Legislative Assembly

Thursday, 18 March, 1976

Petition (Council of the City of Broken Hill)—Questions without Notice—Dairy Industry (Urgency)—Statute Law Revision Bill (third reading)—Church of England Constitutions (Amendment) Bill (third readid—Anglican Church of Australia Bill (third reading)—Australian Constitution Convention (Message)—Dissent (Ruling of Mr Speaker)—Business Franchise Licences (Petroleum) Amendment and Repeal Bill (second reading)—Builders Licensing (Amendment) Bill (third reading)—Bills Returned—Printing Committee (Nineteenth Report)—Adjournment (Business of the House—Tumut Timber Industry)—Questions upon Notice.

Mr SPEAKER (THE HON. JAMES CAMERON) took the chair at 11 a.m.

Mr SPEAKER offered the Prayer.

PETITION

COUNCIL OF THE CITY OF BROKEN HILL

Mr JOHNSTONE presented a petition praying that the Legislative Assembly will conduct an investigation into the affairs of the Council of the City of Broken Hill, will dismiss the council, the town clerk and the deputy town clerk, and will hold an election forthwith.

QUESTIONS WITHOUT NOTICE

REGISTRAR-GENERAL'S DEPARTMENT

Mr WRAN: My question without notice is directed to the Minister for Lands and Minister for Forests. Has the Minister received a report on police investigations into allegations that big land developers have been bribing officers of the Registrar-General's Department? Will the Minister inform the House when the report was received, and why it has been kept secret?

Mr FISHER: It is true that some time ago, as reported to this House by my predecessor, allegations were made against officers of the Registrar-General's Department. I am informed that upon investigation of those allegations by the police, possibly suspicious circumstances were found, but the investigations did not yield sufficient evidence to warrant making a charge against any individual. There was no indication of any pattern of irregularity, nor specific evidence of monetary gain by any member of the Registrar-General's staff.

I might add that the Registrar-General's Department has a proud record of service to the people of New South Wales and it is a matter for regret that the publicity associated with this matter has reflected unfavourably on the staff at large, who are innocent of any involvement in the sort of irregularity that has been the subject of investigation. No written report was received by the officers of my department.

PAROLE BOARD

Mr DOWD: I wish to direct a question without notice to the Chief Secretary. Has the Minister's attention been invited to a report made by Detective Sergeant Morrison of the Criminal Investigation Branch concerning the working of the Parole Board? Will the Chief Secretary investigate these allegations and give an assurance to the House that the parole board system offers adequate protection to the people of New South Wales?

Mr COLEMAN: I have seen press reports relating to a paper prepared by Detective Sergeant Morrison and have asked for a copy of the report so that I may examine it in detail. Detective Sergeant Morrison, an experienced and respected police officer, has raised a most serious matter. However, before honourable members reach a view on this controversial subject I should like to mention one or two considerations

that should be taken into account. The Parole Board does not decide whether or not a prisoner will be released. The board's power is to decide only when most of the prisoners in the system are to be released either through expiry of sentence or by parole. The board is bound entirely by the decision of the court that in the first instance fixes a non-parole period. The board can do nothing, or almost nothing, about that. When a non-parole period has expired the particular case goes before the Parole Board for decision.

Though I am unable to give the percentage, I am able to say that some prisoners prefer not to be paroled and to wait for the expiration of their sentence. It would seem that they do not wish to submit themselves to the supervision involved in being on parole. In fact, a significant number of prisoners find the Parole Board's conditions too restrictive. I am sure the public would not consider that to be so but I mention this point to indicate that being on parole means being under supervision. A most important factor I should mention is that the Parole Board will not issue an order unless it is signed by the chairman of the board who is a Supreme Court judge. That is, in fact, a power of veto. Though the majority of the board might decide to release a prisoner on parole, should the chairman not agree with that majority opinion the prisoner is not paroled. The chairman would not conscientiously sign the order. In the absence of the chairman the deputy chairman, who is the chief judge of the District Court, would preside. In the further event of neither the chairman nor the deputy chairman being available the substitute chairman is another judge. That is an important control built into the system.

Dealing generally with this subject of the parole system and parolees, perhaps I should add that two-thirds of prisoners released on parole do not have their parole revoked. They meet all the conditions set down by the Parole Board for their release into the community. Of the remainder of parolees whose parole is revoked half lose this privilege not because they have committed further offences or crimes but because they have not complied with the fairly strict terms and conditions laid down by the board. The revocation of their parole relates to an administrative matter rather than a criminal offence. The considerations I have mentioned are built into the system to ensure that the Parole Board is an effective guardian of the public interest.

Of course, mistakes have been made and Detective Sergeant Morrison has referred to some of them. Perhaps one might disagree with the interpretation of some of them. Mistakes have been made unintentionally and no doubt they will continue to be made. However, the Government is determined that they should be kept to the absolute minimum. Controls have been imposed and conditions have been laid down to make the system work effectively in the public interest. Nevertheless, I am concerned that a person of the standing of Detective Sergeant Morrison should make these statements. I shall examine the report and take any further action that might be necessary in relation to the matter.

REGISTRAR-GENERAL'S DEPARTMENT

Mr FERGUSON: I ask the Minister for Lands and Minister for Forests whether it is a fact that senior officers of the Registrar-General's Department refused to co-operate with police conducting investigations into allegations of bribery involving big land developers and departmental officers. Did this refusal to co-operate prevent police from obtaining sufficient evidence to lay any charges, although they were satisfied that the allegations were correct? In view of the grave nature of the allegations, will the Minister seek Cabinet approval for a judicial inquiry into the affair?

Mr FISHER: I am not aware of any suggestion that officers of the Registrar-General's Department refused to co-operate with members of the police force in the investigation of the matters to which I referred earlier when answering a question by the Leader of the Opposition. If the Deputy Leader of the Opposition has any evidence to support his allegations, he

should bring it before the appropriate authorities instead of indulging in an exercise of muck-raking in this House and attempting to cast a slur in the many fine officers of the Registrar-General's Department. If he has any such evidence and he puts it before the police, I assure him and the House that the matter will be investigated fully.

ALBURY TECHNICAL COLLEGE

Mr MACKIE: My question is directed to the Minister for Education. Has there been a continued increase in enrolments at Albury technical college? Can the Minister inform me of the Government's plans for accommodation extensions at the college and when is it hoped that they will commence?

Mr PICKARD: There have been increased enrolments not only in Albury technical college but also in many other technical and further education institutions throughout the State. Since **1973** the numbers of enrolments in technical colleges and further education institutions have increased from **165** 800 to *220* 800. This increase has resulted in tremendous pressures being placed upon those institutions in terms of attempting to provide adequate accommodation. It has meant also that the Department of Education has had to carry out extensive recruiting programmes to cope with the increased enrolments of which Albury is typical. Since **1973** the number of teachers employed in technical education has increased to a total of 9 *000,* 3 *000* of them being permanent officers and the other *6 000* performing part-time duties. At least **30** per cent of the full-time teachers in the department have been employed for less than two years. That gives an idea of the rate of that recruiting programme.

I shall deal now with extensions to the Albury technical college. The trouble is that the Government was led to believe by promises—indeed by legislation—by the former Whitlam federal Labor Government that certain funds would be available for the building of technical colleges. However, that money did not come forward.

Mr MULOCK: Fraser cut it out.

Mr PICKARD: The honourable member who interjected knows as well as his colleague who asked the question the other day about Blacktown that this happened long before Mr Fraser became Prime Minister. He would realize also that as a result of those broken promises the whole of the programme planned for the Blacktown technical college has, unfortunately, had to be deferred. The reason is that the money that was promised to us did not eventuate.

This week I have been in conversation with the federal Minister for Education and officers of his department to see whether an early start can be made to programmes that have had to be deferred as a result of the failure of the Whitlam Labor Government to keep its promises. I am pleased to be able to inform the honourable member for Albury that the working drawings for stage **3,** which is the general purpose block at the Albury technical college and will involve a cost of approximately **$3.5** million, have been prepared and it is expected that the whole of the preliminary work in connection with this programme will be completed by the end of this month. Provided that the money is forthcoming, the Government will be able to commence the third stage of the **Albury** technical college by April, **1977.**

MILK INQUIRY

Mr DAY: My question is directed to the Premier and Treasurer. Did the Premier and Treasurer announce yesterday the terms of reference and the members of a committee of inquiry into the milk industry? Why was his recently announced decision to reintroduce the discredited system of buying and selling milk quotas not included in the terms of reference? Is one of the three members of the committee a former general manager of Dairy Farmers Co-operative Limited? Has that company a vested interest in the BMQ milk zone? Why was no experienced dairy industry administrator from outside also nominated? Was the decision to hold an administrative rather than a judicial inquiry taken in an effort to further seriously weaken the inquiry and to enable more government and vested interest pressure on its conduct and findings?

Sir ERIC WILLIS: The honourable member for Casino has asked an interesting question. He has displayed his consideration, thoughtfulness and the way he works in the interests of dairymen in the Casino electorate by distributing Bega milk at Parliament House this morning. If I represented an electorate on the far north coast I am darned if I would be giving out cartons of milk from the far south coast. I would represent the people who elected me. Quite obviously far fewer people will vote for him next time than last time.

[*Interruption*]

Mr SPEAKER: Order! I am prepared to be tolerant but I am not prepared to tolerate people who immediately interject after I call for order. I draw that to the attention of the honourable member for Burrinjuck.

Sir ERIC WILLIS: There are three main points in the question. First, the honourable member for Casino wants to know why there was nothing included in the terms of reference to the committee of inquiry in respect of the negotiability of milk quotas. I am sorry to have to disappoint him, but that is included in the terms of reference.

Mr DAY: It is not.

Sir ERIC WILLIS: I give the honourable member for Casino my assurance that it is included. Not only am I not in the habit of telling lies——

[Interruption]

Mr SPEAKER: Order!

Mr JONES: What about your reputation?

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

Sir ERIC WILLIS: Not only am I not in the habit of telling lies, but also it behoves anyone who is a Minister of the Crown to be factual and truthful in statements made on behalf of the Crown and the Government. I assure the honourable member that the whole question of the negotiability of milk quotas is contained within the terms of reference and it will be possible for that subject to be examined by the committee of inquiry. The honourable member's second major point was that there was no one from outside the zone on the committee. I did not think anybody was selected on the basis of being either inside or outside the zone.

The fact is that the three gentlemen appointed not only are men of outstanding capacity and proven ability but also they are people who can be relied upon to give an objective and comprehensive report in the shortest possible time. The chairman is a man who has had a distinguished record, not only in commerce but also in academic circles. He is held in the highest regard by all who know him. The second member of the committee is the professor of marketing at the University of New South Wales. He enjoys the reputation of being an expert in that field. I need say no more than that he is head of the school of marketing at that university.

The third person has a profound knowledge of the milk industry but is no longer in any way associated with it, having retired from the position of general manager of Dairy Farmers Co-operative Limited some time ago. That gentleman was selected as a member of the committee, first, because of his knowledge of the industry; second, he knows the problems of those in the industry both inside and outside the milk zone; and third, he has had considerable experience with the problems of marketing and distribution of milk and milk products. I am certain that anyone who looks at these things fairly, honestly and objectively must say that it is a most high-powered, competent and well-chosen committee. I am proud of the fact that these three gentlemen when approached were willing to serve on the committee and to give an undertaking that they will deal with their task quickly.

In answer to the last part of the question which asked why it was an administrative committee and not a judicial inquiry, I need only say that just over two years ago a reference was made to a judge of the Industrial Commission of New South Wales to investigate the bread industry and to prepare a report. After two years that report has been received by the Minister for Labour and Industry, Minister for Consumer

Affairs and Minister for Federal Affairs, who made the reference. I do not want the inquiry into the milk industry to last two years. I want it to be completed in a few months. I believe it is unnecessary to take evidence on oath, to cross-examine witnesses and adopt similar procedures to get at the basic problems of this most complex industry or to obtain views of the various people who are involved in the production or marketing aspects.

I am convinced and so are my colleagues in the Cabinet that not only will we get a quicker report from an administrative type of committee but also people will be more willing to come before such a committee and state their views than they would be to go before a judicial-type inquiry where they would be subjected to long and tedious cross-examination about the details of their evidence. The procedure to be adopted will bring a result quickly, which is what we are seeking, and in a way that will be respected throughout the community, with the possible exception of honourable members on the Opposition benches who have changed their minds more often about what should be done about the milk industry than they change their underwear.

RING ROAD 3

Mr JACKETT: My question without notice is directed to the Minister for Transport and Minister for Highways. Does the Urban Transport Advisory Committee report recommend the widening of Ring Road 3 to a 6-lane carriageway through its entire length and the duplication of the Ryde bridge? Do long-range plans of the Department of Main Roads envisage a main county road to skirt Homebush Bay from Ryde bridge to the markets at Flemington and then to join Parramatta Road with Liverpool Road, Punchbowl Road and Canterbury Road? In view of the enormous cost of resumptions in Concord Road and other parts of Ring Road 3, will the Minister seriously consider a proposal to construct a second Ryde bridge at Melrose Park to link Marsden Road, Victoria Road and Wharf Road, Ermington, with Benelong Road, Homebush, so that traffic relief along the planned county road can proceed at about a quarter of the wst of the Ring Road 3 resumptions and without despoiling the residential charaoter of Concord Road and of The Boulevarde, Strathfield, which is in my electorate?

Mr Cox: On a point of order. The question by the honourable member for Burwood deals to a great extent with decisions in the URTAC report, which is currently listed on the notice paper as a matter for debate.

Mr SPEAKER: Yes. On a variety of grounds——

Mr JACKETT: On the point of order——

Mr SPEAKER: I shall hear the honourable member for Burwood.

Mr JACKETT: Certainly I mentioned the URTAC report and the recommendations that it makes. I am asking the Minister to take action and to consider now an alternative route which will serve part of the purpose of Ring Road 3 extension. I submit my question does not depend entirely on the URTAC report.

Mr SPEAKER: Order! I think the question is objectionable on a number of grounds, particularly the amount of information contained in it and its length. Also I take into account the consideration of anticipation as well. I rule the question out of order.

DAIRY INDUSTRY

URGENCY

Mr HATTON (South Coast) [11.26]: I move:

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

That this House—

(a) Calls upon the State Government to adhere to its previously stated policy that negotiability of milk quotas is to end on 30 June this year;

(b) Asks the New South Wales Minister for Agriculture to hold urgent discussions with the Victorian Minister in

an attempt to reach amicable agreement on the orderly marketing of milk thus preventing the likelihood of marketing chaos; and

(c) Calls upon the New South Wales Government to hold immediate talks with the Federal Government indicating that this State is prepared to participate in a National Dairy Industry Stabilization Scheme on the understanding that temporary financial arrangements be made to support the New South Wales farmers adversely affected until rationalization within the dairy industry, aimed at giving all farmers a more equitable share of the whole milk trade, is fully implemented.

This matter is critically urgent and I defy anyone on the Opposition benches or the Government benches to deny that assertion. The situation facing the dairy industry today is the most serious it has faced in twenty years. The threat of the complete breakdown in the orderly marketing of milk in Sydney is here with us today. It is here this month and will be here next month. The matter cannot wait for an inquiry in which some decision is likely by December or after that time. By then it will be too late. It is a matter of urgent necessity that the House debate the substantive motion now because already the Victorian Minister for Agriculture has thrown down the challenge. That is why it is critically important that we negotiate now with the Victorian Minister to keep Murray-Goulburn Valley milk out of New South Wales. The entry of that milk into this State will bring down the orderly marketing system.

It is critically important that we debate the motion now because we want to know what will happen if Norco pulls out of the equalization scheme. I invite North Coast members to do their homework on that. What is going to happen if continued protests, such as the one we have seen outside this Chamber today, continue? That is the test of the urgency of this matter —the unprecedented action outside this Chamber today. Everyone who knows dairy farmers, and there are a number of persons on the floor of this House who know them, will agree that the dairy farmer is a rugged individualist, a conservative and a law-abiding citizen.

Mr VINEY: On a point of order. I appreciate that the honourable member for South Coast would want to discuss his substantive motion but at this stage he should be giving reasons why the matter is urgent. He is dealing with the issues of the substantive motion and he has said something about a threat from the Murray-Goulburn Valley. He has given no evidence that that threat is here and he has not shown why the matter is urgent. I ask you, Mr Speaker, to ask him to come to the matter of urgency.

Mr SPEAKER: Order! I think there is some substance in what the honourable member for Wakehurst has said. The honourable member for South Coast is speaking in general terms about an important issue but he is not really telling the House why the normal business of the House should be suspended so the matter can be debated immediately.

Mr DAY: On the point of order.

Mr SPEAKER: Order! I have already ruled on the point of order.

Mr HATTON: I appreciate that a number of points of order will be taken—

Mr SPEAKER: Order! Will the honourable member come to the issue of urgency immediately?

Mr HATTON: This matter is urgent because the Victorian Minister for Agriculture ——

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

Mr HATTON: The Victorian Minister for Agriculture has stated that unless he can be shown that dairy farmers in all States are to receive a fair share of the whole milk market and vested interests are to be phased out of the industry so that all dairy farmers will be given a fair chance to compete on the whole milk market, both interstate and intrastate, he will move in and take a share of the New South Wales market.

If that is not urgent enough for members who represent dairy farmers — people who work twelve hours a day seven days a week and are under immediate threat of going

broke—I do not know what is. The previous Minister for Agriculture said that the situation was very serious. He said also that Cabinet committees of inquiry had been established in New South Wales to look at challenges to the Dairy Industry Authority Act and that he would seek to hold talks. There have been no talks. It is getting too late for talks. If this matter is not debated today, how can we in all conscience say to the electors of Monaro, some of whom are in the gallery today, and people from the North Coast, the Riverina and the South Coast: "Go back to your farms. The subject is not important enough to debate it today. We have too much urgent business today."

I challenge the Government to say that. The whole point is that there has been an unprecedented move today outside this Chamber. Dairy farmers are rugged individualists. They have to be convinced. It is costing them each $100 of their own money to stage the protest today. Never mind the situation of their co-operatives. I know the hardship that these men have put up with to be here today. If Government supporters had gone round every single farm on the North Coast and South Coast, they could not have convinced these rugged individualists that there was a necessity to do what was done today. They know the dairy farmers. They know in their own hearts that they would not stage this protest if they did not think the matter is vitally important and urgent and must be discussed in this Parliament now. That is the truth, and the Government knows it.

Dairy farmers are now receiving per litre less than they got ten years ago. They cannot take this any longer. They are looking forward to something better in the future. We are talking about people's livelihoods and investments, the things that they have acquired in their lifetime. I challenge the Government to gag this debate as it has gagged every other debate on this issue since the Dairy Industry Authority Act was successfully challenged last September. Let it go ahead. Let it say as it said to the honourable member for Casino when he stood up on behalf of the people on the North Coast: "It is not important. We will not discuss it today; we have not the time. There is too much urgent business." Let the honourable member for Clarence say that. Let the honourable member for Nepean and the honourable member for Upper Hunter say it.

Mr SPEAKER: Order! The honourable member is giving an exhortation; he is not addressing himself to urgency.

Mr HATTON: I apologize, Mr Speaker. It is bad manners on my part. I did not mean to offend, but I feel very strongly about this matter and I am being distracted. The matter is critically urgent. I call upon all men of conscience on both sides of this Parliament to stand up and be counted on this urgency motion and to get stuck into a full debate on the substantive motion. Members from the North Coast could then explain why they are saying and doing certain things in the party room but have not done them in this Chamber. Let them explain why they have not fought the battle in this House. This is why the matter is urgent. I say to the Minister for Agriculture that unless we prove that we are fair dinkum by stating quite clearly what interests Government members have, and whether Opposition members have vested interests in this industry, this sort of protest will go on. I do not want this sort of protest: I have not sought this sort of protest. But it hurts me to think that these people are paying a lot of money to participate in this protest.

Mr SPEAKER: Order! The honourable member's time has expired.

Sir ERIC WILLIS (Earlwood), Premier and Treasurer [11.36]: Let it be made quite clear at the outset that I was born and bred in the milk producing district of Murwillumbah. I have always been very close to dairy farmers and have a very sympathetic feeling for the plight of their industry. However, it amazes me that an honourable member can get up in this House, with all the venom and vitriol he can muster, and pretend that he is working himself up to a frenzy over the urgency of something which he himself said came to a crisis point last September. What has he been doing since

last September? What has he been doing in the two and a half years that he has been a member of this House? He has not been moving urgency motions on this subject; he has been sitting back waiting for something to happen.

Today some dairymen from outside the base market quantity area have come to see him, bringing along some free cartons of milk. They have told him to get up and put their case. The Labor Party has said: "Good on you, boy. We are not game to do it." I see the honourable member for Phillip laughing when I say that, but I have here a letter that he wrote on behalf of the Labor Party, in which he said that the Labor Party is opposed to any alteration of the existing Milk Act which will weaken the protection for milk zone dairymen.

Mr DAY: On a point of order. The Premier is quoting from a document that he has not identified. Mr Speaker, I ask you to direct him to identify the document, by stating its date, its author, the circumstances in which he obtained it and the manner in which he was issued with it. I submit that otherwise the Premier's claim can readily be appreciated as being false, because what he is quoting does not apply and has not applied for many years.

Mr SPEAKER: Order! I am sure the Premier and Treasurer will be happy to give the date of the document.

Sir ERIC WILLIS: I am grateful to the honourable member for Casino for inviting me to do that, for the letter is dated 27th January, 1970, a time when there was a by-election for an electorate inside the milk zone. At that time the Labor Party stated what its policy was: "We do not want to extend the milk zone." Now there is to be a by-election outside the milk zone, the Labor Party's policy is to extend the milk zone. I wonder whether there will be a further change of policy when a by-election is to be held somewhere else. Of course there will be, because members of the Labor Party do not have the intestinal fortitude to come out with anything consistent on the subject. They cannot even find a member radical enough in their own ranks to raise the matter on this occasion: they have had to leave it to a man who is more radical than they, though he calls himself an independent, to act as their spokesman on the subject.

The honourable member for South Coast, completely ignoring the feelings of all *dairy* farmers in the BMQ area in his electorate, speaks only for those who are outside the milk zone and says that a matter should be debated urgently on the day after the Government has announced that an inquiry will be held, and six months after the High Court gave its decision on the subject. The honourable member for South Coast has condemned himself from his own lips in that what he has said shows how utterly inconsistent and, indeed, how insincere be is.

There are two parts to his motion, and they contradict each other completely. The first part of the motion seeks to end the negotiability of milk licences, and the second asks for a full-scale inquiry, in association with the federal Government, into the milk industry. In other words, the honourable member for South Coast is suggesting that we should create chaos first and then have an inquiry. What the Government is doing is having an inquiry before any chaos is caused. We are hoping by this means to resolve the problems of the dairymen inside and outside the milk zone as well as those of the milk consumers inside and outside the milk zone. We are trying to look at the interests of all concerned, and are not saying different things to different people in different circumstances. We are saying the same thing to all people all the time.

The honourable member for South Coast is speaking today on behalf of only a portion of his electorate, and is ignoring the rest of it as well as the rest of the State. I assure him and the House that already any colleague the Minister for Agriculture has talked to his Victorian counterpart and to the federal Minister responsible for matters of this sort, and what is more he will have a better chance——

Mr JACKSON: On a point of order. The Premier and Treasurer has quoted from a letter that he says was written by the

Leader cl the Opposition in 1970. The honourable member for Casino took a point of order and asked that the Premier be requested to table the letter. He invited you to suggest that the Premier should identify it, give its date, read its contents and tell the House who the author was. You said, Mr Speaker, that you had no doubt the Premier and Treasurer would be only too happy to make the contents of the letter available.

Mr SPEAKER: Order! I require the honourable member for Heathcote to be accurate. The Chair did not say that at all. If the Chair is to be quoted, it will be qcoted accurately. The Chair said quite clearly that it had no doubt that the Premier and Treasurer would be happy to give the date of the letter. He had already identified the author.

Mr JACKSON: My point of order is that you said that no doubt the Premier and Treasurer would be happy to identify the ietter. The inference was——

Mr VINEY: What is your point of order?

Mr JACKSON: I am addressing the Speaker, not you: I would not waste my time addressing you. Mr Speaker, the inference to be drawn from your remarks was that the Premier and Treasurer would be happy to make the letter available to the House by tabling it. I suggest that you again invite the Premier and Treasurer to table the letter, for he has already quoted from it, he has identified the author, and he has given the date, but I submit that the letter should be tabled and its entire contents incorporated in ***Hansard.***

Mr SPEAKER: Order! It is a firm principle that a document quoted from must be made available to all honourable members. That has been established on a number of occasions in this Chamber. I would ask the Premier and Treasurer to make the letter available to all honourable members.

Sir ERIC WILLIS: I shall be happy to make it available to honourable members, and to the press, if members of the Opposition wish that, for it is a complete about-face on the part of the Opposition in a particular by-election.

[Interruption]

Mr SPEAKER: Order! I am not willing to tolerate this level of interjection. The Premier and Treasurer alone has the call.

Sir ERIC WILLIS: I do not intend to read the whole of the letter, for my time is limited, but I shall say that the letter says that in the opinion of the Labor Party——

Mr HILLS: On a point of order. On a previous occasion in this Parliament the honourable gentleman who is now Premier and Treasurer deliberately misled the House when he was a member of the Opposition. I must indicate this quite clearly: my point of order is that he altered some tapes.

Mr SPEAKER: Order! This has no semblance of a point of order.

Mr HILLS: Yes it has. It indicates the sort of individual we are dealing with.

Mr SPEAKER: Order! The purpose of a point of order is not to indicate to the House the sort of individual with which the House is dealing. I ask the honourable member for Phillip to come strictly to the matter of order.

Mr HILLS: I shall. My point of order is that the Premier and Treasurer indicated he would make available the document from which he read. The motion moved by the honourable member for South Coast is based on the fact that legislation introduced in this Parliament was found by the High Court to be invalid, and the letter to which the Premier and Treasurer has referred was a warning to the people of New South Wales in the dairy industry that that was exactly what would happen.

Sir ERIC WILLIS: It was not.

Mr HILLS: It was, and I had the advice of no fewer than six Queen's Counsel.

Mr SPEAKER: Order! I regret to say that as much as I respect the honourable member for Phillip, I think he is trifling with the Chair. He is participating in the debate and engaging in rhetoric on the issue before

the House. He has not yet come to his point of order, and for the last time I require him to do so.

Mr HILLS: The point of order I am taking is that the Premier and Treasurer should be asked to lay on the table of this House immediately the document from which he has quoted so that it will be available to all honourable members now, not at some future time. As the Premier and Treasurer is debating the matter at this moment, the letter should be available at this moment.

Mr SPEAKER: Order! Yes; I ask the Premier and Treasurer to make the letter available.

Sir ERIC WILLIS: I have done that already by putting the letter on the table. If I am permitted the time to do so, I again lay the letter on the table. In conclusion I want to say simply this: there will be all the time in the world to debate this subject on two occasions. The first will be on the resumption of the debate on the private member's motion standing in the name of the honourable member for Casino. The other will be when the necessary legislation is introduced for amendment of the Dairy Industry Authority Act, of which the Government has given public notice of its intentions. There is no point in debating the matter here, and I would say with great respect that if the honourable member for South Coast thinks he can get into a debate on the subject at this stage, he is mistaken.

Mr MULOCK: On a point of order.

Mr SPEAKER: Order! The time of the Premier and Treasurer has expired.

Mr FISCHER: On a point of order.

Mr SPEAKER: Order! The question is, That it is a matter of urgent necessity.

Mr MULOCK: On a point of order. The matter is still before the Chair. The Premier and Treasurer has not complied with your request to make available to the House the letter from which he quoted.

Mr SPEAKER: Order! The letter is in the possession of the clerks at the table. The document is available for the House. No point of order is involved.

Mr FISCHER: On a point of order. Just towards the end of the contribution to the debate by the Premier and Treasurer the honourable member for Burrinjuck rose and moved that the Premier and Treasurer be granted an extension of time.

Mr SHEAHAN: To read the letter.

Mr FISCHER: Can that question be now put?

Mr SPEAKER: Order! The standing orders are quite specific as to the amount of time that can be allowed for an honourable member in these circumstances, and it is not open to be extended. The question is, That it is a matter of urgent necessity.

Question of urgency put.

The House divided.

AYES, 38

Mr Bannon	Mr Jensen
Mr Bedford	Mr Johnson
Mr Booth	Mr Jones
Mr Brereton	Mr Keane
Mr Cahill	Mr Kearns
Mr Cleary	Mr Maher
Mr Cox	Mr Mahoney
Mr Day	Mr Mallam
Mr Degen	Mr Mulock
Mr Durick	Mr O'Connell
Mr Einfeld	Mr Paciullo
Mr Face	Mr Quinn
Mr Ferguson	Mr Rogan
Mr Flaherty	Mr Sheahan
Mr Gordon	Mr Wade
Mr Haigh	Mr Wran
Mr Hatton	
Mr Hills	*Tellers,*
Mr M. L. Hunter	Mr Johnstone
Mr Jackson	Mr Petersen

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Mr Arblaster	Mr Harrold
Mr Barraclough	Mr Healey
Mr Boyd	Mr D. B. Hunter
Mr Brewer	Mr Jackett
Mr Brown	Mr Leitch
Mr Bruxner	Mr Lewis
Mr Clough	Mr McGinty
Mr Coates	Mr Mackie
Mr Coleman	Mr Maddison
Mr Cowan	Mr Mason
Mr Crawford	
Mr Darby	Mr Mead
Mr Doyle	Mrs Mellon
Mr Duncan	Mr Morris
Mr Fischer	Mr Mutton
Mr Fisher	Mr Osborne
Mr Freudenstein	Mr Park
Mr Griffith	Mr Pickard
	Mr Punch

Mr Rofe	Mr N. D. Walker
Mr Rozzoli	Mr Webster
Mr Ruddock	Mr West
Mr Schipp	Sir Eric Willis
Mr Singleton	Mr Wotton
Mr Taylor	*Tellers,*
Mr Viney	Mr Brooks
Mr Waddy	Mr Dowd

Question so resolved in the negative.

Motion of urgency negatived.

STATUTE LAW REVISION BILL

THIRD READING

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

CHURCH OF ENGLAND CONSTITUTIONS (AMENDMENT) BILL

THIRD READING

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

ANGLICAN CHURCH OF AUSTRALIA BILL

THIRD READING

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

AUSTRALIAN CONSTITUTION CONVENTION

MESSAGE

Motion (by Mr Maddison) agreed to:

That the following message to be sent to the Legislative Council:

Mr PRESIDENT—

The Legislative Assembly desires to acquaint the Legislative Council that it agreed, on 17 March, 1976, to the following resolutions—

"(1) That Mr John Clarkson Maddison shall be and is hereby appointed in the place of Sir Eric Willis, for the purposes of paragraph (8) of the resolution of the Legislative Assembly of 23 March, 1972, as one of the two joint managers of the members of the Legislative Assembly appointed as delegates to the Convention to review the Commonwealth constitution.

(2) That Mr William Peter Coleman be appointed in the place of Mr Thomas Lancelot Lewis as a member of the Legislative Assembly to serve as an appointed member of the Delegation from the Parliament of New South Wales to the Convention above-mentioned."

DISSENT

RULING OF MR SPEAKER

Mr JACKSON (Heathcote) [12.2]: I move:

That this House dissents from the ruling of Mr Speaker given on 16 March, 1976, when he ruled that a question concerning the procedures adopted in the divorce of His Honour Judge Robson v. Robson on 18 April, 1975, should not be included on the *Questions* and *Answers* Paper because the question was not within the administration of the State Attorney-General.

Mr Speaker, I rise again in this House—and I derive no pleasure from doing so—to move dissent from a ruling that you have given. I am mindful of your great responsibility to protect the rights and privileges of honourable members from anything that may be said or done in this House that might affect the rights and privileges of the public who are not protected by the immunity that is extended to members of this Parliament. I feel it is necessary that I take this action in view of your ruling as far as it affects my attempt to have a question placed on the *Questions and Answers* paper. Under Standing Order 80 I submitted the question to the Clerk. The question was then referred to you, Mr Speaker, and you have given your reasons for not allowing it to be placed on the *Questions and Answers* paper. You gave your reasons after you extended to me the opportunity of taking a point of privilege in this House yesterday.

When I took a point of privilege yesterday I explained that the question I wished to place on the *Questions and Answers* paper did not seek—as you said in your ruling—information as to the details of matters pertaining to the divorce that had been referred to. The question sought information as to whether certain rules were adopted in the application of this divorce, and whether an outside person or body not directly connected with the divorce intervened and sought an expedited hearing. The first matter I wish to raise now concerns the fact

that during my remarks on privilege yesterday—and I regard this matter as most serious—the Attorney-General by way of interjection indicated that he had knowledge of the question which had been submitted to the Clerk for your ruling.

I propose now to refer to what the Attorney-General and Minister of Justice had to say during the debate yesterday on the matter of privilege. I was seeking information as to the details of procedure of a certain divorce case; in no circumstances did I seek details of the divorce itself. At that stage the Attorney-General and Minister of Justice interjected and said, "You must be joking". I then said—referring to my question—"It sought matters of procedure," to which the Attorney-General replied, "It did not." Mr Speaker, what information did the Attorney-General have on which to base those interjections? Why did he say in this House, "It did not," if he did not have a copy of the question? Mr Speaker, it is your responsibility to protect my rights and privileges and I submit that you should have allowed my question to be placed on the ***Questions and Answers*** paper. How would the Attorney-General and Minister of Justice, who has no connection with the procedures of this House, know the content of the question that I wished to have placed on the ***Questions and Answers*** paper?

Mr SPEAKER: Order! I can clarify that matter for the honourable member very simply. When the issue arises as to whether a matter is within the jurisdiction of a particular Minister, the first person one asks is that Minister. In this case the Mister was certainly asked that question.

Mr JACKSON: Mr Speaker, if you referred my question to the Minister, why was it not put on the ***Questions and Answers*** paper so that the Minister's answer could be made public? It is your responsibility to protect my privileges, which have been impugned by the fact that the Attorney-General and Minister of Justice knew what was contained in my question without the House knowing about it. I object to his procedure. I object most strongly to the fact that the Attorney-General and Minister of Justice should be given a document which I did not exhibit in this House. Why would the Minister not say, "It is wrong"?

Having said that, let me proceed further. In accordance with Standing Order 80 I submitted my question to the Clerk. The next thing that happened was that I raised a point of order which you, Mr Speaker, dealt with. In your ruling you gave your reasons for rejecting my endeavours to put the question on the ***Questions and Answers*** paper. I submit that the question I gave to the Clerk to be put on the ***Questions and Answers*** paper is perfectly in order. I submit further that it complies with every standing order of this House and with the requirements which are set out clearly on the back of the notice paper upon which a member must place his question. I submit further that my question dealt extensively at every point with the responsibilities of the Attorney-General and Minister of Justice.

For the benefit of the House, I propose to quote from the ***Hansard*** report of a debate in this House in 1967. At 2.45 a.m. on 5th December, 1967, I spoke on the motion for the adjournment of this House. On that occasion I dealt with certain aspects of another divorce case, ***Trenerry*** v. ***Trenerry*** in which two eminent Queen's Counsel, who are now Supreme Court judges, appeared. My remarks on that occasion also concerned certain inquiry agents whose registration was the responsibility then of the Minister of Justice and is now the responsibility of the Attorney-General and Minister of Justice. The statutory declaration that I read in the House on that occasion contained details of those divorce proceedings, not merely matters concerning procedure. The same matter was raised in this House on 6th December, 1967, 20th August, 1968, and again on 17th March, 1970. On each occasion your predecessor permitted this to be done and never once did he refer to the responsibilities of the Commonwealth Attorney-General. I have before me the ***Hansard*** report of what was

said on each occasion that matter was raised in this House when not merely matters of procedure but the whole of the sordid details of this divorce were dealt with.

Mr MEAD: YOU loved every minute of it.

Mr JACKSON: I did not love every minute of it. I told the House what happened. Everything I said in this House was correct and that was proved by the Minister's own administration which reduced the bill of costs in ***Trenerry*** v. ***Trenerry*** form $33,000 to $17,000. This man was robbed by a person who was a federal judge's wife. I make that statement here and now in this House. I shall tell the House something else: divorce at that stage was available only to those who were able to afford to pay. Do not try to debate that with me.

I submit that you, Mr Speaker, were wrong in your ruling because no federal courts were established by the Matrimonial Causes Act and the State courts acted as agents for the federal courts. The State Attorney-General can intervene as delegate of the federal Attorney-General under section 78 of the Commonwealth Matrimonial Causes Act. I set that out extensively in my contribution to the House on privilege yesterday. Whatever may be the role of the State Attorney-General in matrimonial causes, by his being delegated certain powers from the federal Attorney-General, the Attorney-General of a State has the duty to ensure that the State court administers the law properly. Maintenance defaulters under the Matrimonial Causes Act—I am speaking of before 1st January of this year—were sent to State gaols and were then the sole responsibility of the Attorney-General and Minister of Justice.

Only the State Parliament has power to impeach Supreme Court judges adjudicating in divorce cases. The Commonwealth Attorney-General does not have the power. The power granted to the Commonwealth Attorney-General by the legislation in 1959 has been delegated to the Attorney-General of this State. In the case of His Honour Mr Justice Larkins who presided over the Robson divorce, he was appointed by the present State Government and was allocated the case by the State administration. To say that the State Government has no power in the State court when it administers Commonwealth law is also to infer that it has no power in administering international law. In South Australia at the present time a State court is dealing with a German war atrocity case. Matrimonial causes court rules allow judges to dispense with application of the rules. The rules provide that a judge may dispense with such rules. Such dispensation must be the subject of a special order to do so. Was there such an order on this occasion?

Mr SPEAKER: Order! The honourable member's time has expired.

Mr MADDISON (Ku-ring-gai), Attorney-General and Minister of Justice [12.12]: If one came into the House for the first time and did not know the record of the honourable member for Heathcote one could possibly be impressed. As honourable members have known the honourable member for Heathcote for a long time as a person who stirs the pot whenever he gets the opportunity, it is no surprise to find him moving such a motion. This is the third time in two years that the honourable member for Heathcote has challenged your rulings, Mr Speaker, and the challenges have always been on specious political grounds, when one looked into them to see precisely what the honourable member was about. The two basic submissions advanced by the honourable member for Heathcote in support of the motion have no substance in fact and will certainly be rejected by the House.

The first submission was that you, Mr Speaker, were wrong in concluding that the information sought in the question proposed to be placed on the ***Questions*** and ***Answers*** paper was wholly within the administration of the Commonwealth Attorney-General, and thus not properly directed to me as Attorney-General of this State. I make no apology on your behalf, Mr Speaker, if I may say so, for your seeking my advice on whether the matters were within the competence of my administration. It is one of the essential features that flows from any question, whether it is on notice or without

notice, that the question must relate to the administration of the Minister to whom the question is directed. The other basis suggested by the honourable member for Heathcote is that in any event the information sought by the question related solely to court procedures and should not be withheld. The excesses of the honourable member for Heathcote and the political posturing~of the Leader of the Opposition might elsewhere be ignored. Yesterday the Leader of the Opposition embraced the motion. In other circumstances that might be ignored, but when directed to the institution of Parliament, as is the case with the motion before the House, it calls for trenchant criticism and, without doubt, the defeat of the motion.

I was alarmed, as I am sure honourable members on this side of the House and some honourable members of the Opposition must be, to see the Leader of the Opposition so actively identifying himself with this motion, as he did. He has all the trappings of a lawyer and though the House has continual cause for surprise at his interpretations of the law since becoming obsessed with the socialist cause, he will know, or can soon confirm with his colleague the honourable member for Penrith, that those making statements knowing them to be false, or having no belief in their truth, or not caring whether they are true or false, are regarded in the law as making fraudulent statements. I do not care on which basis the statements of the honourable member for Heathcote and the Leader of the Opposition are to be regarded, there is no hesitation in my mind that this motion is tainted with fraud.

One statement by the honourable member for Heathcote, urged on by the Leader of the Opposition, was that the Commonwealth Attorney-General had delegated to this State's Attorney-General the administration of the 1959 Commonwealth Matrimonial Causes Act. That is a false statement, made knowing it to be false, or not caring whether it is true or false. The honourable member for Heathcote repeated that statement this morning.

[Interruption]

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

Mr MADDISON: Section 78 of the Act provides the only instance of the type of delegation which could involve this State's Attorney-General in performing functions or having duties under the 1959 Act. That section authorizes the Commonwealth Attorney-General to delegate to a State Attorney-General or to the Solicitor-General or the Crown Solicitor of a State the Commonwealth Attorney-General's functions under part VII of the Act relating to intervention in divorce proceedings then current. By section 77 of the Act, the Attorney-General or his delegate may intervene in any proceedings where he has reason to believe that there are matters relevant to the proceedings that have not been, or may not be, but ought to be, made known to the court.

The honourable member for Heathcote has pontificated that he is in no way concerned with the substance of the proceedings to which his question without notice was directed last week and which he now seeks to place on the ***Questions and Answers*** paper. He claims he is solely concerned with procedures. Procedures are controlled by the court itself. The courts and the judges of the courts apply the procedures to be adopted. There can be no possible ground upon which the delegation under part VII of the 1959 Act can be relied upon for the absurd statement that the Commonwealth Attorney-General had handed over to this State's Attorney-General the administration of his Act. There was a delegation and, in any event, it was revoked. By whom was it revoked? It was revoked by the great Senator Lionel Murphy, as he then was, as Attorney-General. It was revoked on 31st December, 1972, shortly after he came into office. It was current to that time and was then revoked.

I can understand the honourable member for Heathcote confusing listing procedures in a case with which he is closely identified with those adopted in the Family Law Division of the Supreme Court. I

take offence at the suggestion, implied in his question, if I can rely upon his statement in this House yesterday, that I, as Attorney-General, can receive and act upon representations for the early hearing of proceedings in divorce or other jurisdictions of the court. That is an insult and every honourable member from any side of the House who has raised the subject with me or any of my predecessors, Labor or Liberal, has been told that there is no power in an Attorney-General to intervene to advance the hearing of a case in any jurisdiction, whether the Family Law Division of the Supreme Court or any other court. That is in the hands of the judges who deal with the applications as they come to them. Let there be no doubt that Attorneys-General, predecessors of mine, have always followed that principle.

As I have said, one might pass over ill-informed statements by the honourable member for Heathcote but this House must have a real concern for a Leader of the Opposition making it plain to the litigants and potential litigants of the State that his view of the office of the Attorney-General is that the Attorney-General has the right to dictate to the courts of the State. That is understandable when regard is had to the attitude of the former Attorney-General of the Commonwealth, now notorious for his action in raiding the offices of an independent government authority. However shocked the nation was at that complete abandonment of responsible government by the Commonwealth Attorney-General concerned it is regarded in Labor Party circles, not as I have described it, but merely as a big mistake.

The same type of mistake was made by the recently deposed Prime Minister who, I have no doubt, is by no means disinterested in the results of the present endeavours of the honourable member for Heathcote and his leader. It is for those reasons that I view the present motion with such concern. It clearly epitomises the approach which a Labor government would take if by some mischance it were to gain office in this State. Labor would tear up the book of rules which have stood for a long time to protect the individual in this State. Where they are brought to account, as inevitably occurs, members of a Labor government would seek to write off their excesses as mistakes. Mr Speaker, not only were you eminently correct in your ruling but also the present attempt by the honourable member and his leader to rattle non-existent skeletons besmirches the fair name of this Parliament. The motion is tainted with fraud.

I turn now to the second ground upon which this facade is constructed—that all that is sought is information as to procedures. I have already condemned the suggestion that an Attorney-General would be so recreant to his oath of office as to resort to political intervention in judicial proceedings as the honourable member has so vehemently stated would be the case with a Labor Attorney-General, if only by implication. I want to add that any Attorney-General who sought to do this would soon be brought to account, and any other conclusion is a direct insult to the Chief Justice and the judges of this State's Supreme Court. That, I know, would not deter the honourable member in continuing with his baseless charges but I would expect otherwise from his leader.

[Interruption]

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

Mr MADDISON: Can it be seriously suggested that the honourable member is not asking for the very detail which can be produced only by Address to His Excellency in accordance with Standing Order 55? I add this merely to emphasize how clearly the honourable member for Heathcote and his leader stand exposed as having a brief in this matter. I think it important that this be understood. I conclude by stating categorically that your ruling is not only correct, but was an inevitable one; the honourable member's use of the forms of the House for purposes which can only be guessed at, to defeat an express direction by the Chief Judge in Divorce and endorsed by the Chief Justice, as well as seeking to

emasculate Standing Order 55, is to be deplored; and that this House should view with concern a motion which is shown to be tainted with fraud. Government supporters will certainly reject the motion of dissent.

Mr MULOCK (Penrith) [12.22]: There are a couple of matters on which I wish to speak. The Attorney-General has referred to the question of whether he is responsible for the administration of this particular piece of legislation. There is no doubt that the judge appointed is a judge of the New South Wales Supreme Court. The judge who heard the matter is a judge of that court. At present there are two registries in which petitions may be filed: one is in relation to the New South Wales jurisdiction and one is in relation to the Family Law Division of the Commonwealth. Certainly there is abundant evidence that some sort of competition is going on between these two registries to receive divorce petitions.

Mr DOWD: That has nothing to do with the matter now before the House.

Mr MULOCK: It has very much to do with the matter before the House. This has arisen only this year. Last year there was only one registry: and the same registry that last year was receiving petitions is still receiving petitions for the Family Law Division of the New South Wales court. There is now another registry receiving petitions in the Commonwealth court under the Family Law Act of the Commonwealth. How can one divorce the position last year from what is quite clearly a double position this year? The State is now competing with the Commonwealth over the same jurisdiction. The honourable member for Heathcote is seeking information about the position that applied last year in the jurisdiction in New South Wales.

Does the Attorney-General suggest that since the Family Law Act was passed in Canberra early this year and a new registry was established, there is a difference between the registry that was receiving petitions last year in the New South Wales Family Law Division and that which is receiving petitions in competition with the Commonwealth court this year? There is no doubt that the jurisdiction presently available in New South Wales from which the State is receiving revenue from petitions filed in it is exactly the same as that which operated last year. The whole conduct last year of the jurisdiction in New South Wales was pursuant to the Commonwealth Act, which was adopted in New South Wales for the purpose of dealing with divorce petitions. That was an area of law considered to be the responsibility of the Commonwealth and the State did exercise that jurisdiction. The Attorney-General cannot say specifically that he has nothing to do with the administration of those courts. The judges were appointed by him; they are judges of the New South Wales Supreme Court who are exercising the jurisdiction.

It may well be that the Attorney-General has sought to cloud the issue by suggesting that he should not intervene. One of the proposed questions is, was he approached on the matter? If he contends in a lilywhite fashion that he would not intervene in the administration of justice, his answer should simply be, no. Of course he could not necessarily answer in that way to either question. On his own admission at various times approaches have been made to him and to his predecessors in office by members of the Government and of the Opposition, but he has rejected them. There is a difference between whether one is approached and whether one is approached and makes a refusal.

The question that was proposed so far as the Attorney-General's intervention in the matter was concerned was whether he was approached. His answer must be either yes or no. There is nothing to say that any person in New South Wales could not approach any member of the Parliament to have him ask the Attorney-General whether a matter which has been delayed for some time could receive some priority. I would say most members of the Parliament have at some time or other received that sort of request, and in fulfilling the responsibilities of their office as a member have requested the Attorney-General to see if something could be done. If the Attorney-General

contends that neither he nor any of his predecessors have ever responded to any question of priority, that is one matter. But it is not necessarily an answer for him to say that he should not have the onus to answer the question, was he approached in the matter?

The other parts of the question that the honourable member for Heathcote seeks to put on the ***Questions and Answers*** paper are all concerned with procedural matters as they inquire whether the orders have been complied with, whether the rules of the court have been complied with and whether the necessary orders have been made. Surely the Attorney-General cannot say that it is not part of his responsibility to ensure that those who are entrusted with the administration of justice in New South Wales do not ignore the rules promulgated under the Acts of this Parliament. If his means of ensuring it is to refer the matter to the Chief Justice of New South Wales for his report, does the Attorney-General suggest there is something improper in his role in referring it to the Chief Justice? I do not consider there is anything improper in that. If it is drawn to his attention that judges are ignoring the rules promulgated under Acts of the Parliament——

Mr DOWD: There is no suggestion that any rules are ignored.

Mr MULOCK: The question being asked is whether there is any suggestion the rules are being ignored. That question is being asked to ascertain whether they were or were not. The simple answer must be either yes or no. This was not an ordinary case that was heard during the normal- court hours of 10 a.m. to 4 p.m. The reports of the case are that the hearing took place after normal court hours. This by itself raises a question for consideration. The officers who are supposed to be present in those courts are in fact officers of the Government. Those officers reporting proceedings in the courts are employed by a department under the control of the Government.

The whole matter should not be swept under the carpet. There should not be any desire by the Attorney-General to protect a suggestion that perhaps hundreds or thousands of people waiting to have their petitions heard in an established order of priority, with which he said he would never intervene, may have been disadvantaged. Somebody has lifted the case out. The forms and procedures of the court permit applications-to be made for the hearing of a case to be expedited. They are the very matters referred to in the question proposed by the honourable member for Heathcote. Is it wrong for any honourable member to ask whether those forms and procedures were applied in the process of giving in all the circumstances some expedition to the hearing of this matter?

I put to you, Mr Speaker, that you should not necessarily rely upon the statement of the Attorney-General that it has nothing to do with his administration. It is abundantly clear that he is very much in the proximity of and associated with the administration of this particular function, certainly as an agent if in no other way, as they are his judges, appointed——

Mr DOWD: They are not his judges.

Mr MULOCK: They are judges appointed by the Attorney-General or his predecessors.

Mr DOWD: Once appointed, that is it.

Mr MULOCK: That is right. They are his judges administering the matter, and I use the phrase in that context.

Mr JACKSON: There are political appointments.

Mr MULOCK: There are certainly plenty of indications that persons with political affiliations and personal affiliations extending over a long time have been appointed as judges in this State.

Mr DOWD: That is what the Labor Party does.

Mr MULOCK: That is what you do and I can give a classic example. The honourable member for Waverley found it necessary to approach the Attorney-General's predecessor about the way appointments of

judges were being made. As a result a different influence came to bear. The honourable member for Waverley was able to draw attention to bias shown to certain people practising at the bar of this State and because of their religion being overlooked for appointment as judges. I put it to you, Mr Speaker, that it is incumbent upon you even at this late stage to indicate that the advice tendered by the Attorney-General, that this matter does not in any way touch upon his portfolio, is not relevant and is not true.

It ill behoves the Attorney-General to use this debate as an opportunity to smear people, especially the Leader of the Opposition. As Attorney-General he has shown himself at all times willing to use in an extremely broad sense the word socialist, as if some stigma attached to it, in an attempt to besmirch people when in fact their desire is one he would share—that is, to find out what happened in this matter. The most relevant part is, what happened to the file? There is a strong suggestion that the file was removed when called for on 11th November.

Mr PETERSEN (Illawarra) [12.31]: I speak not as a lawyer but as one who finds amazingly irrelevant the arguments put by the Attorney-General in his attempt to refute the arguments of the honourable member for Heathcote. The honourable member for Heathcote in his contribution pointed out quite clearly that though the judges here are administering Commonwealth law, the only body that can possibly remove those judges, by impeachment, is this State Parliament of New South Wales, and the only sanction against malpractice by judges is action taken by this Parliament.

I have a personal interest in the divorce law because six months after the *Robson* v. *Robson* case, the case of *Petersen* v. *Petersen,* in which I obtained a divorce, was heard. In order to obtain that divorce I had to comply with certain rules. One of the things I had to do was to tender a discretion statement in terms of court rule 164. That discretion statement is available on file for the Attorney-General of this State to inspect. I made an application for an expedited hearing in accordance with court rule 180 (2) and I gave evidence of the special circumstances in my case—that I was required to travel with the lady who became my wife shortly after the matter was heard. 1 made an application on form 5. That application form was submitted to the duty judge and approved. It complied with court rules 19 (1), 19 (2) and 19 (3). Surely one can suggest that if, in fact, special circumstances require an expedited hearing, one is entitled to ask just what are the circumstances in which the court, the judges of which are appointed by this Government and can be removed only by this State Parliament, may waive such rules.

I do not know a great deal about the law but I know that under the court rules, if the rules are to be waived the court itself must give valid reasons for doing so. If we are to ensure that in fact that there has not been a conspiracy somewhere to commit an illegality, we are surely entitled to ask whether, if the rules were not complied with, the judge gave special reasons for not complying with the rules. Was the fact that those rules were not complied with the result of special representations by a special person? It has been suggested that perhaps that special person may have been Sir John Kerr. If that is so, it raises extremely serious doubts whether Sir John is fit to hold any office and certainly the high office that he occupies. It raises the question whether Sir John Kerr is a fit person and whether the action he has taken in recent times——

Mr MUTTON: You would not have done this twelve months ago.

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

Mr DOWD: On a point of order. The attempt by the honourable member for Illawarra to widen this debate into an attack on the Sovereign or the Sovereign's representative is an abuse of the forms of the House, and though it discloses the obvious motivation in this matter it is improper for the honourable member to malign the Sovereign or the Sovereign's representative. Standing Order 148 expressly or impliedly deals with the situation.

Mr JACKSON: On the point of order. There are strong rumours, not only in this State but indeed throughout Australia, that representations were made by Sir John Kerr. He is a former Chief Justice of this State.

Mr SPEAKER: Order! It is not appropriate to base a point of order on rumours that the honourable member says are being disseminated throughout the Commonwealth. He must come to the point of order.

Mr JACKSON: A person who elects to marry a divorcee—as Sir John Kerr did—should receive no special privileges above any other member of the community. Our laws do not——

Mr SPEAKER: Order! The honourable member is entirely misconceiving the concept of a point of order and he is doing so specifically in order to advance a party political view. There is no point of order.

Mr PETERSEN: One needs to ask, too, whether certain procedures with regard to the listing of cases were carried out in this particular case.

Mr SPEAKER: Order! On the point of order raised by the honourable member for Lane Cove upon which I have not specifically given a ruling, I must point out that though I am most reluctant to interrupt honourable members in the course of a motion of dissent I think the honourable member for Illawarra has been a long way from the particular matter contained in the motion of the honourable member for Heathcote. I should appreciate it if the honourable member for Illawarra came to the subject of the motion.

Mr PETERSEN: I come to another point. The divorce registry in which the files are held happens to be an office of this State Government. One of the points in the question that the honourable member for Heathcote was asking was whether the file papers concerning the case are now held in the proper place in the divorce registry and, if they are not there, where they are held. That brings me to the further point that as the Attorney-General is responsible for the divorce registry perhaps he might explain to us how he denies any responsibility for the administration of the Matrimonial Causes Act in that jurisdiction.

A further question we need to ask is, if we assume that the judges sitting in that jurisdiction are judges appointed by the State, was there this secrecy on this occasion and if there was secrecy, what was the reason for it. I submit that the only person who could possibly answer those questions is the person who has access to the divorce files in the divorce registry—if the file papers can be found—and that that person is the Attorney-General. It gives me little pleasure to disagree with your ruling, Mr Speaker, but the ruling appears to be one that cannot be justified by logic or rationality.

What will happen if we ask in this Parliament about the action of a court in dealing with a case of international law, or the law of another State? Are we to say that we are irresponsible, that the bureaucracy has no responsibility to this Parliament? If, on the other hand, this question were asked in the Commonwealth Parliament, perhaps the Commonwealth Attorney-General would say that he knows nothing whatsoever about it. After all, the persons who did it were members of the judiciary employed by State Parliament. I should say that such an answer, combined with the answer given here today, would explain why the information cannot be let out at all. Perhaps that answer would be considered adequate by lawyers, particularly if they are Liberal members of Parliament, but it will not be considered adequate by the man in the street, who will draw the conclusion that there is one law for the wealthy and powerful, and another for the ordinary people.

I urge, Mr Speaker, that your ruling be not upheld in this case in order to ensure that justice shall be seen to be done as well as being done. I must say that there is grave concern and disquiet that justice was not done in this case by the bestowing of special favours through the old boy network. The only way to allay this disquiet is to

allow the honourable member for Heathcote's question to go on the notice paper and to have it answered adequately and properly.

Mr JACKSON (Heathcote) [12.41], in reply: In my twenty-one years in this House I have never heard a weaker argument, especially from a legal man. I should have thought that the Attorney-General would stick to the law. With all the staff available to him, he should have had sufficient evidence to justify his direction—his advice to the Speaker.

Mr SPEAKER: Order! The Chair rejects seriously indeed any suggestion that the Speaker has been directed by the Attorney-General. I call on the honourable member to withdraw it.

Mr JACKSON: I withdraw it.

Mr SPEAKER: And to apologize to the Chair.

Mr JACKSON: I apologize to the Chair. No doubt he advised the Speaker on the same lines as he has tried to advise the House today. It is unbelievable that the Attorney-General and Minister of Justice refused to give an answer to my question in this House. I challenge him: If the same question were asked in the federal House, how would the federal Attorney-General be able to answer it? How can this be the responsibility of the federal Attorney-General? He is not responsible for the State jurisdiction, the State judges or the State House.

The Minister went to great lengths to come back with a prepared statement. On 9th October, 1975--only a few months ago —when answering a question by the honourable member for Penrith concerning divorce delays, he did not say that in 1968, 1969 and 1970 the divorce courts, the judges of those courts and the listing of cases in those courts were not his responsibility. Now, however, he says that he has no responsibility for these courts. On 9th October, 1975, the honourable member for Penrith asked the Attorney-General and Minister of Justice whether there were currently 9 000 undefended divorce cases awaiting hearing, and whether that record backlog meant that those undefended divorce actions, some of which had been pending for two years or more, would be delayed further.

Robson v. *Robson* went through with indecent haste and I understand that the rules were not complied with. It was not listed at all, unlike the case of the honourable member for Illawarra who had to dot every "i" and cross every "t". If the Attorney-General is not guilty of something, why did he not answer my question in the House the other day? If he knew this was not his responsibility, why did he not say so in answer to my question? Instead, he stuttered and stammered, and the next day came back with a prepared answer. Who prepared it? Was it Sir John Kerr or the Chief Justice? It was not the Attorney-General. He did not know anything about it. This head legal man, who changed horses from Lewis to Willis when he saw the numbers, read that statement word for word.

In 1975 the Attorney-General and Minister of Justice knew his law and his responsibilities and obligations to the State and Parliament. On 9th October, 1975, he replied in great depth to a question asked by the honourable member for Penrith about a long list of undefended divorce cases. He then said:

> It is not true that there are 9 000 undefended matters awaiting hearing in the family law division of the Supreme Court.

He talked of the different cases, both defended and undefended. Where did he get that information? The Minister now says that the divorce courts are not his responsibility. Why did he not say so in his answer to my question? He could not answer my question. In his answer to the honourable member for Penrith the real crunch came when he said:

> Certainly, the honourable member for Penrith is not asking me to appoint further judges on a permanent basis to deal with these delays. Indeed, there would be no prospect of doing that having regard to the phasing out of that jurisdiction from the beginning of next year. The judges who now sit in the family law division will need to be absorbed into the

general work of the Supreme Court, and allocations will have to be made when the family law division is phased out to have these judges otherwise employed within the Supreme Court. Following my discussions with the Chief Justice arrangements have been made for 3 000 undefended divorce suits to be heard between now and the end of the year. It is proposed also that Mr Justice Waddell, the additional judge of the Land and Valuation Court, be assigned to do work in the divorce jurisdiction.

In that part of the answer to the question on 19th October, 1975, the Minister completely confirmed my submission that the whole procedure of the divorce court jurisdiction is his responsibility. What is he trying to hide? Whom is he trying to protect? This is what we want to know. He has mentioned fraud. No one knows more about fraud than some members on the Government side do.

[Interruption]

Mr JACKSON: If you want to deal with that we will deal with it at great length—the matters of Kwikasair, H. G. Palmer, Mr Shapowloff and people like that. The Minister has tried to insult the Leader of the Opposition for the first time in this matter. He can see now that I have my leader's support. Last week the Minister could not answer the question, but he returned the next day with a prepared answer. He said that the Leader of the Opposition had dissociated himself from the honourable member for Heathcote.

[Znterruption]

Mr JACKSON: I will deal with that when it comes before the court. You will not feel happy about it, trying to set me up. Don't worry about that. You are very good at trying to put the boot in, but not very good when it comes to your own people. The wheel is turning. Watch out when we get into government and have access to these papers. You will not see daylight for twenty years. Justice will prevail. I understand that one will need a few big semi-trailers to take back the files to their proper place.

To me, this is one of the most scandalous things I have seen in Parliament. Today this Minister of the Crown, the senior legal man in New South Wales, has read a prepared statement that he has no responsibility in regard fo the divorce jurisdiction and cannot answer questions in relation to divorce procedure. Yet he accepted questions on procedure and listing of cases in the divorce courts in 1968, 1970, 1971 and last year, 1975. He then admitted that these matters were his responsibility. Now he is trying to hide the fact that certain representations were made. He is trying to protect prominent people. There has been collusion on the Government side that this question should not see the light of day. At the State general elections in a couple of months time, after the federal Attorney-General has said that this matter is not his responsibility, the Minister will be charged by the people of New South Wales with being fraudulent and protecting crooks. The people of New South Wales will be the ultimate judges.

You are divorcing yourself from your responsibilities, Mr Speaker. In running away from your responsibilities, you are protecting other people. I ask the Minister to come up with a complete reply. He is an abject failure, and so is every other Minister including the Premier and Treasurer. The people of the State will rectify that position when the elections take place. I urge the House to consider this matter carefully. I have adopted every procedure I can under the standing orders to put on a legitimate question concerning State administration. After my question was rejected, I took a point of order and a point of privilege. I then moved dissent from the ruling of Mr Speaker. I cannot do anything else as a member of Parliament. They are the only opportunities available to me.

If in this case the House upholds Mr Speaker's ruling—and I suggest, with due respect, that Mr Speaker was wrongly advised—the House will seriously prejudice the privileges of all honourable members, and will destroy the democracy and the freedoms that Government supporters talk about; further, it will destroy the rights of honourable members properly to represent their constituents. There is no doubt that the question I seek to ask relates to matters within the responsibility of the

Attorney-General of this State. If honourable members prevent me from asking this question, which relates to procedural matters and is not seeking information relating to the details of the divorce case, they will affect the rights and privileges of all honourable members. All I am seeking is information why this case was expedited. That is a procedural matter in the divorce jurisdiction. I am not seeking information on details of the case—I am not attempting to delve into the personal business of people. I am seeking this information on a proper basis, on behalf of the people of the State and my constituents. If honourable members uphold Mr Speaker's ruling and deny me that privilege and right, they are seriously impugning the rights and privileges of all members of this House, and are on their way to destroying democracy —which I think is their intention.

Question—That the motion be agreed to —put.

The House divided.

***AYES*, 37**

Mr Bannon	Mr Jensen
Mr Bedford	Mr Johnson
Mr Booth	Mr Johnstone
Mr Brereton	Mr Jones
Mr Cahill	Mr Keane
Mr Cleary	Mr Maher
Mr Cox	Mr Mahoney
Mr Day	Mr Mallam
Mr Degen	Mr Mulock
Mr Durick	Mr O'Connell
Mr Einfeld	Mr Paciullo
Mr Face	Mr Petersen
Mr Ferguson	Mr Quinn
Mr Flaherty	Mr Rogan
Mr Gordon	Mr Wade
Mr Haigh	Mr Wran
Mr Hills	***Tellers,***
Mr M. L. Hunter	Mr Kearns
Mr Jackson	Mr Sheahan

NOES, 50

Mr Arblaster	Mr Doyle
Mr Barraclough	Mr Duncan
Mr Boyd	Mr Fischer
Mr Brewer	Mr Fisher
Mr Brown	Mr Freudenstein
Mr Bruxner	Mr Griffith
Mr Clough	Mr Hatton
Mr Coates	Mr Healey
Mr Coleman	Mr D. B. Hunter
Mr Cowan	Mr Jackett
Mr Crawford	Mr Leitch
Mr Darby	Mr Lewis
Mr Dowd	Mr McGinty
Mr Mackie	Mr Ruddock
Mr Maddison	Mr Schipp
Mr Mason	Mr Singleton
Mr Mead	Mr Taylor
Mrs Meillon	Mr Viney
Mr Morris	Mr Waddy
Mr Mutton	Mr N. D. Walker
Mr Osborne	Mr West
Mr Park	Mr Wotton
Mr Pickard	
Mr Punch	***Tellers,***
Mr Rofe	Mr Brooks
Mr Rozzoli	Mr Webster

Question so resclved in the negative,

Motion negatived.

Mr EINFELD: On a point of order. I raise this point of order with the greatest respect, Mr Speaker, and I crave your indulgence for the opportunity to do so. I want to raise the fact that at the beginning of this, debate, when the honourable member for Heathcote was speaking to his motion, you interjected, by way of explanation, I think the purport of which was how the Attorney-General was made cognizant of the details of the question. The point I raise is that you are in a position of special authority, Mr Speaker. You are the head of this House, and you occupy that role by virtue of having been elected to your high office, You are expected to be completely impartial, and you are not normally addicted to participate in debate. Your role is calling honourable members to order to make sure that they obey the rules of debate, However, in this case I submit you improperly used your position to interpolate some argument into the debate.

With great respect, my view is that if you wish to do that, you can step down from the chair and speak, as is your right, as a member of this House. But to participate in debate in that way was an improper use of your powers, because every one of us respects your position, and when you speak everyone is expected to sit down when you are interpreting the orders of debate in this House. You did not do that: in fact, you interjected. If that interjection had come from any other member of the House, you would be properly expected to say, "I call the honourable member to order". MP Speaker, if you want to participate in a debate, you have the same rights as any

other member. It is my view that, as Speaker in this House, you also have the right of any member. If you want to interject in that sense and take part in the subject matter of the debate, you have every right to leave the chair and make your contribution as an ordinary member. I do not want to take it further, and I do not intend to move a motion. I raise this matter because I thought it was a breach in that sense—and I do so with the greatest respect.

Mr SPEAKER: Order! The honourable member for Waverley is perfectly correct in saying that the Speaker, if he wants to, is entitled to leave the chair, come down to the floor of the House, and engage in a debate if he wants to do so. Also, he is perfectly entitled, if he so chooses, to engage in this debate, fully robed, from the position where I stand. A number of Speakers from the honourable member's side have traditionally done that, but I, as Speaker, certainly resile from doing so.

The honourable member has directed his attention to a remark I made; I would hesitate completely to call it an interjection. It was simply that the honourable member for Heathcote was proceeding upon an assumption of fact which, from the chair, I was able, I thought, to correct. That was the position as I saw it.

[Mr Speaker left the chair at 1 p.m. The House resumed at 2.30 p.m.]

BUSINESS FRANCHISE LICENCES (PETROLEUM) AMENDMENT AND REPEAL BILL

SECOND READING

Mr RUDDOCK (The Hills), Minister for Revenue and Assistant Treasurer [2.30]: I move:

That this **bill** be now read a second time.

As the explanatory note to the bill states, its objects are to bring the licensing scheme under the Business Franchise Licences (Petroleum) Act, 1974, to an end and to provide for the repeal of that Act. Nothing could be more straightforward than that and yet, to hear the comments from honourable members opposite during the debate yesterday on the motion for leave to introduce, one could be excused for thinking the Government was imposing the tax, not removing it.

In my speech at the introductory stage, I outlined the reasons that had forced the Government to rely on this measure to raise substantial revenues in 1974–1975 and particularly in the current financial year. I do not want to cover all of the same ground again. However, in view of some of the remarks made yesterday, I feel it is necessary to comment briefly on why the State has had to rely on this scheme to raise the funds needed to carry on essential state services. The position simply is that if it had not been for the economic mismanagement and extravagances of the Whitlam Labor Government in 1974 and 1975, this country would not be in the economic mess in which it is today and we would not have had to license sellers of petroleum products. We would not have had double-figure inflation and runaway-wages that have imposed an unprecedented cost burden on the State's Budget—a burden that the Whitlam Government did not dispute but left us to overcome from our own limited sources of revenue.

The increase in tax reimbursement grants finally conceded for the current financial year fell substantially short of what had been unanimously sought by the six States and we were left with no option but to increase state taxes and charges which we already regarded as too high. As it has turned out—and nobody could have foreseen this even six or seven months ago—the increase in wages will be well below the figure of 21 per cent used in the Commonwealth Budget and on which we in turn based our Budget. This will mean a considerably smaller tax reimbursement grant than we budgeted for and also a drop in payroll tax receipts. Nevertheless, it has provided scope for abolishing the petrol reseller licensing scheme—something we had promised to do as soon as it became financially practicable.

I referred also in my remarks yesterday to the serious defects in the licensing scheme that had been a major consideration in the

Government's decision to abolish it, notwithstanding the revenue loss involved. I do not now propose to refer again to those defects but I feel that it would be helpful to honourable members opposite if I were to explain once more how the licensing scheme works and how the Government proposes to abolish it by means of this legislation. Yesterday there appeared to be some confusion among Opposition members on both scores. Apparently they did not take the trouble to read the Premier and Treasurer's press statement on this important matter or to listen to the explanation I gave at the introductory stage.

I may say also that I never thought I would hear a member of this House openly inciting citizens of this State to break the law as the member for Waverley did yesterday. Not only were his remarks irresponsible and mischievous but also they could get into serious trouble anyone who was foolish enough to take his misguided advice. Is he willing to make good any penalty for which they are liable should they fail to meet their legal obligation on this matter? The current licence quarter commenced on 2nd March, 1976, and by far the majority of licensees have paid their fees for the quarter. To pay these fees service station operators used funds collected by means of the licence-fee components included in the prices of petrol and distillate sold during the preceding three months of December, January and February.

Honourable members will recall that when the licensing scheme was first introduced the Prices Commissioner agreed to an increase in the reseller's margin three months ahead of the commencement of the first licence period. This was done to assist service station operators to accumulate the funds required to pay the first licence fee instalment. The margin was again increased from December last. The collection of licence-fee components is continuing during March. These funds will be used to meet the final licence fees that will become due and payable before 2nd June, 1976. Under the provisions of the bill that I shall explain in more detail shortly the licence fees payable before 2nd June will be one-third of those that would otherwise be payable and the relevant licences will operate for one month only, from 2nd June to 1st July, instead of for a full quarter.

From 2nd July next it will no longer be necessary to hold a current licence under the Act in order to sell petroleum products. Because operators should be holding by the end of March the funds required to meet the final licence fee payable by 2nd June, the price of petrol and other petroleum products can be reduced on 1st April next, provided the bill becomes law. The reduction in the price of petrol in the Metropolitan areas of Sydney, Newcastle and Wollongong will be 9.6c a gallon, with smaller reductions in country centres where the zoning system based on freight differentials has applied. This will be a matter for the State Prices Commissioner and, as I mentioned yesterday, it is expected that the Prices Justification Tribunal will take similar action with regard to the oil companies and other petroleum products.

Some honourable members opposite seemed to be suggesting that licensees pay their commitment in advance and recover it from subsequent collections. I think it will be clear from what I have said that this is not the case except for a limited number of operators who have taken over service stations where the previous licensee walked off with his collections. I shall have something more to say about operators in this situation later in my speech. A number of unscrupulous operators have taken advantage of this feature of the licensing scheme, and yesterday the Leader of the Opposition criticized the Government for not taking action to recover these moneys. As a lawyer he should know that constitutionally it is not open to the State to legislate to recover such moneys, even though morally they should be paid to the State. We amended the Act late last year to reduce the scope for this practice but the problem has persisted. In fact, this is one of the serious deficiencies in the scheme that led to the Government's decision to abolish it.

I should also like to emphasize that although the key provisions of the Act will be repealed from 2nd July—those requiring

persons selling petroleum products to hold a licence and those dealing with the issue of licences—the remaining provisions of the Act are to be repealed from a date to be proclaimed. Thus, the Act will still be operative to enable action to be taken against those who might wish to circumvent it. That is the answer to the submission of the honourable member for Waverley. As I have explained, a licence will be required up to and including 1st July next and persons who default in the payment of their licence fee for either the current quarter or the month ending 1st July and continue to sell petroleum products in this period will render themselves liable to prosecution under the continuing provisions of the Act. These persons would be holding moneys they have collected to assist them to pay the licence fee. I wish to make it quite clear that it is the Government's intention to take action in these cases.

A considerable number of cases, including the companies mentioned here yesterday, have already reached court but have been stood over pending the outcome of the High Court challenge to the legislation. The timing of the abolition of the tax is geared to the extent of the revenue loss that it is estimated can be absorbed in the current year's Budget. This is expected to be $14 million and represents the difference between the three months' collections that would have been received for the licence quarter commencing 2nd June, 1976, and the one month's licence fees that will be payable following approval of the bill. The Leader of the Opposition suggested yesterday that a further $7 million would not be received. This could happen only if all licensees including all the oil companies did not pay the final instalment due by 2nd June and hand over the moneys they have collected in order to become licensed. That shows the need to do one's homework and one's mathematics.

It is possible that as a result of the active encouragement we have seen from some members of the Opposition, some ill-advised persons will seek to avoid their financial responsibilities and will expose themselves to prosecution. However, the overwhelming majority of licensees are law-abiding, responsible citizens who will not jeopardise their livelihood and their business in this way. The licensing scheme was expected to yield $80 million next financial year and the loss of this revenue will have to be allowed for in framing next year's State Budget. Having considered the Treasury's forward projections we think we can cope with this revenue loss provided we get reasonable treatment under the new financial arrangements being negotiated with the Commonwealth Government.

I should like to mention one other important matter before dealing with the specific provisions of the bill. Honourable members will be aware that at present licensees who have suffered a downturn in trading, currently in excess of 2½ per cent, and would experience financial hardship in meeting the full licence fee payable, may apply to have their case specially reviewed. These cases are considered by me on their merits and, where the conditions laid down have been met, relief is provided by way of an act-of-grace payment of part of the licence fee from Treasury funds.

With the abolition of the licensing scheme, it is proposed to extend these arrangements by establishing within the Treasury a committee to consider individual cases where, after the normal remission policy has been applied, a person claims to have suffered hardship because of the licensing provisions. Each case will be considered sympathetically on its merits, first by the committee and then by me as Minister. Persons who may apply for relief will include those whose initial payment of licence fee was not covered by prior collections from his own sales or from collections passed on to him by an outgoing proprietor.

Turning to the detailed provisions of the bill, clause 1 is simply the short title. Clause 2 (a) adds a new subsection (4A) to section 6 of the Business Franchise Licences (Petroleum) Act, 1974. The new subsection provides in effect that any licence in force during the whole or any part of the period from 2nd June to 1st July, 1976, inclusive shall not remain in force after 1st July or,

where applicable, its earlier date of surrender. In short, no licences will be in force after 1st July, 1976.

Clause 2 (ii) will amend section 9 of the Act by adding a new subsection (16A) which has the effect of reducing by two-thirds all licence fees payable in respect of the period commencing 2nd June, 1976. There is to be also a consequential amendment to subsection (16) of section 9. In other words, the final licence fee payable in each case will be only one-third of the amount otherwise payable. The amendments contained in clause 2, when taken together, will give effect to the procedures I have already explained for termination of the licensing arrangements. Clause 3 (1) will repeal sections 5 and *6* of the Business Franchise Licences (Petroleum) Act, 1974, with effect on and from 2nd July, 1976.

Section 5 of the Act prohibits the sale of petroleum products by unlicensed persons and provides penalties for doing so. Section 6 deals with the issue of licences. The repeal of these two sections will mean that from 2nd July, 1976, a licence under the Act will no longer be required to sell petroleum products within New South Wales. Clause 3 *(2)* provides for the repeal from a date to be proclaimed of the remaining provisions of the Act.

As I have explained already, retention of these provisions for the time being is necessary in order that the commissioner and his staff will have the necessary powers to wind up the scheme. In conclusion, I should like to repeat the assurance I gave at the introductory stage that these provisions will be repealed at the earliest practicable date. I commend the bill to the House.

Mr EINFELD (Waverley) [2.43]: I suppose that the Minister must believe—as would most of his Cabinet colleagues—that the people of this State are extremely gullible.

Mr ROZZOLI: They ought to be extremely grateful.

Mr EINFELD: The Minister must be hopeful that people will believe the things that he and his leader have said on this matter—that they are really trying to do something for the people of this State instead of just indulging in some window-dressing before the forthcoming elections. The honourable member for Hawkesbury interjected that the people of this State ought to be grateful. That reminds me of a story of the woman whose husband used to bash her head against the wall six times a week. When he decided to bash her head against the wall only once a week he told others that he expected her to say, "Thank you, I am grateful". The facts are that the people of New South Wales have been mulcted, robbed and cheated of 9.6c for each gallon of petrol they have bought, plus the higher price that they have been paying for petrol in this State compared with the charge for it in Victoria. However, this Government steadfastly refuses to take similar action because it is the mouthpiece of the oil companies. The Government refuses to take any action to ensure that the citizens of this State may buy petrol at the same price as people can in Victoria. It was quite remarkable to hear the Minister using some unusual expressions to describe statements that I have made on this matter. I know that he did not write that part of his speech; he could not even think of the terms he used.

The Minister is transparently decent. He even gives the appearance of not understanding that he is the mouthpiece for this mischievous and absurd situation that has arisen in New South Wales as a result of this tax, which I have described as pernicious, cruel and inhuman. The Minister should have said on behalf of the former Premier and Treasurer: "I apologize to the people of New South Wales for having imposed a tax that was as necessary at that time as it is unnecessary now. I am dreadfully sorry that the citizens of this State have had to pay 9.6c a gallon more for their petrol than people in any other State of Australia." Had he done that I should say to him. "To apologize is always good for the soul." And I would add, "It is nice to cleanse oneself by confessing; I am delighted to receive your confession." However, that was not to be. Now the Minister

comes before the House and says that the Government did not need the petrol tax and it still does not need it.

When the Labor Party announced that upon election to office it would abolish the petrol tax Government supporters told us that would be impossible and they charged us with showing a complete lack of responsibility. Now the Government turns round and says: "We are going to abolish the petrol tax and we are going to try"—try is the operative word—"to tell the people of New South Wales what a wonderful Government we are and that because we are now removing this tax they should vote for us again." The Government might be honest and make this admission: "If we are returned at the next State elections and if we think of it we will reimpose the tax unless we can think of another tax to replace it." The most likely result will be that the Government and its partners in Canberra, who are now inflicting upon the people of Australia some of the harshest financial penalties that people can face, will impose a second income tax on the people of New South Wales. It is little wonder that the Government expects to be able to do without the $80 million that the petrol tax was expected to bring in. However, the Minister and his leader will be on the Opposition benches before they are given the opportunity of introducing a second income tax in this State.

If the Government were honest it would announce to the people of New South Wales: In future you will have to pay two income taxes because it will be necessary to bring in a tax that will raise more than the $80 million that we are forgoing." The Government will also be able to say: "We have forgone $80 million in petrol tax which the Labor Party kept on telling us was a mischievous tax." The Minister and his department have incited people to cheat, yet he has the impertinence to criticise me for what I have said about this bill. The Minister encouraged people who collected petrol tax to disappear before the next licence fee was due. The Minister and his colleagues incited respectable service station operators to collect this tax from the citizens of New South Wales, and to disappear with that money, as long as they could say to an honest person who took over the abandoned licence, "You have to hand over the money that has already been collected."

Have honourable members ever known of a government that inflicted such an imposition upon a person who had done no harm and was never adjudged to be guilty of a wrongful action? That is just what this Government has done. The Minister in his transparent, supposedly honest way, stood up in this House and encouraged people to cheat. A lady named Mrs T. P. Huggins, of 27 Annette Street, Oatley, wrote a letter dated 1st March to the Leader of the Opposition. That letter read:

I attach hereto a newspaper report of a statement made by you last year. I have been sending this article to the administrators of the above Act——

She was referring to the Business Franchise Licences (Petroleum) Act, 1974;

——but cannot receive any comment or acknowledgement of same.

The reason for my interest in the correctness of your statement is because on taking over the dealership of a Mobil Station at Peakhurst we——

She was referring to her husband and herself:

——had to pay $1,583 which the previous dealer had collected but confiscated, or should I say kept with the Department's blessing.

Mrs Huggins's letter then contained the following quotation from the department's letter to her:

So far as payment of licence fees collected by a previous owner is concerned—

These are the licence fees that the Minister said were collected from the people on behalf of the Government—

adoption of the present licensing system was necessary because of the Constitutional constraints on the State which prevent the imposition of a tax on current sales.

That in itself is a confession of cheating as the Government imposed a tax but called it a licence fee. That shows how dishonest is the Minister's apparent honesty. I continue with this statement from his department:

However, should a proprietor cease to trade immediately prior to a quarterly instalment becoming payable there is no legal obligation on him to pay that instalment.

Does the Minister agree with that? A trader has a licence fee imposed upon him; he collects it from his customers who buy pefrol. For every gallon of petrol that he sells he collects 9.6 cents on behalf of the Government as a consequence of the legislation which the Minister's predecessor introduced.

Mr RUDDOCK: That is where you are in error; he did not do it on behalf of the Government.

Mr EINFELD: I thank the Minister for his advice. So when I told service station proprietors not to pay I was not telling them to cheat the Government.

Mr RUDDOCK: You are telling them not to pay their licence fees.

Mr EINFELD: I know what I am telling them.

Mr RUDDOCK: YOU are scared now, but you are still wrong.

Mr EINFELD: I am saying to every service station owner that he ought to withhold his fees or taxes---call them whatever you like.

Mr RUDDOCK: And he will curse you forever after.

Mr EINFELD: He will not curse me. The name of Ruddock and of everyone else associated with this tax smells to high heaven—and why should it not? The Minister and his department are saying that if a proprietor ceases to trade immediately before the quarterly instalment is due there is no legal obligation upon him to pay it. There is no doubt that the money had been collected; the Minister said that it had been collected and was ready for payment. The Minister is not saying that the Government will forgo the money; he is saying that the innocent person who takes over the service station and did not collect one cent of the tax has to pay the outstanding amount. That is his idea of justice. Does he suggest that is not inciting anybody? The Minister incited the previous licensee to disappear when he said to him, "Collect the $1.586 and run; we will not lose it, we will recoup it from the new proprietor"—who is as innocent as anybody can be. The Minister is aware of the numerous cases where innocent people have had to pay quite sizeable sums of money.

A short time ago Mr Bill Mackie was the reseller at the Rose Bay filling station. He collected $6,612 and then disposed of his assets to a successor. He did not pay a cent of that sum; the Minister told him loud and clear: "Don't pay. Be off as quickly as you can before the next licence fee is due."

Mr RUDDOCK: That is incorrect.

Mr EINFELD: I shall read exactly what the Minister said:

> However, should a proprietor cease to trade immediately prior to a quarterly instalment becoming payable there is no legal obligation on him to pay that instalment.

Mr RUDDOCK: That is correct.

Mr EINFELD: So Mr Mackie said, in effect, "I have collected $6,612, and I have been told that if I go before the instalment is due I can keep it; I have no obligation to pay". Mr Mackie kept it. Nevertheless, the Micister is asking the new licensee, Mr John Fraser, to pay the $6,612 although he never collected one cent of it from motorists. The Minister through his officers has said that Mr Mackie had no legal obligation to pay. This legislation is fraught with inaccuracies and inefficiencies. It is unfair in its application to licensees. Everything about the Act smells to high heaven.

The Act was altered to make the licence fee due after three months, not after twelve months. That amendment was brought before the Parliament by the former Minister for Revenue and Assistant Treasurer. The present Minister had been elevated to the portfolio of Transport and Highways where he did such magnificent things as announcing that trains would be painted blue. However, suddenly the man he supported as Premier and Treasurer was defeated so the Minister grasped at straws. He was lucky to retain a Cabinet post. I should have been sorry to lose him. He came back to his original portfolio.

The Minister's predecessor was told clearly and loudly by Opposition members —and he must have been told by those Government supporters who had experience in the motor business—that the Act had serious deficiencies. The Minister was inviting people to cheat and rob and defalcate. Some people did just that. The Minister is now saying that the tax will be repealed as though the idea to do so came to him as a revelation. I remind the Minister of the day when he came into this Parliament and said, "I've got it, I've got it; I awoke during the night and realized that sewerage pipes should be taken across the Blue Mountains." The Minister may have had a similar revelation last night which prompted him to admit that the legislation has major deficiencies.

The Minister should have either listened to the debate when the 1975 amendments to the Act were introduced or read the record of it in *Hansard.* The Government was told repeatedly of the grave deficiencies in the Act and that some people were engaging in thieving. The Government's answer was, "We will not let them thieve quite so much as before; we will change twelve months to three months." There was no suggestion that the Act was deficient or that the fees were too costly to collect. I remind the House that the original Act was assented to on 18th October, 1974. The amending legislation was assented to on 1st December, 1975. It added 4.6c to the price of a gallon of petrol and the twelve months' period to pay was reduced to three months. In December, Government supporters were quite happy to say that it would be irresponsible to suggest that the tax would be cancelled. Both the previous Premier and Treasurer and the present Premier and Treasurer said that. However, somebody has waved a magic wand and, hey presto, it is now possible.

The Leader of the Opposition and I were not nearly as irresponsible as we may have sounded at the time. We have changed our minds since then. Apparently the Minister woke up in the middle of the night and said, "I've got it; I know how we can save the money." But who will trust him? Yesterday the Minister wondered why there was criticism. He said that one would think the Government was imposing a tax, not removing it. What he wanted to do was to wipe clean the whole episode. The Minister wanted the opportunity to say, "We have removed the tax; forget that we ever imposed it." Every citizen in the community whether he is a motorist or not, has reacted unfavourably to the imposition of the tax. It has cost every citizen something. First, it has cost motorists 9.6c a gallon for every gallon of petrol they have bought; it has cost service station operators 9.6c a gallon as well as the cost of collecting the tax. All those things are obvious. Every time a citizen has bought a tin of sardines, a can of salmon or, Heaven forbid that I should mention it, a box of breakfast cereal, it has cost him something as a result of freight increases caused by the increased price of petrol. Pensioners, workers and others that Labor members represent, and the capitalist class that Government supporters represent, have felt the impact of the petrol tax. Some were better able to stand up to it, but all have had to pay up. Nevertheless the Government wants to wipe the slate clean so that it can say tomorrow, "We have repealed the tax; forget that it ever was imposed." How can one forget errors of such a major character?

The Minister representing the Government piously declared that the price of petrol would be reduced. We all know it will not be reduced. The Government will not use the provisions of the Prices Regulation Act of 1948. The Government has done something improper. How does it know the Prices Commissioner will reduce the price by 9.6c? Has the Government instructed him? It knows it cannot instruct him. How can it say he will reduce the price by 9.6c? I hope he does.

Mr RUDDOCK: We will advise him what we have done and he will act accordingly.

Mr EINFELD: He might; he might not. If he does not, I will have something to say.

Mr RUDDOCK: We will, too.

Mr EINFELD: If that 9.6c were going to the big petrol companies that the Government represents in Parliament, the

Government would not say anything. The Government would not have the courage to do anything if the Prices Commissioner decided that the 9.6c could be retained by the large petrol companies. The Government would not open its mouth.

Mr RUDDOCK: YOU are a poor judge.

Mr EINFELD: If the little garage men were to retain it, the Government would have plenty to say; but if the big companies were to retain it the Government would not say a word.

Mr RUDDOCK: This action is being taken for the public and the little garage men. You know it.

Mr EINFELD: The Government attacked the Australian Government on inflation and said that its financial policies were the reason for the introduction of the 9.6c petrol tax. That was another furphy. This Government added to inflation. It incited people to increase prices. It imposed that 9.6c a gallon on the poor citizens of New South Wales who live in vulnerable areas. It said that they would pay 9.6c a gallon tax. The Government said that this would not affect inflation. The Government inflated the price of every item that is carried by the use of petrol.

Mr JACKSON: It sent industries to Victoria.

Mr EINFELD: Yes. There were serious defects in the licensing scheme. It had holes in it everywhere. The Government has been told of this time and time again, but it took no notice. The Minister spoke of me as mischievous. and irresponsible.

Mr RUDDOCK: YOU are, too.

Mr EINFELD: Irresponsible and mischievous indeed. You are the irresponsible man. You told the garage men to collect the money and you allowed them to disappear. Fancy the Minister having the temerity to say such a thing. The Government has seriously breached a principle. The Minister knows the principle. He knows that Golden Fleece—H. C. Sleigh—will win the challenge to the High Court. The Government knows that H. *C.* Sleigh will win the appeal, despite this Government's attempt to tie the tax to a licence. Will the Government return the money then? It will do as it did when the receipts tax—the turnover tax—was declared invalid. It did not return the money then, and it will not return this money now. Did the Government proceed against anybody in respect of turnover tax retained? It did not. It could not. It will not in this matter. Some people are holding large sums of money received as petrol tax. Never mind the little garages that might not pay $1,000 or $2,000. What has the Government done about Ian Sykes and what has it done about H. C. Sleigh, which has the case before the High Court? Has it tried to expedite that hearing?

Mr RUDDOCK: XL Petroleum is also in the court.

Mr EINFELD: I did not say they were: you said they were not. The fact is that millions of dollars are being withheld. The Minister knows what is going to happen.

Mr HILLS: The Government expedited the hearing of the appeal against the nurses' pay rise.

Mr EINFELD: Yes. When the nurses had $9 a week increase granted to them the Government could not get to the court quickly enough on appeal. Why does it not try to have the H. C. Sleigh case expedited? What will it do when the licence fee tax period finishes? Will it return the money collected illegally? Has it any plans or determination in the matter? Will the Government speak loudly of justice and democracy, and of the people it is trying to protect? It will not do that. The Minister knows that he and his colleagues have perpetrated this serious situation. Members on the Government side must have felt badly today when they had to vote against the reception of an urgency motion dealing with milk. Some people on the Government side with consciences must have felt badly about this unfair, unconscionable and pernicious petrol tax. These things worry decent people.

The Minister received deputations concerning the tax from the Service Stations Association of New South Wales and the Motor Traders Association. They wrote a letter to him and thanked him for receiving them. They did not get anything; the Minister did not do anything for them. They told the Minister of the loopholes in the Act. They made written representations to the Minister and the Government that there were loopholes in the Act. The Minister is not even listening. If he were listening he would not understand. He is a dope. How could he understand?

This Government was warned by the motor garage operators and the motor traders that the whole thing was full of holes, but ii took no notice. It carried on and tried to rob the community as much as it could. As a result of the 9.6c a gallon tax, the price of petrol in New South Wales reached 82c a gallon, which is higher than the price in any other State. It is not merely a little higher here—not merely 9.6c a gallon higher. In Melbourne petrol is sold at as low as 54c a gallon, and the average price has been no more than 59c at any time. The highest price for super grade petrol in Melbourne is 62c a gallon.

I had the honour of accompanying the Premier and Treasurer as a representative of this Parliament to a meeting in Melbourne of the executive of the Australian Constitution Convention. While we were returning to the airport in a government car from the office where we had met earlier in the day, we had to pull up in traffic. I said to the Premier, "Look at that sign—super grade petrol, 56c a gallon." A law in Victoria prescribes that a sign must show the exact price. It must not say 10c or 15c off. The sign must say what the price is. When we pulled up at the intersection and saw the sign saying that super grade petrol was 56c a gallon I said to the Premier "Goodness gracious, can't you take action to see that the price of petrol sold to resellers in New South Wales is reduced by the big oil companies, as it is to resellers in Melbourne?" Of course, the Government did not do it. People in Sydney still pay 81.6c a gallon: the people of Melbourne pay 56c a gallon.

Mr Einfeld]

New South Wales is the largest user of motor spirit of all the Australian States. Naturally, this would he expected in the most populous State, which until 1965 was the most efficiently-run State. It is probably the least efficiently run now. Nevertheless, a lot of people are still carrying on business here. Figures issued by the Petroleum Information Bureau for 1975 show that 948.5 million gallons of petrol were used in New South Wales. A lot of petrol was bought by a lot of people. It is not hard to realize that this tax has produced an unfortunate situation for 4 million men, women and children in New South Wales.

We would have supported repeal of the legislation on the day it was introduced. We voted against it. We asked the Government not to pass it. After it was passed by a majority of members who sit on the benches behind the Minister1 am not sure how far behind—it was assented to on 18th October, 1974. We would have supported its repeal on 19th October if the Government had had the guts to give us that opportunity. When I speak of the members sitting behind the Minister, he had better be careful. When an election is imminent, some funny things happen when people are sitting behind members of this Government. We would have supported the repeal of the tax on the day that the Government imposed the initial 4.3c a gallon tax, just as we would have supported repeal when it was increased. We support its repeal now.

There are other things in the bill that concern us. I yet do not understand why it is necessary to continue the term to 2nd July, 1976, with the licences to end on 1st July, 1976. The tax will not be paid after 31st March. It would not be hard to work out a way of providing that there should be no three-months term after that date, and that all taxes will become due and payable on 1st April. I do not know why the Government should want to keep the licensing period going. It seems to be reluctant to remove these provisions, perhaps in the optimistic belief that if it were returned to office at the elections to be held in May or June next, it would be able to bring the legislation to life again. There must be some

sinister motive for this provision. I am not suggesting that the Minister for Revenue and Assistant Treasurer is sinister: he is not the type. He is too transparent. However, some of his colleagues behind him are sinister and could well have this sort of motive. Certainly the Minister's leader is sinister. When I brought up in this Parliament the question of petrol prices in Melbourne compared with those in Sydney the Premier and Treasurer said that I was in Melbourne at the Government's expense.

Mr RUDDOCK: That was true, was it not?

Mr EINFELD: So was he. I was elected by this Parliament to be one of its representative; at the Constitution Convention. I went *to* Melbourne in the course of my duty. The Premier and Treasurer went to Melbourne in the course of his duty also, but on a higher rate of expenses. The trip was paid for, not by the Government but by the taxpayers. In effect, it was paid for by my money. I was delighted that I could show the Premier and Treasurer the prices at which petrol was selling in Melbourne. The discrepancy was between the 56c the people of Victoria were paying and the 81.6c that we were paying here. I was able to say to him direct and by inference, "The citizens of New South Wales are being cheated by your Government".

These are the things that worry us. Why is the licensing period not to end until 1st July? Why is it that licences, though not effective, will be kept in existence? Why not wipe them out altogether? Let the Government confess. Why not say that the reason it does not intend to wipe out licences altogether is that it might want to bring them into force again if it is re-elected to office. God help the people of New South Wales if it is, for they will continue to be robbed by the Minister and those who sit behind him.

Why is it that the Government will not take action under the Prices Regulation Act to control prices where exploitation has been proved—and it has been proved often enough in this House? Why not come out into the open and say clearly that the Prices Regulation Act will not be invoked to effect a reduction in the price of goods after the abolition of this tax in cases where those prices were increased after the tax was imposed? Why does the Minister not get up and say, "I declare on behalf of my Government that those who do not reduce their prices in accordance with that principle will have the Prices Regulation Act invoked to compel them to give the citizens of New South Wales a fair go?"

The Opposition supports the repeal of this legislation. We would have supported its repeal in **1974** when it was introduced. In fact, we opposed the passage of the measure at that time, and we will never forgive the Government for its guilt in perpetrating on the citizens of New South Wales one of the most tragic Acts in our legislative history.

Mr ROZZOLI (Hawkesbury) [3.12]: I am pleased to be able to take part in the debate on a measure to repeal what has become known popularly as the petrol tax. Seldom has a more emotive type of tax been introduced in this State. I did not realize how deep the emotion was until I had the opportunity of sitting here for the past half hour and listening to the magnificent vaudevillian rhetoric of the honourable member for Waverley.

Mr RUDDOCK: Comedy mixed with drama this time.

Mr ROZZOLI: It was vaudevillian. In the framework of State taxation we have a wide variety of taxes, but somehow or other the petrol tax has been singled out for a particular type of treatment. It behoves us in the dying stages of the Act to inquire why this was so, and to seek a lesson for the future. It is interesting to note that the tax that has created most bitter criticism from honourable members on the Opposition benches should be a tax of 9.6c on each gallon of petrol sold. At the same time the Commonwealth Government was raising 29c a gallon in excise duty.

Mr EINFELD: That is paid by every citizen in Australia who buys petrol.

Mr ROZZOLI: I agree. It is paid on every gallon of petrol bought by every citizen; nevertheless it is three times the

amount that has been raised in New South Wales in the later period and four times the amount raised in the earlier period. Why was the 9.6c a gallon so bitterly opposed and the 29c a gallon so totally ignored? Obviously the reason must be found in the manner in which the tax was imposed.

Leaving the matter at that point, I turn to the reasons for the introduction of the tax, which are clearly set out in the 1974 Budget Speech of the Premier and Treasurer, Sir Robert Askin. This was a time when New South Wales was facing an unprecedented onslaught from the centralist Government in Canberra and the State's resources were being taxed to an extent to which they had never been taxed before. At that time Sir Robert Askin promised the people of New South Wales that as soon as he was able to lift the petrol tax, he would do so.

Mr DAY: He said that he would lift the petrol tax as soon as he got more money from the federal Government.

Mr ROZZOLI: No; that was an inference drawn at the time, for the Labor Party was in office in Canberra and that appeared to be the only ray of hope---that at some stage it would sling the State a few extra dollars. Times have changed, governments have changed, and the economy now, though by no means completely under control, is stabilizing. Therefore at this stage we can look at the pleasing prospect of lifting the petrol tax. At this the first possible opportunity that the Government of New South Wales has had of considering abolishing the tax, it is doing so. It ill-behoves the Opposition to criticise the Government for keeping its promise made in the best interests of the people of New South Wales. One can only assume that that criticism stems from the Opposition's mortification at having been up-staged by the Government; one can only assume that the vitriolic outbursts of honourable members opposite, particularly at the introductory stage when normally a great deal of material is not produced, can be explained by the Opposition's reaction to the Government's decision.

The lesson we must learn from the imposition of the petrol tax is that it is intolerable that a State Government, in endeavouring to raise what it considers to be a legitimate tax, should have to resort to measures of this type. The Whitlam Government said, perhaps with reason: "The Commonwealth can afford to give you a certain mount of money. If you want more, you will have to go out and raise it yourselves". That is fair enough, but when the State Government did try to make up the shortfall of funds from the federal Government by imposing this tax, it was said by supporters of the Opposition to be acting in an utterly iniquitous manner. If members of the Labor Party in this State hope ever to get back to the Treasury benches—and I trust earnestly they never do--they will feel the full burden of the constitutional requirements that prevent a State government from levying taxes to raise revenue in a way that will cause a minimum amount of expense and inconvenience to the people affected by the taxes. That is the lesson we have learnt from the petrol tax. I sincerely hope that the Parliament will be wise and broadminded enough to realize exactly where the lesson lies.

I made the point earlier that the tax of 9.6c a gallon is paid by the motorist but the 29c a gallon excise tax paid by the oil companies scarcely stirred the populace. There is no doubt that when a person does not know the source of a ripoff, he does not worry about it. That is why local government is so much beset by complaints from ratepayers: it raises an annual tax which is shown as a lump sum and is readily identifiable. Moreover, in local government the person who is identified with fixing the amount of the tax is seen by many ratepayers every day of the week. Because this type of tax is easily identified it is felt more by the person who has to pay it. The 29c a gallon excise tax is swallowed up and concealed in the general price of petrol. Another thing is that the excise is paid by the petrol companies with the result that the consumer is not able to identify it so clearly. That is why the excise on petrol has not provoked as much criticism as the state petrol tax. However, if

the public wished to project its justifiable criticism of the tax to its logical conclusion, it would lay three times more blame at the door of the federal Government than at this Government.

There have been many anomalies in the operation of the petrol tax about which I and many of my colleagues have been concerned. I have made numerous efforts to help petrol station proprietors, both in my area and beyond it, who have suffered as a result of these anomalies. There has been a gradual change in the administrative procedure in relation to the collection of this tax in an effort to try to correct many of these anomalies. There is no doubt that the only sensible long-term solution to all these problems is the one the Government is now taking to repeal the Act.

I should like the Minister in his reply to emphasize the fact that the law exists to be obeyed. I am sure that the majority of Opposition members—certainly not the honourable member for Waverley—would not incite people to break the law. It is a well recognized fact that until a tax is repealed the people have a liability to pay it. Any honourable member who gets up in this House and incites people to evade their legal obligations is acting in an irresponsible manner. I should like the Minister to make this point clear to the service station proprietors. The other point about which I should like to receive some assurance from the Minister is the fact that the bill, which is clear in its terms, does not contain provisions that would sort out some of the administrative anomalies that have occurred in the past fourteen or fifteen months.

I have taken many deputations to the Minister who has always given them a sympathetic hearing. The service station proprietors who have been members of those deputations have been happy with the attention the Minister has given them. I am referring now to what is loosely termed the double taxation aspect, where a person, for one reason or another, has failed to pay his licence fee and the money has been recovered over a period by the petrol company at the time the petrol has gone to the station. Also, there are the short-fall provisions, which were largely overcome in the recent amendments, and the 3-week amnesty period which was given, coupled with the 23 per cent reduction in the remission levels. Those two aspects in particular will have to be sorted out in the next few months.

I seek an assurance from the Minister that those matters will receive a sympathetic examination at the administrative level. I hope that genuine cases of hardship in relation to liability to pay petrol tax will also receive a sympathetic examination. Like all honourable members, I support wholeheartedly the repeal of this Act. However, having regard to several comments that have been made during the debate on this bill I ponder to a certain extent on the motivation of the Opposition. I feel that the oversimplification that some Opposition members have made on the background of petrol tax goes against their philosophic attitude to the forthcoming State elections. I am sure that the people of this State will bring in a judgment against them, just as they did against their federal colleagues, and that this responsible Government will be returned to office in this State.

Mr HILLS (Phillip) [3.25]: The Government has put forward a lot of excuses this afternoon about why petrol tax was introduced. It has placed the blame for the need to introduce petrol tax on what it calls the terrible Whitlam Government, which it says treated this State so badly. I wonder whether honourable members have ever examined the federal budget papers for the financial year 1972–1973—a period when the colleagues of Government supporters were in office in Canberra. In 1972–1973 the payments to New South Wales under the Financial Assistance Tax Reimbursement Grant totalled $525 million. However in the financial year 1975–1976 under the so-called terrible Whitlam Government the sum paid under these grants was $980.3 million. Grants increased from $525 million in 1972–1973 to $980.3 million in 1975–1976, when the last Budget was brought down by the Whitlam Government. Surely

Government supporters will stop talking nonsense. Those figures prove that what they say is completely untrue.

Equally untrue is the Minister's assertion this afternoon that certain zones were established in this State in order to deal with freight differentials. That was not the claim when the enabling bill was before the Parliament.

Mr BOYD: It was. You missed it.

Mr HILLS: I did not miss it. There is not much that goes on in this House that I do not know about. The big argument at that time concerned border areas. In September last year I took the trouble of writing to the Prices Commissioner about this question. In his reply, the Prices Commissioner wrote:

> In respect of sales outside the free delivery areas zones were determined and a reduced licence fee is payable throughout the State. Generally speaking, zones had been related to the differentials in operation throughout the industry with special zoning applying to certain border areas.

One would imagine that having regard to these differentials, the Government would take the opportunity of allowing legislation to have an equalising effect on petrol prices in the country. As some honourable members are aware, I have a little cottage at Port Macquarie, a place which you, Mr Deputy-Speaker, know well because it is close to your electorate. I can buy petrol at Port Macquarie 3c a gallon cheaper than I can buy it in Sydney. It is unreal to introduce a measure into this Parliament that will result in a variety of prices throughout the State.

I have always said in this Parliament—and I hope the honourable member for Byron listens to me and goes into his electorate and advocates what I am about to say again—that there should be an equalization of the retail price of petrol throughout the State under the Prices Regulation Act. It is as simple as that. There is no need for people to put up with the sort of nonsense we have at Port Macquarie. At Queanbeyan, which is a special zone, people do not have to pay any state petrol tax. At Eden, which is in the same electorate and is fairly close to the Victorian border, one would expect to buy petrol cheaper than at Cooma, having regard to the way the Act is framed.

Mr BOYD: Perhaps it was a bad local member.

Mr HILLS: The so-called bad local member is now dead. People in the number 5 zone pay 75 per cent of the tax but in Queanbeyan no petrol tax is payable.

Mr BOYD: That was in the electorate of the same member.

Mr HILLS: That is so. Government supporters argued that because of the close proximity of the Victorian or Queensland borders to some New South Wales towns there should be zones with different rates of petrol tax. This would mean that constituents of the honourable member for Byron living in Tweed Heads would not be at a disadvantage compared with people living in Queensland. The Parliament said that was proper, but the Government went further: it played round with the zones to gain a political advantage.

When the Government repeals this legislation a uniform retail price for petrol should be fixed throughout New South Wales under the Prices Regulation Act. I appreciate as a member representing a city electorate that motorists in the Sydney metropolitan area would pay a little more for petrol if that were done. Nevertheless that is the way it should operate without all the silly nonsense that has taken place in the past. I hope that honourable members opposite do something about it in their party rooms. However, the Minister has said that when the Budget is brought down the Government will need to consider what should be done about the $80 million petrol tax that will be lost. This consideration will be given after the Government has had discussions with the new Commonwealth Government, which is constantly saying that it has serious budgetary difficulties. I cannot see that Government being magnanimous in the present economic climate. One must be realistic.

The great plan that was adopted at the time the Constitution Convention was being held was for additional income tax to be raised by the States. I ask the honourable member for Byron to consider what will happen to his constituents who have paid nothing by way of petrol tax. They will have imposed upon them the new income tax. I shall certainly tell the constituents in the Byron electorate when I am there this evening what will happen to them.

When the legislation was introduced originally into the Parliament the Opposition not only opposed it but also asserted that it was merely a revenue-raising operation and that no funds were to be earmarked for motorists. Today was the first occasion on which I have heard the honourable member for Hawkesbury say in the House that the petrol tax legislation ought to be abolished and that he never supported it. When the Opposition proposed that it should not be introduced, or later contended that it should be abolished, I did not hear that honourable member crying on behalf of his constituents who were to pay a tax of 9.6c a gallon for petrol. He complained about the national Parliament—I prefer to call it the Australian Parliament. Wherever I may be in the world I do not apologize to anyone for being an Australian and for having the Australian Parliament. I shall not apologize to anyone in this Parliament for using the word Australian. Some of the funds raised by the federal fuel tax are returned to the States for road construction and maintenance. I am sure that the honourable member for Byron would not say to the Commissioner for Main Roads that he does not wish tainted money obtained from the petrol tax to be used in his electorate.

Mr RUDDOCK: The State receives back about one-third.

Mr HILLS: That is so—I do not apologize for advocating that the whole of the petrol tax be used for transport purposes in Australia, whether for road construction and maintenance or for improving government transport. All the honourable member for Hawkesbury did was to decry the fact that the federal Government collected the petrol excise. It should all be returned to the States. Members of all political parties should get together and argue out these things. We should do something for the citizens of New South Wales by a concerted effort against federal policies. The interests of the citizens of New South Wales is the most important consideration. I appreciate that the Minister will have some problem at the time the next State Budget is brought down. I know also that the Premier and Treasurer would like an opportunity to introduce the Budget after the State election. I have been in the Parliament for quite a few years and I can always read the political signs.

Mr BOYD: What is the date of the election?

Mr HILLS: I have been saying for weeks that it is the 8th May.

Mr RUDDOCK: What about the 5th February?

Mr HILLS: That would not be any good as the Government will have to bring down a lousy budget. I remind the House also that in 1974-1975 the Government received $445 million from payroll tax. This year it will be $555 million.

Mr BOYD: Would the honourable member prefer to have income tax?

Mr DEPUTY-SPEAKER: Order! The honourable member for Byron may seek the call later if he wishes to make a contribution to the debate.

Mr HILLS: At the introductory stage of the bill I asked the Minister to come clean and to inform the House at the second-reading stage how he intends to obtain the additional money. He said that when the last Budget was brought down it was expected that the rise in wage levels would be substantially higher than they have proved to be. Although the Minister did not add it, that position is due to introduction of wage indexation by the Whitlam Government. The Minister said that under the principle of automatic adjustment of the taxation formula and because the wage increases had not been as high as expected,

the Government has some additional money in the can and is able to repeal the petrol tax for the final three months of the financial year. I am sorry to say that I do not believe the Minister.

On many occasions I have mentioned that Mr J. G. Gorton, the man that Liberal Party and Country Party supporters disposed of, introduced the revolutionary idea of making available to the States $1,000 million in the form of grants for capital works over a period of five years. Also he said he would write off another $1,000 million of the State's debts over a period of five years. That principle should be introduced not only for the States but also for local government. The shadow Minister for Local Government has said that the Metropolitan Water Sewerage and Drainage Board has debts of $1,000 million. In ten years time that figure will be about $2,500 million. This is a very real problem. I ask the Government to state what it did with the $1,000 million. I suggest that every time Bob Askin had a deficit he would take $30 million for this or $20 million for that from the capital funds that had been made available by a Liberal Prime Minister of Australia, who was quite justified in taking that action.

This Government cannot justify using to finance its debts capital funds made available by the Commonwealth to assist the State specifically for the building of schools, police stations, railways and so on. This financial year the Government has taken $22 million out of loan funds and put it into the revenue account. This has enabled it to budget for a small deficit of about $30,000. Is that so?

Mr RUDDOCK: About that.

Mr HILLS: Now the Government is saying that it will take $14 million out of its expected income to cover the amount that will be lost in petrol tax receipts for the remainder of the financial year. Where is the Government getting that $14 million? It has received complaints about death duties and land tax. Will it get that money from payroll tax? The Government has said that wages had not increased as fast as it had expected. The Minister knows that when wage increases are legitimately approved by the courts, wage-earners pay more tax, and under the taxation reimbursement formula an automatic adjustment is made to take care of the situation.

Mr RUDDOCK: The Government does not get sufficient under that adjustment.

Mr HILLS: In other words, with the slowing down in wage increases the Government is better off than it thought. Is that how it can save $14 million?

Mr RUDDOCK: That is exactly it.

Mr HILLS: I do not believe it.

Mr DEPUTY-SPEAKER: Order! As I said previously, if the honourable member for Byron wants the call he can seek it. In the meantime the honourable member for Phillip has the call.

Mr HILLS: I and my colleagues on this side are delighted that this legislation is being repealed. As I said at the introductory stage, I regret that its repeal did not operate from the day of the announcement. I object to paying 9.6c a gallon extra for petrol uy to the end of the month. Why does the Government not make this legislation retrospective to the date of the announcement? Why does it not operate immediately? Why is the Government fiddling with it? It is silly that people will still have to pay this tax. I know that the Government has worked out a complicated procedure in the legislation to cover moneys collected after 2nd March. The calculation will be made on the basis of two-thirds of the amount because it operates for only one month instead of three months. Service station operators face the threat of a fine if they do not comply with this provision. I buy my petrol from a small garage along the street where I live. The operator and his wife work in this garage for abnormal hours —over 100 hours a week.

Mr BOYD: Are they politicians?

Mr DEPUTY-SPEAKER: Order! I call the honourable member for Byron to order for the first time.

Mr HILLS: They are not politicians. They are ordinary people trying to get a living. They have been collecting tax on behalf of the Government.

Mr MALLAM: I do not know how they can make a go of it.

Mr DEPUTY-SPEAKER: Order! I call the honourable member for Campbelltown to order for the first time.

Mr HILLS: They do not get paid for collecting the tax. This Government says it is a free-enterprise government that supports a man and his wife in business. This couple work abnormal hours. The wife serves petrol from the petrol pump. This is not a pleasant job for a woman who would rather be at home looking after a family. They are battlers. The Government should be doing more to assist such people. It should not threaten them with a fine if they do not do this or that. I am delighted that this tax is being abolished. I hope the Prices Commissioner will be informed that the Government wants an equalization retail price for petrol throughout the State. This would be fair to everybody, whether they live in the country or the city. The Prices Commissioner must fix the price of petrol fairly and reasonably. He must not fix a price that will allow petrol companies to engage in a discount war in Victoria to the disadvantage of the people of New South Wales. New South Wales motorists have been subsidizing a discount war in Victoria.

The only way to deal with the situation is to invoke the Prices Regulation Act. It is sitting there on the statute book. The Minister represents in this Chamber the Minister for Labour and Industry. All he has to do is to say to that Minister in Cabinet: "I am getting a terrible rapping in our Chamber about the lack of operation of the Prices Regulation Act. Please give me a hand. I know you are over there in sweet isolation and do not have to face the electors, but brother I am telling you that this petrol thing is really a problem." Unless the Government acts along the lines I have suggested, the slight advantage that people in some country areas have been getting by paying less petrol tax will disappear. With a variation in the price of petrol near state borders, people in the Byron electorate are probably buying petrol at 5c or 6c a gallon cheaper than the price in Sydney. When the tax is taken off, the relief afforded them will not be as great as that felt by a Sydney motorist. This is not right. When the tax is taken off, people in the Byron electorate will be relieved by only about 1c a gallon. They will be 8.6c a gallon worse off in relation to the price paid by Sydney motorists. Why does the honourable member for Byron not tell his leader at the next Country Party meeting to use the Prices Regulation Act so that the people of Byron will not pay any more than motorists in Sydney.

Mr BOYD: He will tell you why.

Mr HILLS: He does not have to. I know what can be done under the Prices Regulation Act. Do not give me that baloney. The Prices Regulation Act should be used. Let everybody know exactly where they stand, and give the people of Byron and my people a fair go.

Mr MALLAM: Mr Deputy-Speaker ——

Mr MUTTON (Yaralla), Government Whip [3.38]: I move:

That the question be now put.

The House divided.

AYES, 46

Mr Arblaster	Mr Mead
Mr Barraclough	Mr Morris
Mr Brewer	Mr Mutton
Mr Brooks	Mr Osborne
Mr Bruxner	Mr Park
Mr Clough	Mr Pickard
Mr Coleman	Mr Punch
Mr Cowan	Mr Rofe
Mr Crawford	Mr Rozzoli
Mr Darby	Mr Ruddock
Mr Dowd	Mr Schipp
Mr Doyle	Mr Singleton
Mr Duncan	Mr Taylor
Mr Fisher	Mr Viney
Mr Freudenstein	Mr Waddy
Mr Griffith	Mr N. D. Walker
Mr Healey	Mr Webster
Mr D. B. Hunter	Mr West
Mr Jackett	Sir Eric Willis
Mr Leitch	Mr Wotton
Mr Lewis	
Mr McGinty	*Tellers,*
Mr Mackie	Mr Boyd
Mr Maddison	Mr Fischer

NOES, **36**

Mr Bannon	Mr Johnstone
Mr Bedford	Mr Keane
Mr Booth	Mr Kearns
Mr Cahill	Mr Maher
Mr Cox	Mr Mahoney
Mr Day	Mr Mallam
Mr Degen	Mr Mulock
Mr Durick	Mr Neilly
Mr Einfeld	Mr O'Connell
Mr Face	Mr Paciullo
Mr Ferguson	Mr Petersen
Mr Flaherty	Mr Quinn
Mr Haigh	Mr Sheahan
Mr Hatton	Mr Wade
Mr Hills	Mr Wran
Mr M. L. Hunter	
Mr Jackson	*Tellers,*
Mr Jensen	Mr Brereton
Mr Johnson	Mr Rogan

Resolved in the affirmative.

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

Mr RUDDOCK (The Hills), Minister for Revenue and Assistant Treasurer [3.55], in reply: I shall be brief, for it is important that this repealing measure go through all its remaining stages today. The honourable member for Byron would like to have spoken in the debate. On his behalf I can say that the petrol acquisition account, which was concerned with the payment of freight on petrol to country areas, was abolished by the former federal Labor Government.

Mr JACKSON: On a point of order. The Minister is trifling with the House. He has said that he is speaking on behalf of the honourable member for Byron. The fact is that the honourable member for Byron was prevented from speaking when the Government applied the gag.

Mr SPEAKER: Order! There is no substance in that point of order. The House moved to deal with the motion to which the honourable member for Heathcote refers but it is fully competent for the honourable member for Byron to transmit messages to the Minister.

Mr RUDDOCK: The honourable member for Hawkesbury raised two important matters and asked for reassurances on them. He asked first whether the law is not the law, and whether it was irresponsible for an honourable member or anyone else to incite people to break the law. I assure the honourable member for Hawkesbury and the House that this Act will still be in operation to regulate winding-up procedures and the payment of moneys owing until the last dollar is paid. It is therefore indeed highly irresponsible for any honourable member to tell people not to pay money they owe under the provisions of an Act or to cancel cheques they have already sent in.

Second, the honourable member for Hawkesbury asks why the bill does not cover all possible problems that might arise in the winding up of the various matters that will have to be dealt with. I assure him that the bill is a simple one because the Government wants to repeal the Act cleanly, quickly and sharply, but administratively we shall have to deal with various problems that arise with individual service station proprietors.

The House heard two interesting addresses from the Opposition, one by the honourable member for Phillip and the other by the honourable member for Waverley, both of whom always make thoughtful contributions. However, I was rather disappointed that both of them concentrated on how price control could be so effective, in their minds, in ensuring that when the 9.6c a gallon tax is removed from petrol, the prices of goods having a transport element related to the cost of petrol are reduced. It is amazing how the idea of price control is regarded by members of the Opposition as a panacea for all problems; it appears to be part of the socialist ideal from which they cannot escape. Let me assure the House that competition is a far better way of ensuring that prices are kept at a proper level, far better than any artificial price-control body could hope to achieve.

All that price control tends to do is to increase prices, for every business enterprise that has a price fixed for its products is able to tell the public, "This is the maximum price, but it becomes the minimum price also." They have received that price in writing and it becomes their price. If the

Government told the Prices Commissioner that he must ensure in some artificial way, that this reduction of 9.6c a gallon in the price of petrol is reflected in the prices of tens of thousands of other commodities, it would not be worth the bureaucratic cost involved. I repeat, competition is a far better way of ensuring proper price levels, and the incentive for one business enterprise to compete with another is the most efficient way of ensuring that this 9.6c reduction in the price of petrol is reflected back to the public.

When the motorist goes to his service station on 1st April to buy petrol he will pay 9.6c a gallon less for it, and that reduction will not result from any price control regulation; it will be the result of the action of the Government in repealing this Act. The Government has taken action it knows will please the public. It is repealing an Act that imposed a tax that was never really wanted. At the time the tax was introduced it was necessary to impose it, but we never wanted it and we take the first available opportunity to get rid of it.

Motion agreed to.

Bill read a second time.

IN COMMITTEE

Clause 2

Mr MALLAM: Mr Temporary Chairman—

Mr MUTTON (Yaralla), Government Whip [4.1]: I move:

That the question be now put.

The Committee divided.

AYES, 46

Mr Arblaster	Mr Fischer
Mr Barraclough	Mr Fisher
Mr Boyd	Mr Freudenstein
Mr Brewer	Mr Griffith
Mr Brooks	Mr Healey
Mr Brown	Mr D. B. Hunter
Mr Bruxner	Mr Jackett
Mr Clough	Mr Leitch
Mr Coleman	Mr Lewis
Mr Cowan	Mr McGinty
Mr Crawford	Mr Mackie
Mr Darby	Mr Maddison
Mr Dowd	Mr Mead
Mr Doyle	Mr Morris
Mr Mutton	Mr Waddy
Mr Osborne	Mr N. D. Walker
Mr Park	Mr Webster
Mr Pickard	Mr West
Mr Punch	Sir Eric Willis
Mr Rofe	Mr Wotton
Mr Rozzoli	
Mr Ruddock	*Tellers*
Mr Singleton	Mr Schipp
Mr Taylor	Mr Viney

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NOES, 35

Mr Bannon	Mr Johnson
Mr Bedford	Mr Johnstone
Mr Booth	Mr Jones
Mr Brereton	Mr Keane
Mr Cahill	Mr Kearns
Mr Cox	Mr Maher
Mr Degen	Mr Mahoney
Mr Durick	Mr Mallam
Mr Einfeld	Mr Mulock
Mr Face	Mr Neilly
Mr Ferguson	Mr O'Connell
Mr Flaherty	Mr Quinn
Mr Gordon	Mr Rogan
Mr Haigh	Mr Wade
Mr Hills	Mr Wran
Mr M. L. Hunter	*Tellers*
Mr Jackson	Mr Day
Mr Jensen	Mr Sheahan

Resolved in the affirmative.

Clause agreed to.

ADOPTION OF REPORT

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

THIRD READING

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

BUILDERS LICENSING (AMENDMENT) BILL

THIRD READING

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

BILLS RETURNED

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

Cattle Compensation (Amendment) Bill

Evidence (Amendment) Bill

Irrigation (Amendment) Bill

Mines Inspection (Amendment) Bill

Pastures Protection (Amendment) Bill

Port Macquarie Entrance Improvement Works Bill

Rivers and Foreshores Improvement (Amendment) Bill

Strata Titles (Amendment) Bill

Sydney Sports Ground and Sydney Cricket Ground Amalgamation (Amendment) Bill

The following bill was returned from the Legislative Council with amendments:

Water (Amendment) Bill

PRINTING COMMITTEE

NINETEENTH REPORT

Mr BREWER, as Chairman, brought up the Nineteenth Report from the Printing Committee.

ADJOURNMENT

BUSINESS OF THE HOUSE—TUMUT TIMBER INDUSTRY

Mr MADDISON (Ku-ring-gai), Attorney-General and Minister of Justice [4.13]: I move:

That this House do now adjourn.

As has been the custom, I propose to advise the House of the programme next week. On Tuesday afternoon, which is private members time, the Infant Life Preservation Bill will proceed at the second-reading stage. In the evening the House will deal with the introduction of the Electricity Commission (Amendment) Bill. There will be the second-reading of the Traffic Authority Bill, the Water Resources (Amendment) Bill, the Mining (Amendment) Bill, the Public Hospitals (Amendment) Bill and the Miscellaneous Acts (Administrative Changes) Bill.

The House will recall that today the Minister for Mines and Minister for Energy gave notice of a motion in regard to the Electricity Commission (Amendment) Bill. As I have said, its introduction will proceed on Tuesday and the measure proceed during the week to completion of all stages. Some time during the course of next week it is proposed to deal with amendments to the Standing Orders for which time will be set aside. As far as possible—and I only put it on that basis—the House will rise on Thursday. However, there are doubts about that having regard to matters proceeding to the Legislative Council. It may be that we will have to return for one day the following week. That will not be known until later in the week as the programme develops.

Mr SHEAHAN (Burrinjuck) [4.15]: I wish to raise with the Minister for Decentralisation and Development a matter of great importance to the south-west region of the State—not only to the Burrinjuck electorate, but also to other areas in the immediate vicinity. Last Friday the Minister for Decentralisation and Development had discussions in Tumut and Batlow with the Riverina Regional Advisory Council and with representatives of the Tumut shire council. Both these locally constituted and locally oriented bodies are keenly interested in the forthcoming release by the Forestry Commission of a large quantity of timber in the Tumut forestry district. Both bodies support the concept that the timber so released should be processed in that general area rather than in any other area of the State or in another State.

The regional council had undertaken a full investigation, a worthy research project, and produced a report recommending the processing of these timber resources in the general Tumut shire district. The shire council has followed every available avenue of inquiry. Indeed, it has displayed great initiative in approaching people, sometimes at the expense of the protocol of involving the local member in high level government representations and negotiations, with the worthy object of securing this valuable industry for its area.

Tenders were to close in November but one interested organization thought that there was need for a larger volume of timber to be released to encourage operations to be sited in the Tumut district. Therefore the Forestry Commission enlarged the amount of timber originally advertised and readvertised the increased amounts with tenders to close on 30th March. After closure of the tenders the Government will have to take a long hard look at the alternatives that will be available. The Minister

for Lands and Minister for Forests will be visiting the Tumut forestry district on 8th and 9th April and, as did the Minister for Decentralisation and Development last Friday, he has invited me to accompany him. No doubt at that time he will look into the matter raised and discussed with the chairman of the Forestry Commission and other interested government departments and officers.

The major issue that the Government has to decide—and which I wish to raise in a preliminary way on the adjournment of the House today—is whether the Government ehould tolerate, let alone encourage, the processing operation to be located in a declared growth centre—probably Albury–Wodonga—rather than closer to the source of the raw material used in the industrial process. If it is sited closer to the source of the raw material it must utilize the obvious advantages of the area and obtain co-operation of local people and bodies to overcome any disadvantages that may impede the development of the industrial undertaking.

I wish to mention a few of the advantages available in the Tumut shire district. First, there would be an opportunity for the Government to work for decentralization rather than recentralization, by successfully encouraging the company to locate the plant at Tumut, which is the centre of the forestry resources involved. Second, the establishment there of the plant would provide the area with more job opportunities, community and social amenities, and enhance the general prosperity of the region. Third, Tumut and its council have had a long association with the Forestry Commission and an on-going interest in the development of the timber industry as a whole. Also the area has a timber-oriented labour force available.

Fourth, the area needs industrial and community development to compensate for the conversion in the past of such a large area of its land into a non-rateable state for government undertakings, large national parks, Water Conservation and Irrigation Commission lands and similar areas. Fifth, the land and water resources which will be urgently required are available in the district. Finally, the existing urbanized areas of the shire district have their basic infrastructure already established.

I do not intend to name the tenderer as it would be unfair to do so, but one company has indicated to everyone involved that it is most interested in siting its operations in the area. I seek an assurance from the Minister and the Government that this tenderer will receive every encouragement on the basis of its interest in the Tumut shire district, as well as other matters that I wish to mention briefly.

Some facilities in the area require attention, especially if a large undertaking is established in it. There will be a need for greater attention than has been given in the past to rail transport and rail facilities in the area. I envisage the Minister for Decentralisation and Development having a specific co-ordinating and initiating role to play. The raw material to be processed would be more than double the volume and weight of the finished product to be transported from the processing plant for marketing and distribution in other ways. If the plant were established at a location other than close to rail facilities or to the source of the raw material, there would be an enormous dependency on heavy road transport to take the material from Tumut to, for example, Albury–Wodonga. Land and water resources are conveniently located close to a long-established branch line that would require considerable restoration work if the processors were given the green light.

In particular, close attention would need to be given to the railway viaduct crossing the Gundagai flood plain. Various figures have been put on the estimated cost of restoring and renovating this viaduct for purposes of the new industry and other purposes. Recently I carried out an inspection of the line with union officials, familiar with the traffic side of railway operations. I am assured by them that there is need for repairs other than to the viaduct. It will be necessary also to consider the obvious need for considerable enlargement of housing in the district. I have no doubt this would normally follow, as it did with the transfer

to Bathurst of the Central Mapping Authority and will follow with the transfer to Orange of the Soil Conservation Service. It will be a natural corollary of new operations being undertaken in any country area.

Let me deal with another matter that relates to the source of energy that will be needed when the undertaking is established. The county council concerned has looked at the operations from the point of view of electricity commitments. There is nothing involved that it cannot handle at competitive rates. Natural gas is a possibility and consideration would have to be given to the viability of construction of a lateral pipeline or a diversion of the proposed lateral from Cootamundra to Wagga Wagga. Disadvantages to be considered are the effects of timber traffic on the safety and convenience of the travelling public, and damage to the roadways. Also, pollution caused by the unnecessary extra use of petroleum resources must be considered. At this preliminary stage I suggest that all these factors are peripheral to the central issue, which is whether or not the Government is interested in encouraging the successful tenderer to set up the industry where the basic raw materials are available rather than in a declared growth centre. I want an assurance on this matter.

When the Minister for Transport and Minister for Highways was the Minister for Decentralisation and Development, I put a question on notice to him on this matter and received a rather non-commital reply which did not give the assurances I sought. I suggest that the new Minister for Decentralisation and Development, who has shown an interest in this proposal, and also in the district, has the opportunity to express his views as the responsible Minister on the logic of developing this industry in the smaller country centre where the resources are available, as against establishing the plant in a growth centre. Albury-Wodonga is the growth centre being considered, but if it were selected for this industry, the actual undertaking would be established at Wodonga in Victoria, Albury being the residential side.

Mr Sheahan]

I hope that this Parliament will survive long enough to enable me to raise this matter on other occasions with the Minister, and also with the Minister for Lands and Minister for Forests both before and after he visits the area. I seek an assurance from the Minister that the Government is interested in the establishment of such a large undertaking in the area to which I have referred, rather than in a growth centre somewhere in New South Wales or even outside New South Wales.

Mr MORRIS (Maitland), Minister for Decentralisation and Development [4.24]: I thank the honourable member for Burrinjuck for raising this matter on the adjournment. As I am restricted to three or four minutes I shall not be able to outline the enormous development that has taken place in the past few years in areas of New South Wales other than growth centres. The honourable member for Wagga Wagga will bear testimony to the enormous development of his city, though it is not in a growth centre. However, that is by the way.

The purpose of the honourable member's speech was to discuss the specific industry that he would like established in the Tumut district. It was my pleasure last Friday to attend a meeting of the Riverina Region Advisory Council in Batlow, where I met the president of the Tumut shire council, Councillor Vanzella, some of the other shire councillors and the shire clerk. I appreciate that the honourable member for Burrinjuck was in another part of the State, and I indicated this to the people whom I met in his area. I do not go to honourable members' electorates without previously advising them, but the notice on this occasion was a little short. We had a fairly early meeting in Tumut to discuss this matter. It was a worthwhile discussion for me as the new Minister for Decentralisation and Development. The only other time that I have visited the Tumut area in my lifetime was when the honourable member's very distinguished predecessor, the Hon. W. F. Sheahan, a former Minister for Transport, officially opened the local motor registry office.

One cannot fail to be impressed by the desirable situation of the beautiful Tumut shire. The Batlow district has a different hue, but it too is an area of beauty. I say to the honourable member, as I said to the shire president and his colleagues last week, that I do not want this industry to go to Wodonga. I want industry for New South Wales. I want development to take place in New South Wales. The Tumut district has all the basic ingredients needed for the establishment of a wood chip industry. I asked officers of my department as recently as last Monday to examine the whole proposal thoroughly. The honourable member has mentioned a few issues that need to be resolved. They can be resolved. The question of electricity supply has virtually been resolved. If this industry is established we do not want shire and rural roads—or highways for that matter—to be damaged by huge lorries carrying loads of this industry's product over them. We want to use the Batlow-Cootamundra branch line. This would involve upgrading of the viaduct in the Gundagai area.

I am aware of the problems, but in my view none of them is insurmountable. I propose to have discussions with the principals at an early date. I say to the honourable member, his constituents and members of the shire council that I as Minister want to see this industry situated in the Tumut area. The safeguards have already been determined. The area will not be spoilt. Its beauty and desirable environment will be maintained. The industry, if fully developed, would provide employment for several hundred people. This would give a much needed fillip to the region. The shire would get a real boost. I assure the honourable member and the House that we are working closely on the proposal and will do our best to ensure that this desirable industry, which is highly suited to the area, is established where the honourable member and the shire president want it established—that is, in the Tumut district.

Motion agreed to.

House adjourned at **4.28** p.m.

QUESTION UPON NOTICE

The following question upon notice and answer was circulated in ***Questions and Answers*** this ***day.***

CONCORD HIGH SCHOOL

Mr MAHER asked the **DEPUTY PREMIER, MINISTER FOR PUBLIC WORKS AND MINISTER FOR PORTS**—

Have the plans for the proposed Concord High School made allowance for use of facilities and buildings by students and staff who may be disabled?

Answer—

In the planning of all new school buildings, and indeed all public buildings, the Department of Public Works provides all facilities for handicapped persons as can reasonably be incorporated in the design. This will certainly be the case at Concord High School.