Session consist of the following Members, viz.—The President, Dr Byron-Faes, Mr J. E. Cahill, Major-General Eskell, Mr Gardiner, Mr Hallam, Mr Pratten, Mrs Roper, Mrs Rygate and Mr Solomons, with leave to sit during any adjournment, and authority to act jointly with the Library Committee of the Legislative Assembly.

PRINTING

Motion (by the Hon. J. B. M. Fuller) agreed to:

That the Printing Committee for the present Session consist of the following Members, viz.—Mrs Anderson, Mr Bowen, Mrs Davis, Dr Freeman, Mrs Furley, Major Humphries, Mr Manyweathers, Mr North, Mr Peters and Mrs Roper, with the following duties and powers, and to whom shall be referred all Petitions presented to the House, and all Papers laid upon the Table. It shall be the duty of such Committee to report from time to time which of the Petitions and Papers referred to them ought, in their opinion, to be printed, and whether in full or in abstract; and it shall be in the power of the Committee to order such Petitions or Papers, or abstracts thereof, to be prepared for the Printer by the Clerk in attendance upon such Committee and such Papers or abstracts shall be printed, unless the House otherwise order.

HOUSE

Motion (by the Hon. J. B. M. Fuller) agreed to:

That the House Committee for the present Session consist of the following Members, viz.—The President, Mr Erskine, Mr Falkiner, Mr Geraghty, Mr Healey, Mr Manyweathers, Mr Murray, Mrs Press, Mrs Roper and Mr Thom, with leave to sit during any adjournment, and authority to act in matters of mutual concernment with any Committee appointed for similar purposes by the Legislative Assembly.