Legislative Assembly

Tuesday, 28 September, 1976

Assent to Bill—Petitions—Questions without Notice—Industrial Unrest (Urgency)—Ambulance Services Bill (Int.)—Health Commission (Amendment) Bill (Int.)—Local Government (Elections) Amendment Bill (Int.)—Tourist Industry Development Bill (second reading)——Federation of Parents and Citizens Associations of New South Wales Incorporation Bill (second reading)—Statute Law Revision Bill (second reading)—Interpretation (Amendment) Bill (second reading)—Administrative Changes Bill (second reading)—Youth and Community Services (Amendment) Bill (second reading)—Technical and Further Education (Amendment) Bill (second reading)—Department of Agriculture (Repeal) Bill (second reading)—Adjournment (Fluoridation of Water Supplies)—Questions upon Notice.

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

Mr Speaker offered the Prayer.

ASSENT TO BILL

Royal assent to the following bill reported:

Supply Bill

PETITIONS

The Clerk announced that the following petitions had been lodged for presentation and that copies would be referred to the appropriate Ministers:

Sunday Hotel Trading

The Petition of the undersigned Electors in the State of New South Wales respectfully sheweth:

1. A referendum on Sunday Trading in hotels was held in New South Wales in the year 1969 which showed an overwhelming majority voting against Sunday Trading in hotels.
2. It is considered by the undersigned that any changes in the law allowing extension of Sunday Trading in liquor in hotels or in any shop selling liquor will increase the acknowledged evils associated with the consumption of liquor including particularly danger in road travel and in crime, and in damage done to domestic life of wife, husband and children in many cases.

Your Petitioners therefore humbly pray that your Honourable House:

1. Will not pass any legislation which will allow any extension of Sunday Trading in liquor in hotels or in any other place where the sale of liquor is permitted.
2. If nevertheless it is intended to submit legislation to the House this should not be done until a further Referendum is held to ascertain the wishes of the people as was previously held and which as stated showed an overwhelming majority against such legislation.

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

Petitions, lodged by Mr Brown, Mr Cahill, Mr Dowd, Mr Jackett, Mr Ryan, Mr Whelan and Mr Wotton, received.

Gambling Casinos

The Petition of the undersigned Electors in the State of New South Wales respectfully sheweth:

1. There are at present sufficient legal gambling outlets in the State of New South Wales.
2. During the last recently recorded period of a year the amount spent or invested in gambling exceeded the sum of $4,000 million.
3. The opening of Casinos will enlarge this expenditure and will create further inroads upon the amount available to families for the conduct of their domestic life and will thus cause hardship to parents and children in the home and will also, as experience has shown, be an incentive to crimes of stealing, embezzlement and fraud in order to make up for moneys that have been lost through gambling or which are intended for gambling.

Your Petitioners therefore humbly pray that your Honourable House will not legislate to legalize casinos in New South Wales.

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

Petitions, lodged by Mr Brown, Mr Cahill, Mr Dowd, Mr Jackett, Mr Ryan and Mr Whelan, received.

Abortion

The humble petition of the undersigned citizens of New South Wales, respectfully sheweth:

1. That as taxpayers we object to the use of funds for abortions under the guise of health payments and/or benefits.
2. That no pressure should be brought to bear to hinder the prosecution of those participating in criminal abortion.

Your petitioners humbly pray that the Honourable House takes such steps through the appropriate channels to stop the misuse of taxpayers money and to ensure that the law prohibiting abortion in New South Wales be properly enforced.

Petition, lodged by Mr Whelan, received.

Minimum Rate Provision

The Petition of Councillor G. H. Watson, Councillor G. W. Ravell, Councillor S. R. Robinson, and residents and ratepayers of the Shire of Shoalhaven respectfully sheweth:

That the Council of the Shire of Shoalhaven breached the spirit and intent of the Local Government Act in that the Council of the Shire of Shoalhaven has used the minimum rate provision of the Local Government Act as the prime revenue raising device of the said Council. This is evidenced by the fact that of the 31,679 ratepayers of the Shire of Shoalhaven, 24,215 are now paying the minimum rate and are contributing 55 per cent of the General Fund Revenue.

Your Petitioners therefore humbly pray that your honourable House will agree to:

(a) request the Minister for Local Government to investigate the abuse of the minimum rate provision of the Local Government Act whereby the Council of the Shire of Shoalhaven has used the minimum rate as the prime revenue raising device.

(b) consider other methods for Local Government to raise revenue other than by the rating of land.

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

Petition, lodged by Mr Hatton, received.

QUESTIONS WITHOUT NOTICE

RURAL MARKETING BOARDS

Mr PUNCH: I direct my question without notice to the Minister for Decentralisation and Development and Minister for Primary Industries. Has the Minister announced his intention to restructure rural marketing boards with the objective of reducing or eliminating the representation of primary producers? Does his decision reflect Government policy to give primary producers less say and influence in matters that affect them vitally? Will the Minister indicate to the House the extent to which he intends to restructure these boards?

Mr DAY: At a luncheon the week before last I did intimate that it was in my mind to review the Marketing of Primary Products Act of 1927. I am not alone in that respect because a survey and a review of the Act was commissioned by a former Minister for Agriculture, the Hon. G. R. Crawford. After almost fifty years many aspects of the Marketing of Primary Products Act need updating. I am sure that even supporters of the Country Party might admit that fifty years is a long time for an Act to remain virtually without amendment.

Some real problems are associated with the Marketing of Primary Products Act and the Leader of the Country Party should be aware of them. For instance, although the Sheep Meats Marketing Board has become defunct, legally it must continue to exist

under the provisions of the Act. Although that board never had a chance of being a goer, the Act provided that if a petition were received by a Minister he had at least a strong obligation to hold a referendum of producers. A poll conducted among producers voted for the establishment of a sheep meats marketing board, which had no chance of success, as the honourable member for Goulburn indicated in the report that followed the inquiry by a parliamentary select committee into the meat industry. The board went into recess leaving debts, from memory, of about $89,000. As the time for elections for membership of this board have come round again it is obligatory upon me to call elections for a board that basically does not exist. The provisions of the Act leave only one other choice: to hold another poll of producers which would cost the Government up to $10,000. Even then there would be no guarantee that sanity would prevail for it is conceivable that the voters may want that board to continue to function.

No rational person would maintain that the Marketing of Primary Products Act does not require serious review. It is not my purpose to deprive primary producers of an opportunity to play an important part in the running of boards associated with their industries. However, no member of this House would suggest that, for argument's sake, the Dairy Industry Authority of New South Wales should be producer-controlled. I remind the House that when Opposition members were in government they made sure that it was not producer-controlled.

There are very good reasons why boards of this nature should represent more than producers. They have obligations to the whole community. It could be justifiably said that the egg board has exactly the same responsibilities as a milk board or a milk authority. The egg board, however, is constituted under the Marketing of Primary Products Act, which does not give it the community representation that members of the Opposition and the Leader of the Country Party maintain the dairy industry should have. I see a need to review the Act but, as I said, we are in no hurry to make up our minds about the details. I call for representations from producer organizations, and indeed from any community organization that may be interested in the marketing of primary products.

There is a responsibility on boards that are set up and virtually given a monopoly and protection from the provisions of the federal Act that apply to all private businesses. That responsibility is that they be operated for the benefit of the community. I believe there is an urgent need to examine the matter, but I shall not rush into it; I shall wait until I receive representations from all interested parties. I believe the result of the review and the amendments that will flow from it will be of benefit not only to consumers and others generally, but most certainly to the producers also.

MUTUAL HOME LOAN FUNDS

Mr PACIULLO: My question is directed to the Minister for Consumer Affairs and Minister for Co-operative Societies. Is he aware of the activities of some nine companies operating in New South Wales as mutual home loan funds? Has the Consumer Affairs Bureau received from all over New South Wales complaints from subscribers which led to the publication in 1975 of a booklet to guide potential investors in the funds? Can the funds operate in such a way that investors are trapped and cannot withdraw without almost total loss—as well as being called on to make further contributions? In view of a recent case that I referred to the Minister, wherein an investor paying $100 a month could expect a 23-year wait for a loan from the New

South Wales Mutual Real Estate Fund Limited, can the Minister indicate the Government's legislative intentions to protect investors against unscrupulous companies operating in this field?

[*Interruption*]

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

Mr EINFELD: Like other questions asked by the honourable member for Liverpool in this House, this is an important one dealing with an important matter. The levity of members of the Opposition is ill-considered at this stage because there are 10 000 subscribers in ten mutual home loan funds who have invested something like $15 million. Indeed, when they were in government, members of the Opposition set up a special committee of backbenchers to inquire into mutual home loan funds, and even that committee decided that greater control was necessary. It is true, as the member for Liverpool has pointed out, that many complaints have been received both by the Consumer Affairs Bureau and the Registrar of Co-operative Societies and his officers. A warning was issued in April, 1975, during the term of the previous Government in the form of a booklet, ***Mutual Home Loans Funds—A Guide to Intending Subscribers.***

One company giving great trouble is New South Wales Mutual Loans Agency Pty Limited of Sydney and Parrarnatta. It is now known as Newbridge Finances Pty Limited of Taren Point. The Consumer Affairs Bureau has recommended proceedings against that fund under section 16C (2) of the Consumer Protection Act. The company is also being investigated by the Corporate Affairs Commission and the police. Unfortunately, these authorities are having difficulty finding the gentlemen who are associated with the companies. One of the gentlemen associated with Newbridge is also associated with a company to which the honourable member for Liverpool referred, that is, New South Wales Mutual Real Estate Fund Limited, which is being investigated as a result of the honourable member's representations to me in connection with a tragic case.

Since the honourable member for Liverpool gave me details of that case the investigations into that company have been intensified. His constituents invested more than $4,300 in shares in this fund. They were under the impression that they would be eligible for a home loan within three years at a very low rate of interest, or none at all. If the loan is ever made to them, it appears that they will have to wait for some twenty years to get it. Their most recent advice was that loans had been granted up to subscriber number 59, and they are numbers 593 and 594.

Cabinet having approved its presentation to Parliament, the Government is preparing legislation dealing with mutual home loan funds and their subscribers, including option subscribers. We are hopeful that the legislation will come before Parliament soon. This is a very difficult area. As yet we have not had the opportunity to investigate closely the activities of societies, and we shall not be able to do so until the legislation is passed. I hope the situation is not as bad as we believe it is likely to be with some of them. We are out to protect the community as much as we can, and we shall do everything possible to protect them. I regret to say that the case brought forward by the honourable member for Liverpool is a tragic one. The Government is trying to protect subscribers to the funds, both buyers of shares and buyers of options. We hope that when the legislation is through and these funds come under the supervision of the Registrar of Co-operative Societies, people who invest in them will be given as much protection as possible.

INDUSTRIAL UNREST

Urgency

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [2.34]: I move:

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

That this House—

(1) deplores the current wave of industrial unrest, particularly disputes between trade unions or within trade unions, in consequence of which the economy of this State is being seriously damaged, unemployment is increasing and the general public is being adversely affected and seriously inconvenienced;

(2) calls on the Government to do everything in its power to resolve this industrial unrest and, in particular, to put an end to the current stoppage at three Sydney oil refineries by using its influences and contacts within the industrial wing of the Labor Party; and if this fails, calls on the Government to introduce emergency legislation under which the Government could direct employees in public utilities and essential industries who are on strike, and where that strike is adversely affecting the community, to return to work.

This matter is urgent because the State faces the very real and grave prospeot of a long drawn-out dispute involving members of the Australian Workers Union who are being encouraged by inflammatory statements by the New South Wales secretary of the Australian Workers Union, Mr C. P. Oliver, who said last week that the public has to be "put in the stocks". Already there are reports that some service stations are running out of petrol and thousands of people are likely to be inconvenienced over the coming holiday long weekend. The matter is urgent because unless this House this day takes a firm and determined stand there is every possibility that this type of union irresponsibility will escalate. A unanimous vote in this House might have some effect on these hotheads.

It is obvious that trade union leaders now believe that because there is a Labor government in this State they have an open and unrestricted right to use their muscle in the expectation that the Government will not speak up in the public interest.

Mr Neilly: You should know.

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

Sir ERIC WILLIS: Even though many of these unions are federally registered, no opportunity must be lost to bring the full weight of public opinion to bear on them in an attempt to bring them back to the path of sanity. The Government of this State must lend itself to that weight of public opinion. The matter is urgent because, unless steps are taken immediately to bring these unions to heel, this State's economy will be bled dry. Already the economy is in a parlous state. Unemployment is increasing and job opportunities are decreasing.

Mr F. J. Walker: Mr Speaker, I wish to take a point of order which, when in government, the Leader of the Opposition took constantly. I submit he is not speaking to urgency at the moment; he is discussing the substantive motion at length and in great detail.

Mr SPEAKER: Order! I ask the Leader of the Opposition to confine his remarks to the reason why this matter is so urgent that it should interrupt the business of the House this afternoon.

Sir ERIC WILLIS: As virtually all productive elements of New South Wales industry are dependent on oil supplies, the curtailment of these supplies will have a disastrous impact on industry output. The matter is urgent because, although the Minister for Industrial Relations has intervened, supposedly in the public interest, he has obviously had little impact on the intransigent attitude of the trade union leadership. A greater weight than that of the Minister is urgently needed. The matter is urgent because reports from industrial sources indicate that the mood of the unionists involved is one of anger, and there is open talk that the union is prepared to dig in for a month.

Mr F. J. Walker: On a point of order. I put it to you, Mr Speaker, that the Leader of the Opposition is defying your ruling, by continuing to discuss at great length and in great detail——

[Interruption]

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

Mr F. J. Walker: I submit that the Leader of the Opposition is continuing to discuss the substantive motion at great length and in great detail. At the commencement of each sentence he states that the matter is urgent, using this guise to pretend that the matter is urgent, but at the same time he is continuing to defy your ruling, by speaking to the substantive motion.

Mr SPEAKER: Order! I ask the Leader of the Opposition to confine his remarks to the reason why it is urgent that this matter should interrupt the business of the House this afternoon. It is not in order for him to go into the substantive motion, which is very long; indeed, I believe that some of his remarks have been directed to this.

Sir ERIC WILLIS: It becomes urgent that this Government takes a public stand today and tells the public at large, and the trade union movement in particular, that as the elected representatives of the people it will not stand idly by and see the public put in the stocks. The matter is urgent because the whole history of industrial disputation shows that the longer a dispute drags on the more difficult it becomes to solve. This matter is urgent because each month millions of dollars are being lost by wage earners in this State through industrial disputes, many of which constitute not a breakdown of employer-employee relations but unions fighting among themselves. For this reason the Government should take action because, while it engages in business bashing, supposedly in the interests of shareholders' funds, it has taken no action so far to safeguard the lives and living of employees who have become innocent victims of these industrial stoppages. Just as today the Government appears to be most concerned and prepared to act urgently in regard to the price of bread and preparing special legislation, I suggest that the Government should involve itself in this oil strike to ensure that the employees are given the correct picture, because there is at least a suspicion that the facts are being kept from the rank and file of the union.

This is the second instance in recent weeks in which inter-union or intra-union disputation has caused grave and serious inconvenience to the public and great economic damage. In the previous instance the Government sat on the fence. I submit it is urgent that this House should tell the Government that it can no longer sit on the

fence while this sort of thing goes on. There was clear and undisputed evidence in the recent container dispute between the Transport Workers Union and the Waterside Workers Federation that——

Mr F. J. Walker: On a point of order. The Leader of the Opposition continues to defy your ruling. He is now going at some length into the containers dispute. The motion asks the House to suspend standing orders, so preventing honourable members from debating the important legislation that is before them. I put it to you that the arguments to which the Leader of the Opposition should be limited in putting the motion relate to why he should take the time of the House at this stage by suspending all other business in order to deal with his motion. The Leader of the Opposition should, therefore, be speaking to the question of urgency and not to the substantive motion.

Mr SPEAKER: Order! The Leader of the Opposition should be permitted to cite some examples of why the matter is urgent, and at this stage he is doing just that.

Sir ERIC WILLIS: I was almost at the point of conclusion when I was interrupted. In the recent dispute on the wharves hundreds of innocent employees in unions far removed from the wharves were affected, and I do not want the same sort of thing to happen in this instance. I want the Government to say where it stands, and to indicate to the officials of the union concerned in this intra-union dispute that it will not stand idly by and see the public of the State inconvenienced while this internecine argument goes on. What happened in the wharf dispute should not be repeated on this occasion. I submit, therefore, that it is a matter of considerable urgency that this House should, this day and at this time, indicate to the unions concerned that the public will not put up with what they are doing, that we as representatives of the people will not put up with what they are doing, and that we are proposing to take some action.

Mr WRAN (Bass Hill), Premier [2.43]: The real subject of this urgency motion is, of course, the inconvenience and practical dislocation of industry as well as of all sections of the community that could result from a continuation of the present dispute in the petroleum industry. This is not the first occasion on which that industry has denied petrol supplies to the public of New South Wales. Indeed, over the past few years there has been more than one occasion on which Sydney—indeed, New South Wales—has been brought to a virtual standstill by a lack of petrol supplies. On those occasions the Government, which is now the Opposition, stood by mesmerized like some spectator at a sporting match and participated in no way whatever to restore industrial sanity or to assure supplies of petrol to indusry and to the public generally. The present dispute is one of those continuing, irritating, frustrating industrial disputes that have as their genesis the dichotomy between the federal industrial law and the State industrial law.

That dichotomy was referred to by the Commonwealth Industrial Court in the well-known case of *Moore* v. *Doyle*. Though that case was directed particularly to a situation that existed in the transport industry it is of significance and relevance to many industries involving unions with State registration as well as federal registration. Despite the fact that the *Moore* **v.** *Doyle* decision was delivered in 1969 and despite the fact that joint working parties were set up by the federal Government, to which the New South Wales Government contributed officers, the former Government of this State did nothing to resolve this continuing industrial cancer. The fact is that never before in recent times has a government, and in particular a Minister for Industrial Relations, done more to bring a petrol dispute to an end than has this Government and this Minister.

Sir Eric Willis: But Charlie Oliver will not listen to him.

Mr WRAN: It is all very well for the Leader of the Opposition to say that Charlie Oliver will not listen to him; perhaps the Leader of the Opposition would like to hear the real facts and all the circumstances relating to this dispute. Yesterday afternoon representatives of the oil companies were in the office of the Minister for Industrial Relations, Minister for Mines and Minister for Energy. They gave him an assurance that they would withdraw their application to the federal tribunal and leave it to Mr Justice Macken of the State Industrial Commission to deal with the matters of dispute between the companies and the unions. Though the representatives of the companies had given that assurance, almost before the breath was out of their mouths their barrister was appearing before the federal tribunal doing precisely the opposite of the undertaking. When the Minister for Industrial Relations took the matter up with the oil companies and asked why they had gone back on their given assurance, all they could offer was what you, Mr Speaker, members of this House and the public might well think was a lame excuse. They said that they forgot to tell their barrister.

[Interruption]

Mr Barraclough: Nonsense.

Mr Hills: It is true.

Mr SPEAKER: Order!

Mr WRAN: I am sure that members of the Opposition have a better pipeline to the oil companies than we do. Let us come now to the current involvement of the Government and what the Government and the Minister are doing. At 10 o'clock today Commissioner Neil of the Commonwealth Conciliation and Arbitration Commission held a conference with the parties in an endeavour to settle the matter. That conference is still proceeding. Counsel for New South Wales is appearing in those proceedings, as counsel for this State has appeared in the proceedings before Mr Justice Macken. Upon a resumption of the hearing before Mr Commissioner Neil at 12.30 p.m. today it was put to the commissioner that the New South Wales Minister for Industrial Relations had again offered to convene a conference of the parties in an attempt to resolve the deadlock presented by the absence before the commission of a representative of the New South Wales branch of the Australian Workers Union. The New South Wales Minister has offered to do what any reasonable person would do or would expect to be done. He said that he would meet with representatives of the union and the oil companies at this Parliament House tonight. Should the oil companies adhere to their original assurance, given yesterday, there is no reason at all why supplies of petrol will not be restored to the people of New South Wales tomorrow morning.

Having said that, I come to the motion that was so generously moved by the Leader of the Opposition. Anyone would deplore waves of industrial unrest, especially at times when the economy is flagging and sagging under the industrial and economic policies of the Fraser Government. The fact is, however, that the long-continuing, but now resolved, dispute on the waterfront of Sydney was related to federal unions. Again, I might add, that the New South Wales Minister for Industrial Relations, Minister for Mines and Minister for Energy was initially responsible for convening meetings, at which the president of the Australian Council of Trade Unions, Mr R. J. Hawke presided, which led to a settlement of that dispute. Despite the fact that we all regarded that dispute as damaging to the economy and something that

should be avoided, the fact is that by comparison the number of man-hours lost in New South Wales this year is significantly fewer than were lost last year under the industrial genius, the honourable member for Earlwood.

Let us put an end to this talk about industrial unrest. This Government and the Minister for Industrial Relations, Minister for Mines and Minister for Energy are doing everything sensible and possible to avert continuing threats to petrol supplies in New South Wales, and we have done so from the moment the present dispute arose. The Government is doing everything possible to get rid of what I might call this frustrating and irritating dichotomy that results from the case of *Moore* v. *Doyle*. We give the House and the public that assurance. The Government will not kowtow to either the oil companies or the unions at the expense of the people of New South Wales. In all the circumstances, the Government does not agree to urgency.

Mr Cameron: On a point of order. Mr Speaker, I ask you whether you will at this stage give a firm ruling that as a person moving urgency is confined to the issue of urgency, so the Premier in reply is likewise confined to urgency or whether he is at liberty to wander at random through the substance of the motion instead of dealing with the issue of urgency.

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

[Interruption]

Mr SPEAKER: Order! I call the honourable member for Northcott to order for the first time and ask him to resume his seat.

Mr Cameron: Mr Speaker, on a further point of order.

Mr SPEAKER: Order! Serjeant, remove the honourable member for Northcott.

[Interruption]

Mr SPEAKER: Order! Serjeant, remove the honourable member for Northcott.

Mr Cameron: Mr Speaker, I intimate to you now that as I have not been called to order three times——

Mr SPEAKER: Order! Serjeant, remove the honourable member for Northcott.

Mr Cameron: On a further point of order.

Mr SPEAKER: Order! I name the honourable member for Northcott for persistently and wilfully disregarding the authority of the Chair.

Mr F. J. WALKER (Georges River), Attorney-General [2.54]: I move

> That the honourable member for Northcott, Mr Cameron, be suspended from the service of the House.

Mr SPEAKER: The question is, That the honourable member for Northcott be suspended from the service of the House. The honourable member for Northcott.

The question is, That the honourable member for Northcott be suspended from the service of the House. All those in favour say, aye; to the contrary, no: I think the ayes have it. The ayes have it.

[*Interruption*]

Mr Mutton: Division!

Mr Cameron: Mr Speaker, I ask——

Mr SPEAKER: Order! I advise the honourable member for Northcott that although I gave him the call to take advantage of the standing orders, he failed to do so. A division has been called for.

[Interruption]

Question—That the motion (by Mr F. J. Walker) be agreed to—put.

The House divided.

Ayes, 49

Mr Akister
Mr Bannon
Mr Barnies
Mr Bedford
Mr Booth
Mr Brereton
Mr Cahill
Mr Cleary
Mr R. J. Clough
Mr Cox
Mr Crabtree
Mr Day
Mr Degen
Mr Durick
Mr Einfeld
Mr Face
Mr Ferguson
Mr Flaherty
Mr Gordon
Mr Haigh
Mr Hatton
Mr Hills
Mr Hunter
Mr Jackson
Mr Jensen
Mr Johnson
Mr Johnstone
Mr Jones
Mr Keane
Mr Kearns
Mr McGowan
Mr Maher
Mr Mallam
Mr Mulock
Mr Neilly
Mr O'Connell
Mr Paciullo
Mr Petersen
Mr Quinn
Mr Renshaw
Mr Rogan
Mr Ryan
Mr Stewart
Mr F. J. Walker
Mr Whelan
Mr Wilde
Mr Wran

Tellers,
Mr Ramsay
Mr Sheahan

Noes, 46

Mr Arblaster
Mr Barraclough
Mr Boyd
Mr Brewer
Mr Bruxner
Mr Cameron
Mr J. A. Clough
Mr Coleman
Mr Cowan
Mr Darby
Mr Dowd
Mr Doyle
Mr Duncan
Mr Fisher
Mr Freudenstein
Mr Griffith
Mr Healey
Mr Jackett
Mr Leitch
Mr Lewis
Mr McDonald
Mr McGinty
Mr Mackie
Mr Maddison
Mr Mason
Mrs Meillon
Mr Moore
Mr Morris
Mr Murray
Mr Mutton
Mr Osborne
Mr Park
Mr Pickard
Mr Punch
Mr Rofe
Mr Rozzoli
Mr Schipp
Mr Singleton
Mr Taylor
Mr Viney
Mr Webster
Mr West
Sir Eric Willis
Mr Wotton

Tellers,
Mr Brown
Mr Fischer

Pair

Mr Wade Mr N. D. Walker

Question so resolved in the affirmative.

Motion agreed to.

Mr SPEAKER: Order! This being the first occasion on which the honourable member for Northcott has been suspended during this session, the suspension will be for two sitting days.

[The honourable member for Northcott left the Chamber, accompanied by the Serjeant-at-Arms.]

Question of urgency put.

The House divided.

Ayes, **46**

Mr Arblaster	Mr Hatton	Mr Park
Mr Barraclough	Mr Healey	Mr Pickard
Mr Boyd	Mr Jackett	Mr Punch
Mr Brewer	Mr Leitch	Mr Rofe
Mr Brown	Mr Lewis	Mr Rozzoli
Mr Bruxner	Mr McDonald	Mr Schipp
Mr J. A. Clough	Mr McGinty	Mr Singleton
Mr Coleman	Mr Mackie	Mr Taylor
Mr Cowan	Mr Maddison	Mr Viney
Mr Darby	Mr Mason	Mr West
Mr Dowd	Mrs Meillon	Sir Eric Willis
Mr Doyle	Mr Moore	Mr Wotton
Mr Duncan	Mr Morris	
Mr Fisher	Mr Murray	***Tellers,***
Mr Freudenstein	Mr Mutton	Mr Fischer
Mr Griffith	Mr Osborne	Mr Webster

Noes, 48

Mr Akister	Mr Flaherty	Mr O'Connell
Mr Bannon	Mr Gordon	Mr Paciullo
Mr Barnier	Mr Haigh	Mr Petersen
Mr Bedford	Mr Hills	Mr Quinn
Mr Booth	Mr Hunter	Mr Renshaw
Mr Brereton	Mr Jackson	Mr Rogan
Mr Cahill	Mr Jensen	Mr Ryan
Mr Cleary	Mr Johnson	Mr Stewart
Mr R. J. Clough	Mr Johnstone	Mr F. J. Walker
Mr Cox	Mr Jones	Mr Whelan
Mr Crabtree	Mr Keane	Mr Wilde
Mr Day	Mr Kearns	Mr Wran
Mr Degen	Mr McGowan	
Mr Durick	Mr Maher	
Mr Einfeld	Mr Mallam	***Tellers,***
Mr Face	Mr Mulock	Mr Ramsay
Mr Ferguson	Mr Neilly	Mr Sheahan

Pair

Mr Wade Mr N. D. Walker

Question so resolved in the negative.

Motion of urgency negatived.

QUESTIONS WITHOUT NOTICE
(Resumed)

KENSINGTON PUBLIC SCHOOL

Mr BRERETON: My question without notice is directed to the Minister for Education and concerns the Tulloch Lodge racehorse stables at Kensington which are owned by Mr T. J. Smith. Is it the official policy of the Department of Education that a public school should have not less than 7 acres of land? Is the Minister aware that the Kensington public school has only 1¾ acres to cater for 526 pupils? Is this school a major centre for migrant children and are these students being cramped into totally inadequate playgrounds? Did Sir Eric Willis when Minister for Education ask the Valuer-General to negotiate on behalf of the Department of Education for the acquisition of properties adjoining and adjacent to the school site. including Tulloch Lodge? Will the Minister inquire why these negotiations have not been successfully concluded and will he take urgent action to expedite the acquisition?

Mr BEDFORD: I preface my answer by saying that the Tulloch Lodge stables are a fairly famous landmark. However, that does not make any difference if the Department of Education needs additional land for schools. The policy of the Department of Education is to have primary school sites of 7 acres and high school sites of 15 acres, with a tolerance either side of those areas. Some older schools have smaller areas for the approach to requirements in earlier years was different. It is true that Kensington public school has only 1¾ acres to cater for 526 pupils. Obviously the site is too small for the number of children attending that school, as it was in June, 1974, when the previous Minister for Education, now Leader of the Opposition, asked the Valuer-General to make a proper evaluation of additional land including the Tulloch Lodge stables. As the matter has been raised again by the honourable member for Heffron, I shall have departmental officers look into it and I shall advise the honourable member and the House of the current position.

MOORING BUOY IN SYDNEY HARBOUR

Mr FERGUSON: On 9th September, 1976, the honourable member for Bligh asked me a question concerning a buoy in Sydney Harbour between Clark Island and Point Piper. The buoy in question is used at infrequent intervals by ships loading and discharging small quantities of explosives under the supervision of the Department of Labour and Industry. I am assured that all necessary safety precautions are taken. The buoy is situated a little more than 400 metres from the shoreline. During the twelve months ended 30th July, 1976, the facility was used on only two occasions by vessels for this purpose, the shipments being approximately one tonne in weight. Shipments of this size do not pose a hazard to residents in the area.

The original function of the buoy, which was placed in its present location many years ago, was to permit the discharge of explosives for transhipment to the Department of Mines magazine at Bantry Bay, but this installation has now ceased operations. However, the buoy is still considered essential for the purpose of enabling these small shipments of explosives to be handled through the Port of Sydney and it is also frequently used for the mooring of small general cargo vessels awaiting a loading or discharging berth in the port. I regret that in the circumstances I cannot agree to the removal of the buoy.

AMBULANCE SERVICES BILL

Introduction

Mr STEWART (Canterbury), Minister for Health [3.10]: I move:

> That leave be given to bring in a bill relating to the provision of ambulance services in New South Wales; to make provision for the acquisition of property by the New South Wales Ambulance Board; to amend the Local Government Act, 1919, and certain other Acts in certain respects; to repeal the Ambulance Service Act, 1972, and to make provisions consequential thereon.

The principal object of this bill is to transfer the control of ambulance services from the New South Wales Ambulance Board to the Health Commission of New South Wales. This object was conceived with the passage of the Health Commission Act of 1972, and the constitution by that Act of the Health Commission of New South Wales, which was expressly established for the purpose of integrating in due course essential health services into one body.

It will be noted that the proposed legislation will repeal the Ambulance Service Act of 1972. This is being done in order to avoid unnecessarily cumbersome amending legislation and because on the changeover many of the administrative provisions contained in the Ambulance Service Act of 1972 relating to such matters as the recovery of charges, the preparation of annual reports and the commencement of proceedings in respect of damage or injury, will be rendered unnecessary by virtue of certain provisions of the Health Commission Act of 1972. However other provisions of the Ambulance Service Act of 1972 dealing with such aspects as contribution schemes and the appointment of honorary ambulance officers are to be re-enacted.

I should mention also that detailed saving and transitional provisions are contained in schedule 3 of the bill and care has been exercised to ensure that all persons who are currently in the service of the New South Wales Ambulance Board are not adversely affected by the transfer of executive responsibility. I commend the bill to the House and I shall be pleased to give further particulars at the second-reading stage.

Mr HEALEY (Davidson) [3.12]: The Minister has mentioned that the decision to have the ambulance services of the State taken over by the Health Commission was part of the plan envisaged when the Health Commission Act became law in 1972. In fact it was the Hon. John Waddy who, as Minister for Health at the time, made the decision in 1974 that action along these lines should be taken immediately. This bill was in the course of preparation for some time and it was only because of the large number of bills that were being handled by the Parliamentary Counsel that it could not be brought before the House earlier. Honourable members will recall that early last year the operations of the New South Wales Ambulance Board were extended legislatively to enable it to continue to administer ambulance services in this State pending the passage of this legislation. The purpose of the bill, as the Minister has stated, is to take one of the steps necessary for the integration of health services in New South Wales. It is important that community health services, ambulance services and all other services provided at hospitals should comprise a completely integrated system. No element of them should be seen as operating separately. This is important if we are to get the best value that we can out of the health dollar and ensure the greatest efficiency within the health services of the State.

The Minister mentioned that the staff of the existing ambulance services will not be altered. This also was a decision of the previous Government. I hope that the Minister will follow another decision that was made earlier, that ambulance services outside the city of Sydney be operated on a regional basis within the health regions that will be established. That is important to the efficient operation of the health-care programme. It was not intended—and I hope this will appear in the bill—that the operation of the Central District Ambulance in Sydney should be interfered with. It should continue to operate within the area that it is already servicing. It would not be efficient to attempt to regionalize its operations within the metropolitan area.

On the face of things we assume that the bill will be the same as the one envisaged by the Liberal-Country party Government, but we should like to see it before we say that we are in agreement with it. At the second-reading stage I shall be making some suggestions which I think should be considered concurrent with this legislation for improvements in the ambulance services of this State. It is not good enough to transfer the control of the ambulance services to the Health Commission if no further action is taken to improve them and bring them up to what should be expected in the late 1970's. Although we have an efficient system and a good staff, by comparison with ambulance services in other parts of the world. we are lagging behind some of the measures that they have taken to ensure that patients, particularly coronory cases and)motor-vehicle accident victims, are handled somewhat differently from the way in which they are now being handled.

At the second-reading stage I shall take the opportunity to suggest some ways in which changes can be made to some aspects of the ambulance services, perhaps not only to integrate them within the Health Commission but also with the object of ensuring a greater degree of co-operation between the ambulance services and the casualty departments of hospitals. I feel that some of the information that has been brought back by officers of the Health Commission who examined the trauma services in oversea hospitals and ambulance services there would indicate that we have some way to go before we will be providing the best possible health services in this State. The Opposition will await the bill and will have more to say on it at that time.

Mr HATTON (South Coast) [3.17]: I am vitally interested in this bill because for a number of years I had a close association with ambulance services. My father, prior to and after World War II, was an ambulance man. He was subjected, as ambulance men have been for a considerable time, to the belittling task of raising funds for the ambulance service. It was necessary for him to collect subscriptions, though that was not nearly as bad as operating chocolate wheels, running raffles and so on.

I should like to pay a tribute to the men of the ambulance service who have given unstintingly of their time, much of it not paid for, in rendering a first-class service to the community, often under great difficulties. I pay a tribute also to auxiliaries and supporting organizations who back up the ambulance service, particularly in country areas. As one having a close association with this public service, I am pleased that the rights of the officers are to be preserved in the transfer from the Ambulance Board to the Health Commission of New South Wales.

The greatest problem that will face the Government following the passage of this bill is the conflict that will arise over the spending of funds. Local committees, auxiliaries and organizations who support ambulance services in the small towns and villages throughout New South Wales are concerned that the money they raise should be spent within the communities in which they live. They are most concerned that the local communities could lose control of these funds. A regional office

could decide where that money will be spent. The decision could be made at Goulburn, in the case of the southern part of my electorate or at Wollongong in the case of the northern part.

There has been a parochial and close tie between the people and the local ambulance service. Administration of this legislation will be a challenge to the Government. The Government must take care that this tremendous local involvement and enthusiasm is not lost. Ambulance services have many problems in country areas, particularly on the coast where there is a big influx of tourists every year. It always amazes me that the local population of small tourist towns must raise money in order to have an ambulance officer permanently attached to their town when tourists are there in the greatest numbers. For example, the residents of Sussex Inlet had to raise $1,125 to keep an ambulance man there in the short holiday season. They protested about this, and rightly so. If they had not raised that money, the ambulance officer would have been withdrawn. This is a grave problem.

When there is a movement of people from densely populated areas to the country, obviously there should be a shift of capital and supporting services. I put it to the Minister that this is a real problem which confronts not only the ambulance service but also the Health Commission in the provision of health services throughout the State. In small towns and villages along the coast the high proportion of aged and retired folk are likely to have greater need of ambulance services than other citizens. Although 40 per cent of all patients transported by ambulance are pensioners, the federal Government contributes only about 6 per cent towards the cost. In this regard the federal Government is not pulling its weight. Also, cuts in health services in country areas, particularly those provided by community health centres, have put greater strain on ambulance services in places remote from hospitals.

It has become a difficult matter indeed to get to hospital people suffering from heart conditions and other serious ailments. The distance that patients must travel to get hospital treatment is another problem. In my area, the cost of transporting patients from Narooma, which has no hospital, to the nearest hospital at Bega is $194, to Sydney $748 and to Canberra $496. This is a crippling cost. From Bateman's Bay, which has a small hospital, it costs $98 to transfer a patient to the airport at Moruya, $298 to Shoalhaven Hospital and $340 to Canberra. From Ulladulla—there is a small hospital nearby at Milton—it costs $162 to send a patient by ambulance to Shoalhaven Hospital, $324 to Wollongong and $488 to Sydney. The cost of transferring patients from one major hospital to another is heavy. The air journey to Sydney costs $272, emergency air ambulance to Sydney $496, and ambulance by road to Sydney $920. That cost, almost $1,000, is staggering. The cost of ambulance transport from Ulladulla to Canberra is $488, and to Wollongong $760; and the cost from Shoalhaven Hospital at Nowra to Sydney $350.

Mr Healey: People can insure themselves.

Mr HATTON: It is true, as the honourable member for Davidson says by interjection, that people can insure, but the high cost of providing these services puts a strain on the fund-raising ability of the State and the community. Bad debts are another factor. People must be transferred to hospitals, but high costs of ambulance transport in country areas are making this difficult. Ambulances are a vital part of the health services. I agree with honourable members on both sides of the House who have said that ambulance services should be integrated with other health services. I am amazed that the federal Government and the State Government, in particular the federal Government, have not acknowledged that ambulance services should be integrated with the other health services, thereby qualifying them for some sort of funding

arrangements by the federal Government as well as at State level. I was pleased to hear the Minister say that he would protest to the federal Government, and at least try to get ambulance fund contributions made tax deductible. This is fundamental. The federal Government should have done this a long time ago. I await with interest the Minister's second-reading speech. I am anxious to know more about the Government's intentions on the degree of control, distribution of funds and maintenance of incentive. The Government must do everything possible to support the ambulance services.

Motion agreed to.

Bill presented and read a first time.

HEALTH COMMISSION (AMENDMENT) BILL

Introduction

Mr STEWART (Canterbury), Minister for Health [3.25]: I move:

> That leave be given to bring in a bill to amend the Health Commission Act, 1972. in connection with the acquisition and disposal of property and in respect of ambulance services.

The bill is made necessary as a consequence of the proposed transfer of executive responsibility with respect to the control of ambulance services from the New South Wales Ambulance Board to the Health Commission of New South Wales. The bill is a short one and deals with two matters only. First, it provides that the meaning to be given to ambulance services in the Health Commission Act of 1972 shall be identical with the meaning given to ambulance services in the Ambulance Services Bill that I introduced a few moments ago. Second, it enables the Health Commission of New South Wales to acquire property by gift *inter vivos,* devise or bequest and this power will, of course, be exercisable in the context of any gifts, devises or bequests that may be made in respect of ambulances services. I commend the bill to the House and I shall be pleased to give further particulars at the second-reading stage.

Mr HEALEY (Davidson) [3.26]: As the Minister said, this consequential legislative change is necessary following the decision to put the ambulance services within the administration of the Health Commission. This Government must realize, as the previous Government did, that from time to time it may be necessary to change the location of ambulance stations that are not within proximity of hospital services. In this event it will be necessary for the Health Commission to have the power to acquire property for ambulance services. It appears that the Opposition will accept the legislation, but we shall await the Minister's second-reading speech to hear more about the proposals.

Motion agreed to.

Bill presented and read a first time.

LOCAL GOVERNMENT (ELECTIONS) AMENDMENT BILL

Introduction

Debate resumed (from 16th September, *vide* page 977) on motion by Mr Jensen:

> That leave be given to bring in a bill to amend the Local Government Act, 1919, with respect to elections and certain polls.

Mr WHELAN (Ashfield) [3.30]: Mr Speaker——[Quorum formed.] Honourable members opposite, who have just called for a quorum, will have to get used to the idea that they are now in Opposition. I congratulate the Minister for Local Government on introducing this most important measure. He has had a most distinguished career not only in this Parliament but also in local government. He was for nine years lord mayor of the City of Sydney, and he was also the mayor of Randwick and the chairman of the Sydney County Council. No one in this Parliament has a greater wealth of experience in the local government field.

Notwithstanding the contributions that have already been made to this debate by various members of the Opposition, the fact remains that the bill has four basic ingredients—proportional representation, popular election of mayors, reintroduction of section votes and compulsory voting. The honourable member for Burwood said that recently the Local Government Association had a lot to say about compulsory voting, but he omitted to tell the House that the association over many years made requests to the former Liberal-Country party Government on compulsory voting at local government elections. The executive of the association raised the question specifically with the Minister of the former Government on 10th April, 1974, and he gave an assurance that compulsory voting would be reintroduced prior to September of that year. The Minister went on to say that councils would welcome this move and he regretted that it was not practicable to reintroduce compulsory voting sooner. Of course, when Labor came to office last May the people were still awaiting the fulfilment of that undertaking. It has been left to this Government to introduce the necessary legislation.

I was disturbed by the allegation that some secrecy surrounds the provisions of this bill. There is no secrecy. This matter is contained in the platform of the Labor Party and it was mentioned in the policy speech of our leader prior to the last elections. Indeed, that is part of the reason why almost 50 per cent of the people of New South Wales returned a Labor government to the Treasury benches last May. The reintroduction of compulsory voting for all resident electors is refreshing and desirable. It will provide a stimulus to local involvement in community affairs, will make the people more appreciative of their councils, and will acquaint new residents with local administration. It will also ensure that the elected body is composed of true representatives of the local people. I am pleased that our party and our Government is giving this right to local councils and local people.

I have been amazed at the small number of people who have failed to exercise their democratic right to vote at local government elections, but compulsory voting will ensure a more effective administration and a healthy, open local government. There is no confusion in the minds of the people of New South Wales. They might have been a little confused to realize that in 1965, when the previous Government was elected to office, it took it three years to abolish compulsory voting in local government elections and to make voting optional or voluntary. That was an incongruous and retrograde step. The return of compulsory voting will ensure an even healthier response to local government in this State, and will raise the status of local councils to the much talked-about third tier of government. We often hear local government described as a very active partner in the three-tier system of government, yet it took the present Opposition when in office some years before it did anything concrete in this field. Now this Government has the golden opportunity to reintroduce compulsory voting, and I am proud of the Minister who has included this provision in the measure under consideration.

The bill deals also with section votes. Enough has been said on this subject, but I wish to add that this provision will encourage people to realize that their votes will count in local government elections. The provision will also increase the importance of the electoral opinion body and ensure that citizens' views are considered.

Electoral rolls prepared by town clerks or returning officers prior to local government elections were based on insufficient information regarding recent sales in the area, so it is no wonder that many people were omitted from the local government electoral rolls. I believe that the new computerized Commonwealth and State electoral roll will be of great value. Though section votes will be provided for in the legislation, there will not be as great a need as in the past for people to use section votes. There is nothing more disappointing for people than to take the trouble to go to vote and then find that their names have been omitted from the roll as a result of carelessness by some person, perhaps a member of a legal firm who forgot to tick the appropriate square relating to the sale of a property. This omission disfranchised a person who otherwise would have been eligible to vote. The use of section votes will promote further encouragement for people to participate in the democratic choice of candidates for local government elections. The Government is anxious for them to do so.

The bill will enable the local people to elect the mayor of their municipality. This move will be of great benefit to them. I can see no merit in the argument that people might elect a mayor who does not have the qualifications to lead a council. As the honourable member for Hurstville said, people are astute and aware of things; they will elect as their mayor a person who is willing to carry on in the true spirit of local government by looking after their local welfare. With proportional representation the people will be assured that all groups with divergent views will be represented. This is probably the real basis of the Opposition's concern. Honourable members opposite are not really willing to listen to minority groups; they prefer to have the elitist group, or 20 per cent of the people, continuing to influence local councils.

I want to draw the attention of the House to an insidious news sheet issued ***by— [Quorum formed.]*** I can understand the concern of members of the Opposition who call quorums, because this scandal sheet was issued under the name of the president of the Local Government Association and Shires Association of New South Wales. It is a great affront to the people and to every member of this Parliament. I share the concern of those who believe that association funds, which are received from local councils, and so indirectly from ratepayers, have been used on a scandal sheet that is opposed to the democratically elected representatives of the people of New South Wales. The 50 per cent of the people who voted in a Labor government at the last general elections must be affronted by it, for it condemns the Government which has a mandate to introduce not only compulsory voting but also proportional representation, popular election of mayors, and section votes. I do not think it would be appropriate for me to read this document to the House. I simply say that I was surprised that the president of the Local Government Association, Mr Percival, lent his name to this scandal sheet which reflects the principles of the party he belongs to—the Liberal Party. It successfully axed him by a neat piece of knife work, by failing to nominate him for the recent upper House vacancy. I wonder whether, if that ballot had been held yesterday, he would have lent his name to such a scandal sheet.

I am confident that as Mr Percival is in the shadows of his retirement as president of the Local Government Association, the incoming president, the mayor of Tamworth, Alderman Cole, will see through his veneer, this tactic, and will ensure that this scandal sheet is not repeated and that the Government elected by the people is not affronted in any way. The Local Government Association is an august body of people who, I am assured and know, are looking after the citizens of New South Wales to the best of their ability.

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

Mr JENSEN (Munmorah), Minister for Local Government [3.40], in reply: I thank honourable members who have contributed to the discussion of this measure, which proposes the redemption of what the Government regards as one of the most important pledges that it made to the people in the last elections, namely the re-introduction of compulsory voting in local government elections, and seeks to give local government elections the sort of weight in the community that applies to both State and federal elections.

Queensland first adopted the compulsory voting system in 1915. The Commonwealth Parliament adopted the principle of compulsory voting in 1925 under a non-Labor government. Victoria changed to compulsory voting in State elections in 1927. Tasmania adopted that system in 1928. New South Wales adopted compulsory voting at State elections in 1930 when a National-Country party government was in office, and Western Australia used that system for State elections under a non-Labor government in 1936. So, although compulsory voting at elections has been sponsored not by the Labor Party but by the conservative parties, members of the Opposition in this House now mouth resentment at the concept which they say intrudes on the rights of individuals. Yet these were the people who were responsible for the introduction of such a system. We now hear that the proposal to apply the voting requirement in State and federal elections to local government elections does not have the support of Opposition members; that they do not believe in compulsory voting in local government elections. They believed in it until they were given a sound trouncing by the people at the last elections, and they are now looking for all sorts of excuses for changing their mind.

The bill proposes also that mayors should be able to be elected by the people whenever councils decide that that is appropriate. Members of the Opposition are opposed to that principle also, particularly in respect of the councils of Sydney, Newcastle and Wollongong, the three major centres of population. I remind them of the night of the long knives concerning elections for the office of lord mayor of the City of Sydney in the brief period since the system of election by the people was abandoned. One saw the dramatic overthrow of Sir David Griffin. Poor Sir David went into the caucus room seking re-election at the end of his term as lord mayor and told one of his colleagues: "I think I have done a good job. I have no fears about re-election"; but he came out replaced by somebody else. We saw Sir Nicholas Shehadie doing a fine job, but he was in office for only a few weeks when the long knives were out. He was told, even before he had had an opportunity to demonstrate the considerable suitability for that office that he later manifested, that he would not be re-elected.

The Government believes that it is in the interests of the people of this great city that they should be given an opportunity to determine who shall be their lord mayor. That is the proposition that the Government now puts forward. That is the proposition that the Government favours. It favours also proportional representation so that all elements in the community will have an opportunity to be represented on local council. With the introduction of compulsory voting the elitism in local government elections that was fostered in the years of the Askin Government will be replaced. If it is right for supporters of the Liberal Party to hop on to the compulsory-voting bandwaggon for federal and State elections, it is right that they should do the same thing about municipal elections, for the quality of life of our people is determined largely by what happens in municipal elections. I was delighted recently to hear in a radio programme the results of a survey on this matter. In an earlier poll the persons interviewed expressed some reluctance about compulsory voting in local government elections, but in the more recent survey there was a two-to-one majority in favour of extending compulsory voting to local government elections in the interests of the people.

Mr McDonald: How many people were surveyed?

Mr JENSEN: Twenty-five people were surveyed.

Mr McDonald: Nine people were surveyed.

Mr JENSEN: Twenty-five people were surveyed. Sixteen of them said they favoured compulsory voting in local government elections and nine did not. A few months before that the Liberal Party jumped on the bandwaggon when a similar survey indicated that a majority of people did not take that attitude. The philosophy of the Liberal Party seems to be that whatever is popular at the time should be propagated, so long as it suits its point of view. Members of that party could not possibly have dreamed up opposition to compulsory voting in the brief time that has elapsed since the last State elections.

Members of the Opposition have emphasized strongly in this debate that the Council of the City of Sydney has done a good job without compulsory voting, and without proportional representation. *[Quorum formed.]* They extolled the virtues of the council and indicated that the system of voting for local government representatives should not be changed, because the conduct of the present Council of the City of Sydney has been such that a system of compulsory voting would represent unnecessary interference with what has been successful.

The problems inherent in the present situation were referred to by a former Minister for Local Government, the Hon. Sir Charles Cutler, who pointed out that there are councils in New South Wales with a majority of members elected by persons who do not live in the areas administered by those councils. That sort of thing can happen when there is not compulsory voting. Non-residents control a majority of seats on the Council of the Shire of Wyong. That intolerable state of affairs was made possible when only 15 per cent or 20 per cent of the qualified electors voted. This means that a council can get into the hands of a coterie who are not truly representative of the best interest of the ratepayers. I do not say that is true of the present Wyong shire council, but I do say that a majority of the members of that council were elected by persons who did not live in the area but were qualified to vote because they owned land in the shire and were invited to vote in a postal-vote campaign.

The issue concerning the Council of the City of Sydney is not the principal one in this bill, though it is the main one put forward by members of the Opposition who contributed to the debate. The city council is dominated by the Civic Reform Group, which is concerned with corporate welfare; it is not concerned with the welfare of individuals, and it represents corporations. If human needs, especially those of city residents, conflict with corporate gains or corporate interests, the latter prevail. That is a condition commended by the honourable member for Bligh. This is the sort of thing that can happen: from 1971 to 1974 when there was no compulsory voting in local government elections, in the area between Millers Point, Central Railway, Macquarie Street and Darling Harbour, the total floor space rose from 3.8 million square feet to 11.5 million square feet. The amount of office space increased from 50 per cent of the total floor space to 90 per cent of the total floor space. Residential activity declined from 10 per cent to barely 1 per cent. This is the sort of corporate management we have with non-compulsory voting in local government elections, which members of the Opposition praise to the skies.

In the period from 1971 to 1974 factory areas in the City of Sydney decreased from 5 per cent of the total floor space available to practically nil, and retailing space receded from 20 per cent to 7 per cent. That is the sort of city the Civic Reform Group wants. That is the sort of city made possible by the manipulation by the past

Government of city council boundaries. That is the sort of city that emerges when there is non-compulsory voting. I hope that the passage of this bill will be swift. Members of the Opposition have talked about the wonders of the management of the City of Sydney by the present council. I say that it is the least democratic council in Australia, even worse than the Queensland Government. For example, in the Gipps ward 4 000 voters elect five aldermen. In the Macquarie ward 5 000 voters elect 5 aldermen. In the Fitzroy ward 9 000 voters elect five aldermen. In the Phillip ward 11 000 voters elect five aldermen.

That is the kind of gerrymander that the Liberal-County party coalition administration, to its eternal disgrace, has set up. It abolished compulsory voting and, in effect, it said to people who live in a local government area that it does not matter whether they vote or not. Many of the people who live in the Gipps ward have the right to vote at local government elections but have no qualification to vote other than that they are lessee occupiers. They are liable to pay rates but may not necessarily pay them. Such persons have a vote that has two and three-quarter times the value of the vote of a resident of the City of Sydney. It is a disgraceful situation. This Government wants to restore local government to its proper place as an important unit in the three-tier system of responsible government. Voting rights exercised in State and federal elections should be exercised to an equal degree in municipal elections. This legislation will give a stimulus to the people and will ensure that the existing disgraceful situation does not recur. The present legislation encourages people to be apathetic towards local government voting. Section voting is a step forward. If a person is not on the roll, even though he should be, he cannot vote. Section voting will provide a facility for people whose names should be on the roll, but are not, to vote and to offer themselves as candidates. I commend the bill to the House.

Motion agreed to.

Bill presented and read a first time.

TOURIST INDUSTRY DEVELOPMENT BILL

Second Reading

Debate resumed (from 15th September, *vide* page 938) on motion by Mr Booth:

That this bill be now read a second time.

Mr BARRACLOUGH (Bligh) [3.53]: As I said at the introductory stage, the Opposition will support the bill. However, the Opposition will put forward some queries in an endeavour to obtain some assurances on behalf of the tourist industry. There is no doubt that the industry in Australia, and particularly in New South Wales, is in need of a shot in the arm. In the introductory debate I referred briefly to some of the problems facing the industry. I have no doubt that the Minister is well aware of those problems and is in consultation with leaders of the industry on ways to solve them. Under the Country Industries Assistance Act, 1966, moves were available and administered by the Department of Decentralisation and Development. Under the bill these moves will be financed through the tourist industry development fund. It is hoped that additional funds will come from consolidated revenue. The bill makes the Minister completely responsible and in effect he becomes a corporation possessing vast powers. These powers are such that some people in the industry might regard them as autocratic, but we hope that the Minister will not become autocratic.

The former Government established a tourist industry advisory committee to advise the former Minister for Tourism on the disbursement of funds under the Country Industries Assistance Act. Under this bill it does not appear that the Minister will be required to obtain advice from the private sector. He will be advised by officers from his department. Notwithstanding the experience and dedication of those officers, it may be that they do not have the day-to-day contact enjoyed by people involved in the private enterprise side of tourism. Of course, this matter could be rectified by regulations which will obviously follow the passing of the bill. The Opposition asks the Minister for an assurance that he will seek advice from experienced people in the tourist industry through the National Tourist Association of Australia.

Subclause (3) of clause 7 requires that the corporation shall, at such times as the Treasurer directs, pay to the Treasurer such part as the Treasurer specifies, when giving direction, of money paid as interest on any transaction referred to in subsection (1) (e) or on loans made under subsection (2) (d), other than loans made from money borrowed by the corporation under this part. The Opposition is not sure what that subclause means. Does it mean that the Treasurer may direct that revenue from the sale of properties or proceeds from the sale of any assets shall be put into consolidated revenue, when in fact those moneys should be paid to the tourist industry development fund? The Opposition seeks an explanation on that point. We are particularly anxious that the Minister should give a clear indication of the intention of this subclause.

Clause 22 relates to the acquisition of land and gives the corporation power to acquire land. The Opposition would like to know the proposed extent of the corporation's entry into the tourist industry and how its operations will affect the industry. Obviously, the corporation will have power to use funds to acquire property which the Minister might consider appropriate. Does that mean he will have power to acquire, say, Old Sydney Town? Does it mean that he will have power to purchase, say, the Crest Hotel, to which I referred at the introductory stage? Does the bill give the Minister power to spend vast sums of money on perhaps just one project? I should like some clarification on this point. The Opposition is just as concerned as the Minister about the future of Old Sydney Town. Recently in reply to a question without notice I asked of the Minister, he said that negotiations were taking place to prevent this wonderful tourist attraction from being closed down. I wonder whether the Minister might use these powers to acquire Old Sydney Town.

Members on this side of the House would be interested to know how this legislation is to be administered. Does the Minister intend to go outside his department for advice? The track record of the Labor Party has not been good in this respect: it has not often sought advice from the industry concerned. The Opposition urges the Minister to make use of the knowledge and experience of people who have spent a lifetime in the industry so that he might gain the best advice possible. It could be that the bill will work contrary to the concept of private enterprise. The Opposition seeks an assurance from the Minister that he will at all times consult with the industry before making major decisions. I think country members on both sides of the House are concerned that funds which might have been used to assist the tourist industry in rural areas may now be directed to Newcastle, Sydney and Wollongong. I know that the Minister in his press release on this legislation made specific reference to those cities.

Members who represent country electorates would like an assurance from the Minister that funds will not be directed from those areas to the three major cities of Sydney, Newcastle and Wollongong. The distribution of funds is dealt with in clause

33. It is pleasing to see that the Minister will seek the co-operation of municipal and shire councils in promoting the tourist industry throughout New South Wales. I am confident that councils throughout the State will play an important part in the development of the tourist industry. The Minister has said that the Tourist Industry Development Fund will be started with what one can only call a tidy sum of **$3** million. That money will be made available by way of grants and loans to improve and develop the tourist industry throughout New South Wales. The tourist industry in Australia is facing difficult times having regard to the present economic climate.

I propose now to quote some figures that must cause concern to anyone who has had anything to do with the tourist industry. They relate to the balance of payments as they relate to travel. In **1974–75, $213** million—the amount shown as **credits**—was spent in Australia. In the same year **$405** million, shown as debits, went out of Australia. This left a travel gap of **$192** million. The position got considerably worse in **1975–76:** in that period **$244** million is shown as credits, and **$536** million as debits—resulting in a travel gap of **$292** million, so that in one year the travel gap increased by **$100** million. It is to be hoped that this measure, which was prepared by former responsible Ministers, the honourable member for **Wollondilly** and the former Leader of the Country Party, Sir Charles Cutler, will do something to overcome this travel gap. Though the figures I have quoted deal with the position Australia-wide, **it** can be assumed that the biggest share of the travel industry is in New South Wales.

In **1974, 533 000** visitors arrived in Australia from overseas. In the same period **770 000** Australian residents departed for overseas, leaving a tourist gap of **237 000.** In **1975,** the position got even worse: **516 000** visitors from overseas amved in Australia and **916 000** Australians departed for overseas, leaving a tourist gap of **400 000.** It is obvious that one of the great problems facing the tourist industry is that people are not taking the opportunity to see Australia **first.** However, I am confident that the Minister has discussed these problems—and, indeed, other suitable legislation—with the leaders of the tourist industry, and that they have expressed to the Minister their hopes for the future of tourism in Australia.

I have mentioned the present system of payment of penalty rates for weekend work in the tourist industry. There may be a need for a special award for the tourist industry; there may be a need for a special award for people working in the accommodation, motel and hotel industries. The Minister and other members of his party have said that they are in close contact with the trade unions, and perhaps they will do something to deal with this problem. The *Australian* of 27th August contained an article concerning the tourist industry in Australia, headed "Bluey Ocker, your average Melbourne working man". The article stated about the average Melbourne working man—and these remarks are relevant to Sydney people:

> For **$756,** Qantas will fly Mr Ocker **8 878** kilometres to Hawaii and back, and put him up for fifteen days.

It went on to state that if he decided to go to Dunk Island, off the Queensland coast, only **2 606** kilometres from Melbourne, for fifteen days, he would have to pay **$745,** which is almost the same as he would pay for a holiday in Hawaii. That is why many Australians are holidaying away from this country. It is to be hoped that the bill will do something to encourage Australians to see their State—and Australia—first.

As I said at the introductory stage, the tourist industry in the United States of America is going through a boom period. We all realize that the federal Government has to play an active part in helping to increase the amount of interest that Australians take in their own country. Perhaps the federal Government can give a lead by allowing tax deductions for people—particularly families—who spend their holidays in Australia.

I understand that a committee, which has been referred to as a high-powered, backbench committee, will look into the problems of the industry in Australia. Australia is a lucky country when it comes to tourist, holiday and recreation facilities. I think it can be said that not even Europe, Asia, North America or South America have anything like what we have to offer in Australia. I hope that the Government will give approval to the greater staggering of holidays between States, schools and the tourist industry. There is no doubt that this would give a boost to the tourist industry. No doubt the Minister has had discussions with Ministers in other States in regard to this matter. I understand that the problems of the tourist industry have been examined closely in Queensland. I hope the Government will consider whether it is possible to have more peak holiday periods. At the present time New South Wales has only about three or four peak holiday periods. If those periods could be extended, that would be of great benefit to the tourist industry. The Opposition will be using its best and continued endeavours to ensure that the Government becomes a pace-setter in establishing projects consequent upon this measure. We hope that the Government will consult with local government bodies and, of course, the private sector. The Government should realize that tourism in New South Wales needs a shot in the arm. I hope that the measure will be a front runner in regard to giving that necessary boost to the tourist industry.

Mr JONES (Waratah) [4.7]: I support the bill and I hope that it passes through all stages without delay. I compliment the Minister for Sport and Recreation and Minister for Tourism, who has done an excellent job in the short time he has held his portfolio. The Minister and the Government are showing initiative in bringing forward outstanding legislation. That something is being done for the tourist industry is long overdue. The establishment of the tourist industry development corporation will be a shot in the arm for the tourist industry. I agree with the honourable member for Bligh who quoted some figures about the number of people leaving Australia. Something must be done to encourage people to stay in Australia rather than travel overseas. The federal Government should appreciate the problem, come to the party and assist the tourist industry. The federal Government should take the opportunity to do something about devaluing the dollar. This would result in people being given a better chance to appreciate the attractions of their own country. I should like now to refer to some aspects of the bill. ***[Quorum formed.]***

Proposed new section 475Q confers on councils power to assist tourist development. I should like the Minister to examine the possibility of grading accommodation. The task of a person who lives in Newcastle obtaining accommodation on the north coast, south coast or in the western districts of the State is a difficult one. If a person books accommodation without having seen it and pays a deposit, the accommodation may turn out to be abominable. I once booked accommodation on the north coast out from Coff's Harbour and after spending a short time there I was appalled that the accommodation should be made available to members of the public. The accommodation was not livable. I threatened to put the matter in the hands of the health department of the local council.

Consideration should also be given to granting licences for the operation of tourist organizations. That would help to obviate the problem confronting people who wish to book accommodation. Local health inspectors could assist in grading the accommodation and in the issuing of licences to applicants. I was fortunate in that I was able to avoid living in the conditions that I have mentioned. Other people who find themselves saddled with accommodation that does not measure up to their expectations may not be so fortunate. The sooner these aspects are examined, the better. In this manner the Minister could help the industry to help itself. There is a need for the legislation and I have nothing but admiration for it. The tourist industry needs this

type of legislation to help it through these troublous times. People who take their families to see country areas when the opportunity arises will be helped if the Minister is able to overcome the problems I have mentioned.

Mr ROZZOLI (Hawkesbury) [4.15]: Along with the honourable member for Bligh, I welcome the legislation. I should like to comment on how far the legislation goes, or does not go, towards solving the problems confronting the tourist industry. The measures in the bill provide a good starting point but more is needed. Tourism is built on a philosophy of co-operation. There should be no such thing as one tourist area competing with another. It has been proven time and time again that the greater the degree of co-operation and interchange of ideas between tourist areas, the better for all concerned.

At the present time oversea tourist attractions attract many people and large amounts of money. Australia does not appear to be receiving much patronage from overseas. We should not do anything to discourage people from travelling. If the tourist industry in Australia is handled correctly, eventually we shall receive the benefit from Australians going overseas. People from other countries will be stimulated to come to Australia. Obviously we must fulfil our share of the contract by providing conditions that are conducive to attracting people to Australia. We should not fall into the fallacy of believing that we are in competition with other tourist agencies. We should work in an atmosphere of complete co-operation.

I welcome the expansion of the tourist industry into the central region. Formerly money available from government sources for tourist promotion could be expended only in country areas. By this measure money may be applied to the central region. The honourable member for South Coast said that the former arrangement provided an automatic decentralization inducement. I do not know that that is a valid comment. It is essential that the basic facilities be provided in the central region for the reception of tourists from overseas. The central region is the jumping-off point from which many people who arrive in Sydney go to country areas. Unless top class tourist facilities are provided in the central region oversea visitors will not visit the country regions. We should not be relying only on our local people travelling and providing tourist potential for country regions. We should be looking for travellers from interstate and overseas. Good facilities in the central region are essential to enable tourists to move throughout New South Wales. I welcome the expenditure of money in the central region.

The bill provides also for the loan and grant of money under attractive circumstances to *bona* fide operators. There is provision for a relief period from the payment of interest. No doubt encouragement will be given in this way, though that is not specifically set out. I should like the Minister to re-examine the granting of money to relieve development corporations from interest payments not only for, say, five years on a loan but also on the bads that those who provide tourist facilities should be encouraged to raise finance from other sources both from within the industry and from outside credit organizations. They should be able to receive grants to cover interest payments for the first five years. This will place modest demands on the amount of funds the Government has available and leave intact loan moneys. I observe nothing in the legislation that would prevent that policy. I should like the Minister to inform the House whether that can be done. I know from the development of tourism in my electorate that such a scheme would be of tremendous assistance to the many enterprising people who need that little bit of relief in the early stages.

Opposition members particularly have mentioned that wages are probably the most significant factor weighing down the tourist industry in New South Wales and indeed the whole of Australia. The Government must look closely at the penalty rates payable in that industry. Inevitably the catering for tourists involves people

working at times that attract the highest penalty rates, such as weekends, late at night and during holiday periods. The Government must look hard at the need to scale down penalty rates in the tourist industry and consider particularly whether the first 40 hours worked in a week should be paid at a standard rate and penalty rates waived.

Many people work in tourist areas because they are attracted to the amenities those areas provide. For instance, a person working as a waiter, musician or entertainer at a coastal resort would enjoy the facilities that are offered by that area. The work has compensation other than the payment of penalty rates, which often is not warranted. People find it convenient to work at ski resorts so they can enjoy skiing when they are not working. To give these people further compensation by way of additional salary in the form of penalty rates is unfair, particularly when these penalty rates are holding back development of the tourist industry which would create further employment. The Government should consider seriously the circumstances which militate against the development of the tourist industry. Additional employment results in more income tax which affords relief from further indirect taxation, bringing benefit to all people in the State.

Although I shall raise this matter at another time in my role as Opposition spokesman on planning and environment, I invite the attention of the Minister to the need for him to prevail upon the Department of Planning and Environment to introduce flexibility into local planning ordinances to permit commercial operations based on tourism to exist outside normal planning provisions. I cite my electorate of Hawkesbury, which is a magnificent rural area blessed with wonderful historic buildings. However, rising costs and increasing values of land are making it increasingly hard for rural enterprises to operate. This and similar areas can be preserved if cottage-type industries, cottage restaurants and similar semi-rural enterprises are permitted, though under present planning legislation they must be classified as commercial operations or refreshment rooms. The Thompson Square area of Windsor can be preserved and stimulated by the introduction of certain types of business operations which under present legislation do not conform to the normal requirements for commercial development.

Where a bona fide operation associated with the tourist industry can be developed, special provision should be made for suspension of a planning ordinance in special circumstances to allow the development to proceed. However, such a suspension should apply only while the operation associated with the tourist industry continues in that special form. If there is any change of use or a drift into a business contrary to the original strict terms, a separate application for a further suspension of the planning ordinance should be made, tailored if necessary to the new conditions. I would not wish approval to be given for the operation of a craft shop that would be particularly appropriate to the tourist industry in the area which I have mentioned, and for it to pass into an ordinary dress shop or finish up as an undertaking with no relation to tourism. The scheme would need to be carefully supervised and looked at in detail to give genuine encouragement to the tourist industry and to ensure the preservation of the environment.

I turn now to the environment generally and the role that tourism plays in its preservation. Tourism can be a great asset to the environment provided it is carefully managed. I cite as an example the proposal to establish a national park in the Border Ranges. Conservationists have suggested that tourism would offset a decline in the logging industry which would need to draw out of the Border Ranges area if a national park were proclaimed. The area is essentially one for tourists. Its wilderness areas could be damaged by excessive visits by tourists. This may destroy that which it was initially

intended to preserve. However, there is a place for tourism in national parks such as the proposed Border Ranges national park provided they are carefully managed. Tourists should not have ***carte blanche*** if it is intended to preserve the environment.

I bring to the attention of the Minister the need to channel funds from the corporation into the development of tourist roads. In the Hawkesbury electorate local usage of many roads that may serve only two or three farms requires a fairly low standard of construction. However, because an historic church or a beauty spot is accessible only by these roads additional money should be made available to upgrade them to allow for the wear and tear caused by tourists. I do not say that councils should not contribute something towards the roads but additional funds should be made available to support the efforts of councils to upgrade roads. A good road surface is important in attracting tourists to an area.

Many challenges facing the tourist industry are not recognized in the bill. Some of the moneys that flow into the tourist development fund derive from the country industries assistance fund, from money borrowed, principal money repaid in respect of loans and proceeds of any transaction affecting real or personal property acquired with money from the fund. The key source of funds is any money appropriated by the Parliament for the purposes of the fund. This means the fund is very much in the hands of the Treasury. It is not a political matter; we all know that these emerging areas are often very much at the mercy of the Treasury and it is difficult to get adequate funds. The Treasury says that transport, education and health come first; and that is a powerful argument. I believe that the Minister should be looking at some other means of supplementing funds. The previous Government examined the possibility of some sort of bed tax or something of that nature, and it was found to be unacceptable for many reasons. I agree with that, in the context in which it was put, but I do not think that means that we should not look at possibilities of raising money from sources other than the five listed in the bill.

Another question I should like to put to the Minister concerns the guarantees the corporation can give. I should like to know what is the determining factor in the amount the fund will guarantee, whether it is dictated by the amount of money the fund controls or whether it is to be backed by Treasury funds. Is there a ceiling on the amount of the guarantee or the number of guarantees that may be given in any financial year? The tourist industry is of such great value to this State and has such great potential as a revenue earner, an employer and! as a preservation factor that it requires a most detailed examination and a far higher place in the priorities of the Government. The previous Government did not place it sufficiently high in its priorities and I should like to see the present Government give greater recognition to it than it has at present.

Finally, I should like to mention the possibility of a select committee, much along the lines of the select committee that inquired into the fishing industry. The tourist industry has no less potential than the fishing industry and a detailed examination by experts is justified. We should look towards the possibility of setting up a select committee to examine thoroughly all aspects of the tourist industry, including its financing, with a view to extending the role that tourism plays in relation to the environment. There are many factors that have not been put under the spotlight despite the great significance that the tourist industry can be and should be to the economy of the State.

Mr WILDE (Parramatta) [4.33]: I support the Minister and speakers from this side of the House who have welcomed the introduction of this bill. I am particularly happy to see that the bill provides for financial assistance within the metropolitan area

of Sydney and the cities of Newcastle and Wollongong. One of the weaknesses of previous legislation was that finance could not be made available for these areas in which most of the population reside. If we are to promote tourism and encourage people to take their holidays and recreation within this State, we must encourage and promote tourism within the areas they find most convenient to reach. So it is only reasonable that financial assistance should be given in areas where the majority of people reside. I have a particular interest in this matter because in my own electorate of Parramatta we have many areas of historic and tourist interest. They have not received any substantial financial support.

Members of the House would be well aware of the better-known attractions in my electorate, such as Old Government House and Experiment Farm, which are maintained by the National Trust. It has done a tremendous job in renovating and restoring the cottages of Experiment Farm. Old Government House is in an entirely different category: work on it was financed largely because of the centenary celebrations. These are only a fraction of the historic buildings in the area which are crying out for funds to be allocated to them and, if properly restored, would provide substantial tourist attractions. They would attract not only people from within the metropolitan area but also from overseas—people who are interested in coming to Australia to examine the historical background of the country and like to have a look at the way the country has developed.

Australia is in a fortunate position in that it would probably be the only developed country in which it is possible to trace history right from the days of its earliest settlement. Some dwellings still in existence were established at the time of settlement of this country and have been used to the present day. I suggest that few countries of our degree of development can boast such attractions, but they have been neglected; they are falling under the demolishers' hammer from time to time. As was mentioned recently on behalf of the Minister for Planning and Environment, legislation will be implemented shortly to try to stop the demolition of these buildings. That is only half of the problem; they have to be restored and brought up to a standard where they will be of interest not only to Australians but also to oversea visitors. Then I am sure they will be of some significance to tourists.

I hope when we get to the stage of deciding where funds will be available in the metropolitan area, considerable thought will be given to properties such as these within my own electorate. The honourable member for Hawkesbury referred to areas within his electorate where there are properties of great historic significance. The Parramatta and Hawkesbury districts combined to form a tourist association. Its purpose was to promote tourism to these two areas. When the association sought government funds—which was the only way in which funds could be obtained—by setting up a committee on a regional basis, the only contribution it was able to get was $3,000 in the initial year, which was quite insignificant in relation to the total cost of setting up a tourist facility.

This State is dropping behind the rest of the world in promoting tourist activity. I was interested to hear the figures given by the member for Bligh with regard to the proportion of people who were taking their holidays within the State as compared with those who were going overseas. The first year he quoted showed that the disparity of those holidaying overseas compared with those holidaying in Australia was 40 per cent. That increased rapidly within a couple of years to an 80 per cent disparity. Little has been done to try to improve the situation where most people are finding it more attractive to go out of the country to take their holidays overseas. I do not believe the solution lies in trying in some way to restrict the rates of pay of persons

engaged in the tourist industry. It is not possible to establish a viable tourist industry if employees engaged in it are to be paid at a lower rate than are employees engaged in other industries.

The foundation of a viable industry cannot be built on the cheap, and it is not realistic to expect people engaged in the running of motels, hotels, entertainment and so on to work for forty hours a week, over weekends, and to be paid only the same rate of pay as people who are engaged in normal industries on a 9 a.m. to 5 p.m. basis. If there is to be a viable tourist industry, the people who are engaged in it must be recompensed on the same basis as are those who enjoy its benefits. Obviously the holidaymakers have derived their money from industries in which they enjoy overtime payments, penalty rates and holiday pay. I am sure that no Australian when on holidays would expect any person providing the services and amenities to be paid less than he is paid in his own industry. There is certainly no reference to this in the bill, and I should be surprised if any member on this side of the House were to suggest such a proposal.

The honourable member for Hawkesbury spoke about selective zonings, to allow some industries in his area to operate. He rightly drew attention to the dangers inherent in such a proposal. I endorse his remarks in this respect. In my own area the former Government, as a result of representations, made a decision concerning a building that had some historic significance. The Minister suspended the zoning of this home and zoned it for historical purposes—as the Minister said, for a consulate, tourist visits, wedding receptions, and the like. Wedding reception use was all the owner was after, and the local council told the Minister that this was the purpose of his application. The owner immediately applied to use the house for wedding receptions, much to the annoyance of the people who live in the immediate vicinity; they believed that the amenity of their residential neighbourhood would be completely disturbed. This house, although it had some sort of historical significance, was totally unsuitable for a wedding reception establishment, because the neighbouring people will be deprived of an enjoyable residential area as a result of insufficient thought being given to the by-product of the administrative action taken by the former Government.

Though the preservation of buildings of historic significance should be encouraged, attention should also be paid to the rights and entitlements of persons in the surrounding areas. I suggest to the Minister that in the metropolitan area many other fields of tourist potential could well be explored when this legislation is brought into effect. Recently the Minister for Planning and Environment issued a plan known as the Parameters of the River; it referred to the Parramatta River. It followed a survey financed by the Whitlam federal Government, which granted $20,000 for the purpose. It was the intention of that Government also to make further funds available to allow the plan to be implemented. Naturally there will now be no more money available from federal sources, although the Parramatta River has a great deal of tourist potential, including recreation and enjoyment by the people of the metropolitan area. Areas such as this are convenient to where the majority of the people of the State reside, and that is why I suggest that some of the funds should be spent there rather than allocated to remote areas. I particularly commend the Minister for bringing forward these proposals, which will make provision for funds for the Newcastle, Sydney and Wollongong areas.

Mr COWAN (Oxley) [4.45]: I add my support for the bill, and I compliment the Minister on its introduction. I know how anxious the Minister is to get before the House this measure, which is an important advance for tourism. The bill sets out only the guideleines, and we shall have to wait to see how successful it will work when

funds are available for certain projects. Naturally, coming from a country electorate, I am concerned with clause 33. In no way do I oppose the extension of the legislation to include Sydney, Newcastle and Wollongong, which will share in the distribution of these funds, which previously have been available for country industry only. Of course, the tourist industry has played an important part in the country; I know that in my electorate at least three or four projects were assisted by tourist industry grants. However, I trust there will be no drying-up of funds to tourist projects in country areas.

I am sure that all honourable members appreciate the benefit of extending these funds to cover the city and other areas. As an honourable member said this afternoon, when tourists arrive in Australia their first point of contact is the larger airports. As they arrive in the metropolitan areas, there must be accommodation there for them. I am sorry that the City of Sydney does not properly cater for conferences, which are so important these days. In America and Europe this provision is made, and thousands of people come to, say, the United States of America from European countries for the express purpose of attending conferences. There is no reason in the world why this sort of facility should not be provided in Australia, especially when we have in mind the growth of our travel industry.

I am sorry that governments in the past have not done more towards financing the tourist industry, but I wish to point to one important factor. No matter what subjects are discussed—sewerage, water schemes or planning—they are all an integral part of the future of the tourist industry; they all serve a purpose. Therefore, I believe that these grants and loans—and I know this is in the back of the Minister's mind—should go to special purpose projects that will be of assistance to the tourist industry. If many local government projects were to receive moral and financial encouragement, they would be better equipped to cater for tourists. Also, funds should be available to projects where private enterprise is unwilling to enter the field. In the north of North America, as private enterprise is unwilling to invest in the tourist field, the governments are developing many tourist projects. These are special projects that should receive government assistance.

I stress that the travel industry must grow in country areas, which at all times must receive the bulk of assistance from governments. With the growth of the fund, I trust that more money will be made available for country areas of the State.

Mr WEBSTER (Pittwater) [4.48]: I do not by any means intend to knock the bill, but I must place an opinion on record. This measure is a pretty bland, mechanical sort of document, which refers to land acquisition, leasehold and freehold of buildings, and the means by which people can raise money. I should like to see some sort of assurance in the legislation of the wisdom and direction of expenditure through any tourist industry authority that might be established. I have not heard in this debate any reference to some of the problems that confront the tourist industry in Australia. I have heard of the industry's enormous potential, but no one has mentioned that Australians can spend seven days in Noumea for $278 but it costs them $388 to spend the same period in Alice Springs. While this anomaly exists, we shall not get too far.

The honourable member for Parramatta exalted the virtues of Experiment Farm. I should not like to see even a dollar of promotion money directed to Experiment Farm in an endeavour to attract visitors from, say, the City of New York. Let us not kid ourselves that this sort of thing has not happened in the past. We should not attempt to convince someone from New York that Experiment Farm offers greater virtues than a visit to the temples of the Teotihuacan epoch near Mexico City. We must be realistic about the way we spend our money.

Attitude is an important point. The honourable member for Parramatta raised this matter also and referred to the means by which employees in the tourist industry are paid. The system goes right back to the dreary old five-day-a-week syndrome which has just about crucified this country economically. In any country where the tourist industry flourishes the industry is on seven-day-a-week basis. In fact, in places like Bermuda and Honolulu it is almost a privilege to be involved in that industry. Some of the big pubs in Honolulu, Europe and the United States of America would close if a five-day week were the criteria for their operations. We must get rid of that sort of thinking. We must get rid of penalty rates and overtime in relation to the tourist industry. It is a seven-day-a-week operation. We: must change the public's attitude towards tourism. We must stop people from saying, when they see a boat load or a train load or a plane load of people, "Here come the damned tourists again". Our attitude towards tourists must be one of welcome. We are part of the scene. We are part of the great act which is tourism.

On the ***Sunlander*** to Cairns it is extremely hard to get a drink. If one is willing to pay $2 for a meal—and it is the pie and peas affair—one gets a ticket for the privilege of buying two drinks to have with that meal. Travelling from Brisbane to Cairns one is inclined to get thirsty. In fact, I doubt that any member of this House would not welcome a drink at the bar when that train pulls into Rockhampton. But, what greets the passenger when he alights? The bar is closed. Why? Because the train is in at the station. We must overcome that sort of thinking. We must spend a dollar or two in conditioning the attitude of people and informing them what the tourist industry is about, telling them of its potential and making them aware that they are part of it

I notice that the honourable member for Blue Mountains smiles. I see no reward in spending $4,000 or $5,000 on tourist promotion in Innsbruck to try to get people to leave the Jungfrau to come to the Blue Mountains. That has been our type of approach in the past. We must change that approach and get our priorities right. I come from what honourable members would agree is the most beautiful electorate in New South Wales. We must understand the distinction between recreation and tourism. The electors of Pittwater do not look upon their district as a major tourist attraction but rather as a recreation wonderland. I implore the Government to give some thought to establishing training facilities in schools located in areas where tourism may be potentially a principal industry.

No doubt the honourable member for Wagga Wagga would speak in support of this sort of proposal. Apprentices are trained for almost every industry but not for tourism. Why does not the Minister for Education inject into the curriculum of schools in certain areas the subject of tourism? I brought this up recently at the education council conference but the suggestion got buried along with many other topics. In districts where tourism has the potential to attract large sums of money we should set up in schools hotel-type and motel-like accommodation with families for training young people in food preparation, food serving, beverage serving, management and the like.

Mr Bedford: In our schools?

Mr WEBSTER: Yes, in appropriate areas, and a curriculum for teaching them that there is an art in selling tourism.

Mr Bedford: In our schools?

Mr WEBSTER: Yes, make it a school subject. Why not?

Mr Bedford: In the schools? No.

Mr WEBSTER: Apparently my suggestion will be rejected. When the Opposition parties are back in government shortly no doubt I shall get a better hearing and maybe this thought will be developed. Whatever money is to be spent through this proposed authority it must be directed wisely and from that spending must emerge new ideas that will lead to changes in attitude on the part of everyone involved. Money must be spent according to priorities upon which I believe the future of the tourist industry in Australia will depend.

Mr R. J. CLOUGH (Blue Mountains) [4.55]: I assure the honourable member for Pittwater that I was not smiling at the case he was putting; I was smiling at the predicament in which he apparently found himself—dying for a drink and the shutters on the bar firmly closed. Perhaps when one is in Rockhampton one should do as the Rockhamptonites do. No electorate has a bigger tourist potential than has the electorate of Blue Mountains. I support this bill which will channel funds to the tourist industry in my electorate. I have heard members from the Opposition side of the House indicate that they do not oppose money being spent in the metropolitan and near-metropolitan areas. I welcome that attitude.

About four years ago, when the four regional tourist areas were developed, for some unknown reason the Blue Mountains district was left out. The Blue Mountains area has a lot to offer the tourist. I do not refer so much to international tourists coming from the mountains of Austria and Germany as to people in New South Wales, hundreds of thousands of ordinary families, who look for some form of reasonably inexpensive enjoyment away from the city. I refer to day-trippers who might like to visit an area relatively close to Sydney and enjoy the scenery and other attractions of the Blue Mountains. Jenolan Caves, located in my electorate, is a resort owned and operated by the Government. It is excellently managed and has a good staff, all of whom take pride in the job they are doing. The Jenolan Caves are restricted in development by their extreme popularity. On any peak weekend the number of people who may travel to and from the Jenolan Caves is restricted by the difficulty of access to the area. Often traffic must come in one way and go out another way, through Oberon, back to the Great Western Highway. The Minister recently visited Jenolan Caves and I am delighted that one of the development projects that will come about as the result of that visit will be the introduction of a cable car from the top of the plateau to the chalet, enabling people to park their cars on top of the mountain. *[Quorum formed.]* This improvement will make it easier for the long-term visitor to Jenolan Caves to get in and out of the area.

Many other attractions are located in my electorate—the zig-zag railway, which used to wind its way down the mountainside, the historic village of Hartley and the Wolgan Valley. Development of those tourist attractions is beyond the capacity of local government bodies. It is necessary first to determine what attractions are in an electorate and second to improve them to a reasonable standard so that visitors and tourists to the area will feel that they receive reasonable value for their money. The provisions of the bill enabling grants and loans to be made available will permit the upgrading of attractions within the Blue Mountains. Funding of tourist attractions in an area such as the Blue Mountains is beyond the scope of local government. In any event, these attractions are part of the State and national heritage. Nevertheless, this year the regional tourist association of the Blue Mountains is being funded to the tune of $12,000 by the Blue Mountains City Council.

I referred earlier to the need to attract people to the Blue Mountains so that money is spent on tourism within the State rather than overseas. That would have a snowballing effect in my electorate, where employment is at a premium. The majority of people who are employed have to spend up to five hours a day travelling to and from the city. What I have suggested will provide additional local employment,

reduce the need for commuters to travel to the city, and at the same time it will engender patronage from visitors for the public transport system. For those and other reasons I wholeheartedly support the Minister in the presentation of the bill. It will be of great benefit to areas such as mine.

Mr SCHIPP: Mr Speaker——

Mr FLAHERTY (Granville), Government Whip [5.3]: I move:

That the question be now put (S.O. 175B).

Resolved in the affirmative.

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

Motion agreed to.

Bill read a second time.

Committee and Adoption of Report

Bill reported from Committee without amendment, and report adopted.

Third Reading

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.4]: I move:

That this bill be now read a third time.

Mr MASON: Mr Speaker——

Mr FLAHERTY (Granville), Government Whip [5.6]: I move:

That the question be now put.

The House divided.

Ayes, 46

Mr Bannon
Mr Barnier
Mr Bedford
Mr Booth
Mr Brereton
Mr Cahill
Mr Cleary
Mr R. J. Clough
Mr Cox
Mr Crabtree
Mr Day
Mr Degen
Mr Durick
Mr Einfeld
Mr Ferguson
Mr Flaherty
Mr Gordon
Mr Haigh
Mr Hills
Mr Hunter
Mr Jackson
Mr Jensen
Mr Johnson
Mr Johnstone
Mr Jones
Mr Keane
Mr Kearns
Mr McGowan
Mr Maher
Mr Mallam
Mr Mulock
Mr Neilly
Mr O'Connell
Mr Paciullo
Mr Petersen
Mr Ramsay
Mr Renshaw
Mr Rogan
Mr Sheahan
Mr Stewart
Mr F. J. Walker
Mr Whelan
Mr Wilde
Mr Wran

Tellers,
Mr Face
Mr Quinn

Noes, 47

Mr Arblaster	Mr Hatton	Mr Pickard
Mr Barraclough	Mr Healey	Mr Punch
Mr Boyd	Mr Jackett	Mr Rofe
Mr Brewer	Mr Leitch	Mr Rozzoli
Mr Brown	Mr Lewis	Mr Schipp
Mr Bruxner	Mr McDonald	Mr Singleton
Mr J. A. Clough	Mr McGinty	Mr Taylor
Mr Coleman	Mr Maddison	Mr Viney
Mr Cowan	Mr Mason	Mr N. D. Walker
Mr Darby	Mrs Meillon	Mr Webster
Mr Dowd	Mr Moore	Mr West
Mr Doyle	Mr Morris	Sir Eric Willis
Mr Duncan	Mr Murray	Mr Wotton
Mr Fisher	Mr Mutton	*Tellers,*
Mr Freudenstein	Mr Osborne	Mr Fischer
Mr Griffith	Mr Park	Mr Mackie

Resolved in the negative.

Sir Eric Willis: I ask leave to move that the previous question be recommitted to the House. My reason for doing so is that there was a misunderstanding by one honourable member on that occasion. I ask that the proposition be recommitted so that the pairs arrangement entered into can be followed.

Mr SPEAKER: Order! The pairs arrangement is purely an arrangement between Whips. It is unofficial and cannot be taken into consideration.

Mr MASON (Dubbo) [5.14]: The legislation that is before us deals with the tourist industry, which is a most important one. I am concerned that because of this measure money that would have been destined for country areas may now find its way to the city.

Mr F. J. Walker: On a point of order. This is the third-reading stage of the bill, and the only issue to be debated is whether the third reading should be taken now. It is not permissible under the standing orders for the honourable member to discuss budgets and money or to proceed any further on those lines. In the circumstances I think the honourable member would do well to sit down and let the——

[Interruption]

Mr SPEAKER: Order! The question recently resolved was that the question be now put. The honourable member is speaking to the motion for the third reading of the bill. It is quite in order for him to speak to the motion, thought not in the wide manner of the second-reading debate. He is restricted in this debate. I shall listen intently to see whether he breaches the standing orders.

Mr MASON: The concern that I have—and this is my reason for rising to speak on the third reading—is that there is the possibility that money that was destined through the country industries assistance fund for the country will now be diverted to metropolitan tourist activities. I am sure that honourable members will agree when I say that for many country communities tourist activities are their main industry and their chief means of attracting growth and development. Tourism for them is their very life blood. The funds that are available for tourist activities—indeed, for most of the important activities of this State—are seriously limited and I am sure the

Minister who will be charged with the responsibility of administering this legislation will wish that he had far more money available to him. The diversion of any portion of available funds from the country activities to the metropolitan areas of Sydney, Newcastle and Wollongong will be a sad thing for the general development of the tourist industry in this State. Accordingly, I take this opportunity at the third-reading stage, late though it is, to plead with the Minister, in his administration of the bill when it becomes law, to give priority to those country tourist industries that were destined to receive aid from the country industries assistance fund.

I believe that the building up of tourist industries in country centres is of supreme importance. I cite, for instance, some of the tourist activities in western New South Wales—activities that, without this sort of assistance, will not be able to get off the ground. If they can be assisted, if some of the meagre funds that will be available are directed to them, they will attract people to that vast and beautiful western area of the State. I ask the Minister, when allocating funds that are available to him, to give priority to country projects over projects in the Sydney, Newcastle and Wollongong areas.

Motion agreed to.

Bill read a third time.

FEDERATION OF PARENTS AND CITIZENS ASSOCIATIONS OF NEW SOUTH WALES INCORPORATION BILL

Second Reading

Mr BEDFORD (Fairfield), Minister for Education [5.20]: I move:

That this bill be now read a second time.

Before commencing a detailed description of the bill I should like to record my deep appreciation of the work of parents and citizens over many years in the interests of education in New South Wales. The associations and the dedicated individuals within them have enabled the provision of equipment, facilities and amenities which have been beyond the resources of government. The associations have been also an important means of community involvement in the educational process. The assistance given by the movement is beyond measure.

The Federation of Parents and Citizens' Associations of New South Wales is an association that was formed in the early part of this century. It has a servicing, co-ordinating function in respect of the various parents and citizens' associations. Honourable members may be interested to know that the constitution of the federation includes reference to the following ohjectives: to promote the cause of education and to facilitate community involvement in education; to co-operate with the Department of Education and all community agencies interested in furthering education; and to assist in the organization of associations and district councils, and provide financial assistance as may seem appropriate. Other objectives involve research in education and the raising and expenditure of funds in respect of the activities of the federation. Honourable members will agree with me that these worthy ohjectives deserve the full support of government. On a personal basis, may I say how much I value the close relationship with the federation. The important organization has much to offer in the way of advice and assistance to Ministers for Education.

The business of the federation was previously conducted on premises at 67 Regent Street, Chippendale, in accommodation provided free of charge by the State Department of Education. Recently it purchased and occupied premises at 408 Sussex

Street, Sydney. This prompted a request for title of the newly acquired property and other property to be registered in the name of the federation, rather than in the names of nominated trustees. The latter means of registration of property has obvious disadvantages, in that all nominated trustees must be contacted and available to conduct the business of the federation. This is not always practicable. The purpose of the bill is to provide for the incorporation of the unincorporated body and to make provision for the transfer to the corporation so constituted of real and personal property held at present by the trustees.

Clause 1 of the bill concerns the short title and clause 2 deals with the interpretation of terms. Clause **3** provides for incorporation of the federation and indicates. the name of the corporation. It sets out that a true copy of the constitution shall be lodged in the office of the Corporate Affairs Commission. It also indicates that the Minister may declare that the federation is incorporated by publishing a notice in the ***Government Gazette.*** The members of the corporation are outlined in clause 4, which. stipulates that any provision of the constitution that provides for cessation of membership in the event of failure to pay affiliation or other fee is not affected by this clause.

Clause 5 provides that the constitution required to be lodged becomes the constitution of the corporation, and the executive council referred to in that constitution becomes the governing body of that corporation. This clause also confirms that decisions made at annual conferences or by the governing body become decisions of the corporation. Office-bearers who held office prior to incorporation will continue to hold office under the new legislation. Amendments to the constitution can be effected under clause 6, which stipulates that a true copy of the resolution must be lodged with the Corporate Affairs Commission and the prescribed fee paid. Clause 7 provides for the annual conference to continue to be held on the usual date.

Clause 8 requires the corporation to lodge a copy of the notice of incorporation, together with a notification of the address of the corporation's office, with the Corporate Affairs Commission, and to pay the prescribed fee. Any subsequent change of office address must also be lodged with the Corporate Affairs Commission; failure to do so within 14 days after the change will incur a penalty of $100, with a further penalty of $10 for every day thereafter. This is a normal provision of law.

The common seal of the corporation must be kept by the president and must be affixed to an instrument or document in the presence of at least two members of the executive council as specified in clause 9. The serving of a document is described under clause 10 and operates in the same way as the service of a document on a company. Clause 11 allows employees of the federation to enjoy continuity of service with the same status and under the same conditions as previously applied before corporation.

The transfer of assets and liabilities of the federation from the control of the trustees to the corporation is described in clause 12. Once the Minister has published the ***Government Gazette*** notice, all business transactions or contracts previously entered into by the federation will automatically apply to the corporation. Before concluding, I emphasize that the bill provides for a more advantageous means whereby the federation can conduct its business and enter into ownership of property. This should assist the federation in the promotion of its objectives. I feel sure that all honourable members will endorse the bill, and I have much pleasure in commending it to the House.

Mr PICKARD (Hornsby) [5.25]: I commend the Minister on bringing forward this measure, which was prepared by the previous Government to enable the parents and citizens associations to carry on more effectively the grand work they have done for the schools, for education and for the children who have gone through the schools over

their long history of involvement in the education system and their efforts to improve it. I was glad to hear the Minister quote the aims and objectives of the Federation of Parents and Citizens Associations. Teachers know that these people have always sought to be more than tuckshop attendants. On very rare occasions a parents and citizens association can become difficult to deal with, but generally speaking these groups of dedicated people have given decades of service, showing the greatest concern in their efforts to gain the best educational opportunity for the children who attend the schools where they work.

It is important to note the work that parents and citizens associations have done not only involving the practical administration programmes of the school in terms of equipment, and providing tuckshop facilities, but also, in the last decade or so, in trying to develop a deep involvement in the philosophy of education, a better and greater understanding of the application of methods of teaching, and the roles of teacher, parent and pupil. I believe there has been a great deal of co-operation. Despite what one hears today about the drift, split, or gap that sometimes exists between parent and teacher or community and teacher, here is one group in the community which on the basis of its charter has tried, from the small school in the country to the disadvantaged school in the middle of Sydney, to carry with great sacrifice to its members and with a great sense of responsibility, the burden of providing better education for their own children and the children of others.

I trust that when the bill is enacted it will give these people even greater opportunities, with the new facilities now available to them. It was the great privilege of the previous Government to make available to the federation certain premises free of charge through the department, so that it would at least have a place that it could call its head office, to which correspondence and other matters could be referred—a place where it could deploy some of its staff to facilitate the work of the federation. I trust that this new office will mean increased opportunities for these people to serve in the field of education on behalf of the children of this land. Honourable members on this side of the House trust that there will be a continuance of the independent spirit always exhibited in the past by the parents and citizens groups. We hope there will be no snarling attacks, and no attacks on the professionalism of teachers. We trust that there will be continued support for the teachers and the schools. These objectives have always been very real, but I believe that they will be accentuated in future, and that the parents and citizens associations will make sure that they have some sort of independent audit of the quality of education in our schools.

I believe that these interested people are seeking to play a more significant role within the whole gamut of educational administration and in goal planning, goal seeking and goal making. They want to be involved in some sort of evaluative process; not in order that they may censure—I do not believe that that has ever been their role. They have never taken that stance; they have tried to be constructive. I believe they would want to be involved in some sort of evaluative process in order to ensure that the work of parents and citizens as well as the work of teachers and various governments has led to certain constructive conclusions and valuable ends within education, and once recognizing this, being able to foster them for the future. Parents and citizens will be given these opportunities. It seems that within the new concept they might gather to themselves greater expertise. They might enjoy more space for people to use and in which they may serve and work. They will have facilities to move and disseminate information, ideas and concepts in education. I have no doubt that all of us would applaud such a move.

We should hope that parents and citizens, wherever they are in any part of our State, might be able to get greater spread of information and also have a gathering centre which may become the hub of the wheel of the Federation of Parents and

Citizens Associations of New South Wales. These groups, bound together in a federation, may through this extended service be able to encourage the involvement of more people in the community. I was glad to hear the Minister refer to the concept of involvement. The community should be encouraged to be involved in education and in the schools. I should hope that what is meant by this is that not only will others be encouraged to become involved on behalf of the community in the school, but indeed that the community may be encouraged to be a part of their school. After all, the school is the community and the community is the school. The school does not belong to anyone but the community.

Parents and citizens associations are important groups in making the community aware of the fact that the school belongs to the community and is there for the community as a whole—not only for the children of the community. I hope that given this extended service people will find that they can gather and recruit more people to education, to the concern of the community for education, to the standards of education and to the value of education. For those reasons and for the reasons listed by the Minister, the Opposition is glad that the Government has brought forward this bill. We shall give it our wholehearted support. I trust that the Federation of Parents and Citizens Associations of New South Wales will flourish as a result of this measure.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Bedford.

STATUTE LAW REVISION BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [5.35]: I move:

That this bill be now read a second time.

As I mentioned at the introductory stage, this is a bill to give effect to the first report of the New South Wales Law Reform Commission on Statute Law Revision, and is virtually identical with a bill introduced by the previous Government into this Assembly shortly before Parliament was last dissolved. The bill then introduced by my predecessor passed all stages in this House in fact and passed all but the final stage in another place before the ill-conceived and hasty dissolution of Parliament was brought about by the honourable member who is now the Leader of the Opposition, and who will remain for some time, I imagine, at least in Opposition if not its leader.

Though the Leader of the Opposition was certainly hasty in his rush to judgment, the governments of which he has been a member were somewhat less than hasty in their approach to implementation of the recommendations of the report of the Law Reform Commission. It will be recalled that the Law Reform Commission was established by the Askin Government amidst much self-congratulatory praise for the innovative step being then taken. That Government and the succeeding Lewis Government and Willis Government were somewhat less than hasty in giving effect to recommendations made by the commission.

The first report of the commission on Statute Law Revision was made as long ago as December, 1970, but it took the former Government until 9th March, 1976, before a bill was introduced into this House in relation to it. That is an inordinately long period when one takes into account that the subject matter of the report is of so apolitical a nature. One can only assume the delay to have been caused merely by the carelessness of the former Government for the state of the statute law.

I mentioned earlier that this bill is virtually identical with that previously introduced by the former Government. It differs only in this respect: the bill proposes the repeal of 566 Acts with partial repeal of 240 other Acts, whereas the figures were previously 566 Acts repealed with partial repeal of 241 others. I recall the remarks made by my colleague the Minister of Justice and Minister for Services at the second-reading stage in this House when the previous bill was being rushed through. He informed the House that because the former Government was so determined to push bills quickly through the Parliament the legal committee of the Labor Opposition had not been able to ascertain whether mistakes were present in the bill's schedule. Had we in fact been then given sufficient time to examine the bill we could have found the partial repeal of the Parliamentary Allowances and Salaries (Amendment) Act, 1963 to have already been accomplished as a result of the Parliamentary Remuneration Tribunal Act, 1975 coming into force on 1st January, 1976. Not content with repealing the measure once, the former Government wanted to do it again. One remembers that so sparse was the legislative programme in the days of the Willis Government, doing things twice may have seemed the only solution to the problem of giving Parliament matters to debate.

The Government is happy to place this bill before the House. It is a bill to single out and repeal those Acts that no longer operate presently or prospectively, those that are obsolete, those that have expired by effluxion of time, and those that have been rendered invalid because of inconsistency with the law of the Commonwealth. For all these reasons the provisions repealed by the bill serve no good purpose while they remain on the statute books of the State. The Parliamentary Counsel, too, whose practice it is to propose the revision of the statute law when dealing with specific legislation, has also contributed substantially to the size of the schedule.

The Acts that will be affected by the bill date from the period between 1830 and 1973. Some of them are included because they dealt with a transient situation or an event long since passed and some are obsolete because of social and industrial change and progress. Examples of the latter include the Felons Apprehension Act of 1899, which provides for outlawry of suspected felons, and the Coal-Lumpers Baskets Act of 1900 which regulates the size of baskets to be used by coal-lumpers in discharging coal from ships, a coal-lumper being a person who once carried coal manually. The extinction of the coal-lumping race was accomplished some time ago but only because they were a comparatively inefficient species, I understand.

In relation to those enactments of the State which are to be repealed because of their inconsistency with Commonwealth legislation I intimate to the House that only those provisions inconsistent with Commonwealth legislation in a field which the Commonwealth has given indication that it will completely, exhaustively or exclusively enact what shall be the law, will be repealed. Though the faint possibility remains that the present federalist Commonwealth Government might vacate any legislative field it presently covers, one would charitably think that this would not be done without due notice from the Commonwealth in order that the State could legislate afresh in accord with the prevailing needs and requirements of the State. There is one case where repeal is proposed because the Act in question was held to be invalid by the High Court in 1955.

Mr F. J. Walker]

The bill will not of course get rid of all the legislation of the State which is no longer needed. Only those enactments that may be safely repealed have been included in the schedule. There are savings provisions in the bill and these are, as is mentioned by the Law Reform Commission in its report, an unfortunate necessity. The commission thinks it sufficient that the present savings provisions of the Interpretation Act of **1897,** apply generally to the repeals effected by the bill, subject to two other savings. The first of these proposed is that a repeal is not to revive anything not in force or existing at the time when the repeal comes into force. The second is that the repeal is not to affect the proof of any past thing or act, and this too has its counterpart in English legislation. The bill will serve greatly to simplify this State's records of its current statute law. I commend the bill to the House.

Mr DOWD (Lane Cove) [5.43]: The most constant thing about the Attorney-General is his predictability. If one had to sit down and think what the Attorney-General would say about this bill one might rest assured that he would say just that.

Mr Petersen: What?

Mr DOWD: That which one could predict. His incapacity to exercise original thought is worrying. Again I wish to echo the remarks made at the time of the introduction of an almost identical Statute Law Revision Bill earlier this year and to commend the Law Reform Commission on the work it has done. The series of reports that I know the Attorney-General is examining, as he has given an indication that further legislation will be introduced with a certain amount of haste, are a tribute to its fine and carefully done work. Clearing the statutes of repealed and redundant legislation is an important exercise. The Opposition supports this measure. I am glad that the Attorney-General will not now endeavour to repeal some legislation for the second time. Obviously that is the reason why the legislation did not get through the upper House. The Opposition commends the Law Reform Commission and applauds the Government for following the initiative of the former Government and introducing the legislation.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr F. J. Walker.

INTERPRETATION (AMENDMENT) BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [5.45]: I move:

That this bill be now read a second time

Section 37 of the Interpretation Act of **1897,** relates to the exercise of statutory powers between the time of enactment of statutes and the time of their commencement. Where an Act provides that the Act or any part of it is not to come into operation immediately on the passing of the Act although provisions of the Act confer power to make, grant or issue any instrument, usually a regulation, for the purposes of the Act, that power may be exercised at any time after enactment, subject to the restriction that any instrument made under the power shall not, with cerain exceptions, come into operation until the Act or part thereof itself comes into operation.

On 25th June, 1975, the Full Court of the Victorian Supreme Court delivered a unanimous judgment upon the validity of a regulation made in reliance on the Victorian counterpart of section **37** of the New South Wales Act. It was the Full Court's decision that the Victorian legislation was not apt to do effectively what it had purported to do for some time. Doubt has been cast by the decision upon all regulations at present standing in the same position as that examined by the Victorian Supreme Court and there are without doubt in New South Wales cases in which regulations have been made which, on the basis of the Victorian decision, would be invalid. This situation would necessitate new regulations to render the position beyond doubt, but to use this approach would require a deal of drafting in relation to both present legislation and future bills.

To avoid the uncertainty caused by the Victorian decision and the inconvenience of making new regulations the Government proposes in clause 2 to include a substituted section 37 to empower the making of any regulation that could be made under an uncommenced Act as if the uncommenced Act had commenced, any such regulation not to take effect earlier than the date upon which the Act itself commenced. Clause 2 also extends the operation of substituted section 37 to an instrument made under a statutory instrument in the same way as it applies to an instrument made under an Act. Clause **3** retrospectively validates those regulations and instruments purporting to have been made in the past under section 37 of the Interpretation Act. The bill is presented to the House because of the obvious necessity to remove uncertainty in the law. I commend the bill to the House.

Mr DOWD (Lane Cove) [5.48]: The Opposition does not oppose the bill. It is a necessary consequence of the decision in ***Muldoon*** v. ***Johnstone*** and is desirable to put beyond any doubt any problems that may arise in similar circumstances to the ***Muldoon*** v. ***Johnstone*** situation. What is interesting is how cavalierly the present Attorney-General ignores the rest of the Interpretation Act when curing this defect. He has told the House of the desirability of solving the problems of the Interpretation Act. I remind the House of some remarks of the Attorney-General in 1972 when the Act was amended. He said:

> I have told the House on many occasions that I am not bound by anything done or not done by a previous Labor government before it went out of office. I am not going to make the same mistakes as my predecessors. What I am saying is that for the ordinary man in the street to be able to understand legislation he should not have to resort to ten other measures to be able to get the precise meaning. A real attempt should be made to simplify the wording of legislation so that the ordinary man in the street will be able to understand and will not have to go to a Queen's counsel for a definition of what it means.

Later, the present Attorney-General said:

> I trust that the Attorney-General will see fit to set up some form of committee to study ways and means of assisting the ordinary man, or entrust the task to an existing committee. After all, the citizen is supposed to comply with the rule of law and to abide by law and order although he has not the faintest idea of the meaning of most legislation. In spite of his lack of knowledge, the Government expects him to comply with the letter of the law, and God help him if he does not. I ask the Attorney-General to do something to make these Acts comprehensible.

The purpose of that quotation was to remind the Attorney-General that it is all very well to make platitudinous statements such as that in dealing with the former bill, but the Interpretation Act is the foundation statute for all the legislation in this House. It has been amended, though not on many occasions. It has served this Parliament

well and is an important part of the legislative machinery. It is surely undesirable to have to refer back to legislation to decide what the effects of this Act as amended would have. The legislation will save a good deal of time that is lost in misinterpreting statutes. We commend the Government for carrying out an initiative commenced by the previous Government to cure the defect pointed out in *Muldoon* v. *Johnstone*. The Opposition supports the bill.

Mr F. J. WALKER (Georges River), Attorney-General [5.51], in reply: The point is well taken. The Interpretation Act is still in my opinion a most incoherent document which ordinary people and even competent lawyers have a great deal of difficulty in understanding. I have had only four months in which to do something about reforming the law of New South Wales, and obviously there is a question of priorities. I shall set about doing what I should have liked to do when I was in Opposition.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr F. J. Walker.

ADMINISTRATIVE CHANGES BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [5.54]: I move:

That this bill be now read a second time.

Administrative changes are often made at government level by the abolition of ministerial portfolios and departments, or by the change of titles of portfolios and departments, or by the transfer of functions between portfolios. In the past it has been the practice to enact a series of bills making specific amendments to the Acts in which references to portfolios or departments are made. It is the Government's contention that the Parliament's time should not be wasted on matters of that kind although I recall that the former Government was only too happy to present such bills to the House in attempts to bolster its perpetually sagging legislative programme. The problem is one that can be resolved once and for all by the enactment of a bill of general application.

Before turning to the specific provisions of the bill I should like to say that the Leader of the Opposition has, in his desperate efforts to get some media coverage in this State, or perhaps through ignorance or malice aforethought, endeavoured to misrepresent the objects and effects of this bill and those consequential upon it. We have always known that his imagination frequently outstrips his regard for truth, but on this occasion he has truly excelled himself.

The Leader of the Opposition claims that this bill and those consequential upon it seek to extend the numbers of the ministry by two, from eighteen to twenty. That is an incredibly stupid proposition and does the Leader of the Opposition's parliamentary reputation no credit at all. For some years—since about 1968—the Government of the day has been entitled under the Constitution to have appointed, by the Governor, twenty Ministers. They are the Premier, the Attorney-General, and fifteen other Ministers—making a total of seventeen. In addition, a Minister for Transport and a Minister for Agriculture may be appointed—making nineteen. Further, a vice-president

of the Executive Council without portfolio may be appointed—making twenty Ministers in all. The series of bills that I am about to introduce maintains the *status* quo; nothing is changed.

The Leader of the Opposition suggested also that the measures will in some mysterious way create a new ministry in the Legislative Council. The Governor appoints the ministry on the advice of his Ministers, and it has always been open for the Governor to appoint another Minister, there being only eighteen at the moment. So clearly, nothing in this legislation will change the existing situation.

I turn to the specific provisions of the bill. Clause 1 contains the short title; Clause 2 deals with interpretation. The phrase "administrative change" is given thorough definition so as to enable references in Acts, subordinate legislation, instruments, contracts and agreements, to Ministers, departments and officers to be construed as references to Ministers, departments and officers by another description. These changes are made by way of order under the bill. Administrative change includes also the fact of there ceasing to be a Minister, department or officer of a particular description; the transfer of the administration of an Act or part of an Act from one Minister to another; or the transfer of a function from one Minister, department or officer to another.

Department is defined to mean any department of the Government or part thereof, and includes any part of the public service consisting of persons appointed or employed under and subject to the Public Service Act, but does not include the Police Force. The Police Force has been excluded on the basis that its statutory functions should not be transferred without the sanction of an Act. This approach is consistent with the measure of independence from the Executive afforded by statute to the Commissioner of Police. Other statutory bodies also are excluded from the operation of the bill.

Clause 2 (2) contains what is, in effect, a definition of a superseded authority. Clause 3 empowers the Governor-in-Council to make orders in relation to administrative changes. Clause 3 (1) (b) contemplates that whenever there is an administrative change the Governor may make an order dealing with matters that are incidental to or consequential on that change. Clause 3 (2) authorizes the inclusion, as incidental or consequential matters, of provisions dealing with savings, transitional matters and the transfer of property, rights and liabilities. The making of an order has the advantage that Parliament's time is not wasted by its having to consider matters of an administrative nature—matters concerning the internal management of the Government. By this, I might add for the benefit of honourable members opposite, I do not mean matters related to who will be Premier this year and who will get the Mercedes. Powers conferred on a Minister by an Act may be transferred by a Governor's order to another Minister notwithstanding that the firstmentioned Minister's portfolio still exists as described in the Act. Similar considerations apply in the case of departments and officers.

The need for future bills related to administrative change will be largely removed by the passing of tho bill, although there may well be a need for further bills to deal with special cases that may arise in the future. Such cases should be fairly uncommon, as the bill has been drafted to cover the type of circumstance that has arisen in the past and that is likely to arise in the future.

Clause 4 (1) (a) requires an order to be published in the *Gazette,* and clause 4 (1) (b) enables an order to take effect from the date of gazettal, or an earlier or later date specified in the order. Clause 5 provides a safeguard for any problems that may arise as a result of orders made with retrospective operation. A person's existing rights will not be affected by such an order and no liabilities may be imposed by an order on a person for anything done or omitted before gazettal of the order.

Orders will not have prospective operation at all. Acts and instruments that commence on a date later than an order will not be affected by the order; further orders will have to be made to deal with these later Acts and instruments, if necessary. The bill is designed to assist Governments in their administration of the affairs of State and to provide Parliament with more time to deal with legislation of substance. I commend the bill to the House.

[Mr Speaker left the chair at 6 p.m. The House resumed at 7.30 p.m.]

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [7.30]: The Opposition will not oppose the measure. It recognizes its virtues, but with some reservations. I shall deal more with the reservations than with the virtues. We appreciate that previously when the functions of Ministers or departments have been changed it has often been necessary to introduce special legislation to cover the situation. I do not want it to be thought that, by failing to reply in detail to some of the insinuations or allegations made by the Attorney-General in his second-reading speech, I agree with them. I felt that, so far as this legislation is concerned, there was no point in legislating if we could safely avoid it, especially if it came to particular matters that are dealt with by this measure. When a new government comes into office, clearly there will be changes in ministerial and administrative responsibilities which, unless there is some kind of an all-purpose measure such as this, can mean that one runs into a lot of legislative problems and the need for individual pieces of legislation to be brought before the Parliament.

What does concern me—and this is my first point—is that although the Attorney-General said that legislation would be needed to meet special cases and to cover special circumstances, it seems to me that, on a reading of this measure, there is a special circumstance that has not been covered. It relates to the office of the Attorney-General who, having the carriage of these matters, should be concerned with it. Section 36 of the Constitution Act stood virtually as a provision of the Act from about 1880 to the time when it was amended in 1975. That section contained a provision until 1975 whereby it was impossible for the Government to appoint an acting Attorney-General. I think that is still probably so today. The reason is that the Attorney-General was put in a very special position by the Constitution Act. Over the years there has been an acknowledgment that the Attorney-General is in a special position, because he is not only a Minister of the Crown appointed by His Excellency on the advice of the Premier of the day, but also the chief law officer of the Crown He has very important duties concerning the administration of law and justice, which lie outside his particular portfolio or his appointment as Attorney-General.

Section 37 of the Constitution Act permits one Executive Councillor to act on behalf of another Executive Councillor, or to perform a function annexed to the office of the other Executive Councillor if the other Executive Councillor is unavailable, or any Executive Councillor authorized under section 36 to exercise or perform that function is unavailable. Section 38 prevents section 37 from being used so as to authorize an Executive Councillor to exercise any function that is by an Act or any other law annexed or incident to the office of Attorney-General. Section 38 (2) of the Constitution Act provides:

> Where a function is annexed or incident to the office of the Attorney-General by reason only of the fact that the Attorney-General administers an Act or part of an Act, subsection (1) does not apply in relation to that function unless the administration of that Act or part is expressly vested in the Attorney-General by any Act.

It is important that one pauses at that point, because in most Acts of this Parliament in recent times the administration of a particular Act is referred to in the body of the Act as the Minister. But there are many Acts of this Parliament which refer to the Attorney-General, and the Attorney-General is usually—but not always—the Minister who is allocated the responsibility for that particular piece of legislation. What I am really putting to the House and to the Attorney-General is that I do not think that this bill takes account of the special function of the Attorney-General virtually as the chief law officer of the Crown. I refer to the decision of the ***Solicitor-General*** v. ***Wylde,*** reported in 46 State Reports at page 94, where it referred to this special function of the Attorney-General. It says:

> The Attorney-General has important duties to perform for the Crown which necessitate the possession of special legal knowledge unlikely to be possessed by Executive Councillors at large. Hence, the legislature has thought it desirable to impose an absolute prohibition upon the authorisation of any other Executive Councillor to exercise the powers or perform the official duties by law annexed or incident to his office.

Perhaps it is as well in that context to refer to some provisions in the legislation of this State which provide for special reference for the consent of the Attorney-General. I refer first to the Solicitor-General Act, 1969, which provides for the delegation of certain powers by the Attorney-General to the Solicitor-General. That Act provides in this way because the Solicitor-General is a person with high legal qualifications, and he is expected in the absence or unavailability through ill health of the Attorney-General to perform the functions of the Attorney-General. Yet the bill now before the House does not exclude the function of the Attorney-General in any way, shape or form. It appears to me that, pursuant to this bill, it would be possible by some act of the Governor to make an order that took away from the Attorney-General the power to delegate, as he is now able to do, the powers that vest in him under this piece of legislation.

Section 14 (4) of the Secret Commissions Prohibition Act, 1919, has a provision that no prosecution under that Act shall be commenced without the consent of the Attorney-General. It seems to me to be monstrous if, pursuant to the bill that is now being discussed, it were possible for that consent to be vested in any person other than the Attorney-General or, by virtue of delegation, the Solicitor-General, who is conscious of the legal principles and implications of a prosecution under that section.

If one looks at section 78F of the Crimes Act one sees that a prosecution for the crime of incest may be instituted only with the consent of the Attorney-General. Section 547A of the Crimes Act, relating to the making of a false statement with respect to a birth, death or marriage, again provides that a prosecution may be launched only with the consent of the Attorney-General. It seems that the Attorney-General, who is placed in a special position as a Minister of the Crown, has not been accommodated as I should think he ought to be by this bill. I should like to refer to some remarks of the former Leader of the Opposition, now the Premier, when speaking to the Constitution and Other Acts (Amendment) Bill, which passed through this Parliament last year. On 7th October, 1975, the Premier said:

> The Attorney-General has always occupied an office of singular significance, an office which, from time immemorial, has been an office the functions and obligations of which are not transferrable even in respect of his occupancy of the office of Executive Councillor. The Premier and Treasurer has touched but lightly on the reasons that have moved the Government to give to other persons the right to act on behalf of the Attorney-General. The House is entitled to know precisely what the Government has

***Mr Maddison*]**

in mind. There was an occasion when a butcher acted as the Attorney-General of Queensland. I hope that that situation is not reached in New South Wales. The role the Attorney-General plays and the functions he exercises require special expertise. I do not have anything against butchers —they have an important function in the community—but I hope the day is not reached when butchers, or even editors of journals, act as Attorney-General of New South Wales.

1 do not suggest that the present Attorney-General is a butcher. Nonetheless it seems to me that he is not really discharging his full measure of responsibility if he allows the bill to proceed through this Parliament in the way in which it is drafted. I suggest to him that this measure goes much further than simply transferring responsibility for the administration of an Act of this Parliament from the Attorney-General to another Minister. There could be examples at which one would not in any sense cavil, if that occurred, but I point out that the measure itself deals with the transfer of function.

The Attorney-General, during his remarks at the second-reading stage, was at pains to point out that administrative change meant, among other things, the transfer of a function from a Minister, department or officer to another Minister, department or officer. The transfer of a function, I suggest, includes the transfer of the power to approve a prosecution in respect of a charge of incest or a prosecution under the Secret Commissions Prohibition Act, or powers contained in the Solicitor-General Act. There might well be other powers specifically vested by legislation in the Attorney-General, and for special reason. Of course, the special reason is the legal knowledge and legal experience of the person holding office as Attorney-General. I know there is no specification in legislation or under the Constitution Act which provides that the Attorney-General must be a lawyer. Nevertheless, for a long time in this State it has been the practice to have a person knowledgable in the law holding that office. Usually he is a person with experience in the law who appreciates what the administration of law and justice is all about.

Mr Dowd: That is not the case now, of course.

Mr MADDISON: I do not know about that. I am willing to watch closely what happens and to see precisely how the Attorney-General reacts to what I am proposing. I feel there is a difficulty in this bill and that there should be an amendment to it. At the Committee stage I propose to move an amendment the effect of which will be to change the definition of Minister. The Minister is defined as meaning Minister of the Crown. I propose to move that there be inserted after the words "Minister of the Crown" the words "other than the Attorney-General". I should hope that the Attorney-General and the Government would have sufficient feeling for the high office of Attorney-General that that amendment will be accepted. If they do not accept it at this stage, I should appreciate some assurance that serious consideration will be given to the amendment being made in another place. One might hope that the purport of this legislation is not to erode the authority and the special position of the Attorney-General that has existed for a long time.

I shall move a further amendment that I believe is necessary. Administrative change, as defined in clause 2, means, among other things, the transfer of a function from a Minister, department or officer to another Minister, department or officer. It is interesting to look also at clause 3 (1) (a), which deals with the making of orders. By that clause the Governor may make orders containing provisions requiring a reference in any Act or statutory instrument or in any other instrument, or in any contract

or agreement, to a Minister, department or officer by a description specified therein to be construed as a reference to a Minister, department or officer, respectively, by another description specified therein.

I would seek, again at the Committee stage, to add to the definition of administrative change the word respectively after the word officer. It would then not be possible under any circumstance for the transfer of a function from a Minister to a department or to an officer. If the draftsman had thought it appropriate to insert in clause **3** (1) (a) the word respectively he must have had some regard for it, though he omitted to consider it in paragraph (d) of subclause (1) of clause 2, definitions. My amendment would put beyond doubt that there is no intention on the part of the Government to transfer a function of the Minister to a department or to an officer, but only to transfer a function from Minister to Minister, department to department or officer to officer. I should like to think that that would remove any possible criticism of this bill moving in the direction to which I think it might be interpreted in the ultimate unless the word respectively is inserted as I suggest.

I have said that there are two major criticisms that I make of this bill. I do not regard my last comments about adding the word respectively as a major matter, though it is important.

The second major matter is the power under the bill of the Government of the day to act virtually by way of a subordinate order which is not subject in any way to review by the Parliament. In the normal course of events, where regulations are part and parcel of the ongoing function of the administration of an Act there is provision whereby this House or the Legislative Council may disallow a regulation. By clause **3** the Governor may make orders which are, in many respects, far-reaching and all-embracing. There is no provision whereby this House or the other House can exercise any restraint, control or decision over such an order. It is an order for all time, subject to any changes which the Government or some succeeding government decides to make to it.

The House should look carefully at the provision of powers of that nature. They take away from the House the right to say anything about changes in function. I make no comment about an administrative change, which involves the transfer of administration of an Act. It seems to me that when one starts to give power to provide an order which transfers function one needs to look at such an order critically. I do not know that there is any change I could suggest that would make it possible for this House or the other House to have any control over the making of an order. I regret that. I believe in many respects that by agreeing to this bill we are abrogating the power of this House in the legislative field. Subject to what I have had to say the bill, from a practical point of view, has much to commend it. I reiterate that the Attorney-General has a special function. One should be at pains to protect that function and not lightly allow a power to vest in the Government, through the Governor, to change a function of the Attorney-General to another Minister.

The House deserves an explanation from the Attorney-General of his view on the question of making of orders by the Governor. It is not so long ago that the Attorney-General was in Opposition and was highly critical of some of the things that went on in government. One day—in the not too distant future—he will find himself in the same position again. He will be powerless to challenge the Government of the day if orders with which he disagrees in a fundamental way are made under this legislation. I hope that in his reply the Attorney-General will be able to provide some explanations to the two fundamental questions I have raised, namely the protection

of the role of the Attorney-General and the power of this Legislature to control orders made by the Government of the day changing function, particularly as is proposed by this measure.

Mr DOWD (Lane Cove) [7.55]: I shall support the proposed amendments of the honourable member for Ku-ring-gai in relation to the special position of the Attorney-General. I do not dispute the desirability of the administrative changes in respect of other ministries, but I think the whole bill ignores the importance of the function of the Attorney-General. I am rather disappointed in that the present incumbent of the office should have ignored the important position of the Attorney-General in the whole of the Westminster system in this State, the Commonwealth and the English-speaking world. It is interesting that the Constitution Act goes to some trouble to make the position of the Attorney-General quite separate. I refer to section 38 which provides that nothing in sections 36, 37 or 37A authorizes an Executive Councillor to exercise any function that is by an Act or any other law annexed or incident to the office of the Attorney-General.

If the Parliament ever forgets that the Attorney-General is in a special position over and above other Ministers, a great disservice will be done to the law and to the people of this State. The Attorney-General is called upon to exercise a discretion in a large number of matters over and above that of other Ministers. The power to issue *ex officio* indictments is a power that the present Attorney-General has dealt with in a rather curious way. Leaving that aside, the important thing is the question of the issue of fiats. I personally have had the satisfaction of seeing the present Attorney-General issue them rather competently. That is an important function which separates the Attorney-General from other members of the Executive Council and the Cabinet.

Often the Attorney-General must exercise a discretion which divorces him completely from the Government of which he is inevitably a member, to make sure that he personally exercises a function which can only be vested in somebody who understands the nature and function of the law. It is not essential that the Attorney-General be a lawyer but it is desirable that he be a person with experience to equip him to exercise that discretion. If the bill destroys the separate function that the Constitution Act specifically gives the Attorney-General, as it gives the Premier a specific function, it is a sad thing for the law and for the State of New South Wales. When amendments are moved in Committee I shall be pleased to support them. I ask the Attorney-General to consider the amendments carefully or to give directions that they be considered in another place.

Mr F. J. WALKER (Georges River), Attorney-General [7.59], in reply: As I understand it, the Opposition has three reservations. The Deputy Leader of the Opposition thinks—and the honourable member for Lane Cove has echoed his feelings —that the special function of the Attorney-General of New South Wales as chief law officer of the Crown, as well as a politician, is not taken into consideration by the bill. I think the objection is a valid one. It seems to me that there is a strong argument for amendment of the bill. I have looked at the proposed amendment. It presents difficulties. There could be difficulty in transferring the administration of Acts from my administration to other administrations. By the way, it does not only apply to Acts that have a peculiarly legal nature; there are also other non-legal pieces of legislation. I should like to put to the Parliamentary Counsel that the obvious intention of the Government has not been met by the provision and to ask that a satisfactory amendment be provided, so that it can be inserted in the bill in another place. If the Opposition is happy about that, I think it is the most amicable way to settle it. The point is well taken.

Mr Dowd: It is terribly important.

Mr F. J. WALKER: It is important that our wishes be clarified. There is no disagreement between the Opposition and the Government about that point.

Mr Dowd: Why not adjourn the debate?

Mr F. J. WALKER: I do not propose to adjourn the debate at this stage. The problem can be solved in a way that found favour from the former Government, and one that is now satisfactory to the Opposition. That is the most appropriate way to deal with it. The second matter relates to the word "respectively" appearing in clause **3** (1) (a) but not in clause 2 (1) (d). I do not know which provision should be amended. I agree that the matter needs clarification. In case there is a similar problem to the one I have envisaged with the other amendments, it too should be referred back to the Parliamentary Counsel, whose responsibility it is to see that legislation is presented in a form that expresses the intention of the Government. I should ask that the same position obtain there.

The final question is interesting. The Deputy Leader of the Opposition raised the theoretical, philosophical argument that this House should have control over the power of making an order. He raised the question of this House abdicating its power in the legislative field in this respect. I do not seek to argue that this House should not have as wide a power in the legislative field as possible, and I should be loath that it abdicate this power to another body. But in the context here—we are talking about orders that change the title of ministeries and departments, and allow the functions of one department to be transferred to another—I cannot see for the life of me how the transfer of a function or power from one department to another is an abdication of responsibility of the Parliament, in that the power still resides in the Legislature, still resides in the Executive. Although I agree that this House should jealously guard against loss of any real or imagined powers, I do not think the argument of the purist has such weight as to deserve acceptance.

Motion agreed to.

Bill read a second time.

In Committee

Clause **2**

Page **2**

(d) the transfer of a function from a Minister,
20 Department or officer to another Minister,
Department or officer;

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [8.4]: I listened to what the Attorney-General said in his reply to the second-reading debate. I propose to put my amendments on record because I regard them as fundamental. I have already outlined my desire to put beyond doubt that an administrative change cannot in any way encompass a change of function from a Minister or a department to an officer. I think the change of function should apply from Minister to Minister, and that this should be the limit. The question of change from department to department or from officer to officer is important as well, and I think that my amendment will put the matter beyond doubt. I do not think that paragraph (d) of the definition of administrative change can lie happily in the way that the draftsman has expressed the powers contained in clause **3** (1) (a), so I move formally:

That at page *2,* line 21, after the word "officer" there be inserted the word "respectively".

Mr DOWD (Lane Cove) [8.6]: I support the amendment. This Parliament ought lightly to detract from the importance of the Minister. It is essential that this amendment be accepted to put the matter beyond doubt. If there is any doubt of the functions and the intention is to transfer a function from a Minister to an officer I ask the Committee to accept the amendment so as to prevent that transfer of function.

It is interesting that the Attorney-General should opt for what he says was the procedure adopted by the former Government of amending bills in the upper House. It is interesting that he should regard the upper House as a house of review with the power and duty of amending legislation that the Government is unable to handle in this Chamber. In view of the Government's stated intentions in relation to the other House, it is heartening that the Attorney-General has dignified it with the task of amending important legislation which the Government is incapable of handling in this Chamber. The Attorney-General clearly thinks that this clause ought to be amended. I think that his expressions underline how important it is to have a house of review that can give a government a second opportunity to look at matters put before it, which it has not necessarily considered properly. When the Government attempts to interfere with the functions of the upper House, its members and supporters might well recall that this Attorney-General thinks it important to have a house of review for this very purpose.

Mr F. J. WALKER (Georges River), Attorney-General [8.8]: I have already indicated that the Government agrees in principle to the amendment, though I have some doubts as to its effectiveness. I feel that the Parliamentary Counsel should be given the opportunity to study it and to see whether the intention of both the Government and the Opposition will be implemented by the amendment. I have some doubts about that. For that reason I shall vote against the amendment, not because I oppose it but because I feel it should be further considered.

As to the other place having a dignity which it does not deserve, I agree with the honourable member for Lane Cove——

Mr Dowd: It has the dignity it deserves.

Mr F. J. WALKER: The honourable member thinks it has the dignity it deserves. In any case, my view is that the State is wasting a lot of money paying those gentlemen over there large salaries for doing little work. I think it desirable to give them an opportunity to work as hard as possible, and I am trying tonight to provide a legislative programme for them tomorrow so that they may earn the thousands of dollars that the State bestows upon them. While we have them there, why not use them? Instead of allowing them to slink around in their studies and drawing rooms and walk on their red carpet, let us put them to work for the benefit of the people of New South Wales.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [8.11]: I find it rather hypocritical—which is a word that is used more and more by the Opposition—that an honourable gentleman should stand up and say that on an amendment with which he agrees, he will vote no.

Mr Ryan: He is saying that your construction might be wrong.

Mr MADDISON: I know that he is saying that my construction might be wrong, but I suggest that the courts of this land have been trying since time began to understand the legislation passed by the Legislature. The cost to the community of having Acts interpreted by the courts must be enormous—astronomical, if you like. But indeed, there always seems to be a resistance, thus far, as I see it, from the Ministers of this Government to a proposition that has no political implications at all

but seems to put the matter beyond doubt. The Attorney-General is a man learned in the law; I grant him that accolade at this stage, though I am not certain how long I shall continue to treat him that way. I should have thought that he, as a reasonable fellow, would acknowledge that when we talk in this Committee about improving legislation, we should not say that all wisdom resides with the Parliamentary Counsel or his officers.

Mr F. J. Walker: Clearly it does not.

Mr MADDISON: What the Attorney-General has said tonight is: "I have to **take** away **this** little amendment, the word 'respectively', and ask the Parliamentary Counsel whether it is necessary or not." It cannot be harmful; it must be beneficial. It must give greater clarity in terms of the width of the definitions section to which it relates. Perhaps the Attorney-General has other views—that the function of a Minister should be capable of being transferred to an officer or a department. However, to put this beyond doubt it seems to me to be a reasonable amendment. It staggers me to hear the Attorney-General saying: "I think it is all right but I am going to vote no on the amendment." His personal pride cannot go as deep as all that. When I occupied his office, if there were a sensible amendment put up I was willing to accept it and not go crawling back to the department and my advisers and the Parliamentary Counsel and say, "Should it be accepted?"

Mr Ryan: Would the deputy leader put his legal reputation on the line and say that it means what he says it means?

Mr MADDISON: I am quite willing to put my reputation on the line, and I am sure that the Attorney-General, if he had any courage and was really a man who was determined to make his name in this State as an Attorney-General with a bit of independence, would agree to it without any fuss, instead of waiting to have it considered by the Parliamentary Counsel and then by the Legislative Council—in which he does not believe anyway.

Mr F. J. WALKER (Georges River), Attorney-General [8.15]: I have been convinced by the magnificent argument of the Deputy Leader of the Opposition. There is no purpose in taking this amendment back to the Parliamentary Counsel. I have some doubts about the matter, but if it requires changing it can be changed in another place or brought back here and changed. It costs only about $4,000. Why not? I accept the amendment.

Amendment agreed to.

Page **3**

"description" includes a title;

"Minister" means a Minister of the Crown;

"officer" means an officer, employee or member of a Department;

5 "order" means an order under this Act:

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [8.16]: I move:

That at page **3,** line 2, after the word "Crown" there be inserted the words "other than the Attorney-General".

I do not want to repeat the argument relating to the special position held by the Attorney-General as the chief law officer of the Crown, but I want to move this amendment to indicate that we of the Opposition have a view that the Attorney-General's position, particularly in regard to a transfer of function which is provided for in this bill, needs some better protection and definition. I am conscious of what the Attorney-General said at the second-reading stage and that there are some problems in regard to the amendment I have moved. There are certainly occasions when the transfer of the administration of an Act from the Attorney-General would be beyond criticism if it were simply the transfer of an Act which he had under his administration and did not require any special legal experience of the transferee Minister to administer. I agree inferentially with what he said, that probably to give effect to what we have in mind it is necessary to make perhaps a more expansive amendment to other clauses of this legislation. It may be that some all-embracing clause can be included in the legislation which makes it clear that virtually what the Opposition is concerned about is the transfer of function, not the transfer of the administration of an Act. It may well be that our concern would be allayed if in fact that aspect were dealt with in the bill. I agree that there are problems involved in what we are proposing by way of amendment, but we make the point that there is a special case for protecting the special office of the Attorney-General as the chief law officer of the Crown.

Mr RYAN (Hurstville) [8.18]: The point made by the Deputy Leader of the Opposition covers the situation where the Attorney-General is the donor, and that may be a good point, but I ask him to consider the situation where the Attorney-General might be the proposed donee.

Mr DOWD (Lane Cove) [8.19]: The honourable member for Hurstville—whose presence we are delighted to have in the House; we missed him this afternoon—underlined the unfortunate nature of an amending bill such as this, made without proper contemplation. We have heard the Attorney-General talk about amending matters in the upper House, and I have referred to that when speaking to the earlier amendment, but it ought to be remembered that when the former Government amended legislation in the upper House it had the power to command amendments in that Chamber. I do not know how the present incumbent of the office of Attorney-General will deal with the matter, whether it will be proposed by the Minister in the upper House before the Government brings in a bill to abolish the Legislative Council.

[Interruption]

The CHAIRMAN: Order!

Mr Petersen: We should abolish it.

Mr DOWD: It is interesting that the Attorney-General should be proposing that the amendment moved by the Deputy Leader of the Opposition be dealt with in the upper House while the honourable member for Illawarra, by way of interjection, states Labor Party policy, and Government policy, which is to abolish the upper House, even though it may have some real value.

Mr F. J. Walker: Reform it.

Mr DOWD: To talk of reform might be to sugar coat the pill. I am sure that when the honourable member for Illawarra votes on the question he will be voting for abolition of the upper House. I hope that the people of New South Wales realize that the honourable member for Illawarra has stated the real aim of the Labor Party in that respect.

The Attorney-General has indicated that he will not adjourn the debate. That is disappointing from a man so learned in the law, as he kept telling us that he was, even before I had the pleasure of listening to him expound on his legal skills. As I say, it is even disappointing that the Attorney-General should abrogate his responsibilities in this way when both the Deputy Leader of the Opposition and the honourable member for Hurstville have pointed out the weaknesses of the provision. The functions of the Solicitor-General have been considered by the Attorney-General only too recently in relation to another matter that will soon be considered by honourable members. It is a pity that for the sake of administrative convenience the Attorney-General should be determined to push this measure through the Legislative Assembly tonight even though he knows that it will have to be amended in another place.

I know that the Attorney-General has functions to perform in administering Acts of Parliament which, clearly, are outside his traditional range of responsibilities in accordance with the Constitution Act and the Westminster system. It might well be that the drafting of an appropriate amendment will not be easy and the Deputy Leader of the Opposition has raised one of the problems. In view of the responsible way in which the Attorney-General dealt with the previous amendment, I ask that he consider adjourning this debate. There is plenty of other business to keep the Legislative Assembly occupied between now and the budget. An adjournment would enable a proper amendment dealing with the special functions of the Attorney-General to be prepared and put before the Committee. If that is not agreed to, I ask that at least the Attorney-General consider adopting the amendment now before the Committee so that, pending consideration of the amendments proposed, we may preserve for a period the functions of the Attorney-General.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [8.22]: I wanted only to comment on the remark made by the honourable member for Hurstville. It seems to me that Attorneys-General in the past have been made responsible for the administration of many Acts of Parliament, even though no particular skill expected of an Attorney-General was required for the performance of such functions. Personally I am not much concerned about what Acts are transferred to the Attorney-General, but I am concerned with functions that are transferred or may be transferred from the Attorney-General. I have in mind particularly functions that relate to his position as chief law officer of the Crown. I have outlined as examples prosecutions for incest and prosecutions under the Secret Commissions Prohibitions Act and certain sections of the Crimes Act, which require his personal consent. It is matters of that sort to which I am directing my attention.

As I say, I am not really concerned about what Acts of Parliament the Attorney-General is asked to administer. I think he could cope with them all, anyway, for usually he is a man of wide experience of the world's affairs and also has some special legal skills and experience. What is important is to make sure that the person who has transferred to him functions performed by the Attorney-General has legal competence. Looking along the ministerial benches I find two members in the Ministry who have legal competence.

Mr F. J. Walker: There are four. What about the Premier?

Mr MADDISON: I was not really giving the Premier any marks for legal competence. I was thinking of the Minister of Justice and Minister for Services, and the Attorney-General. The rest of the Ministry would flounder if given a responsibility for some of the legislation that vests in the Attorney-General.

Frankly, with all the problems that confront the Government in the Legislative Council in having amendments approved, it is perhaps shortsighted of the Government to give up its option at this stage to accept the amendment, as the Attorney-General so graciously did in regard to the previous amendment that I moved. It is probably chancing my arm somewhat to expect the honourable gentleman to accept a second amendment. That would be pressing my luck a bit too far. Nevertheless, this amendment is much more important and much more fundamental to the bill than my first amendment, which the Attorney-General accepted. However, I do not intend to press this to a division, for the impact that has been made in the debate on the Attorney-General has been fairly substantial. I am sure that he will consult with his officers to see whether the intention we seek to achieve will be achieved by what we propose to do. I feel certain that the provision can and will be improved on. If I am right, and if there is any persuasive power left in me, I shall do my best to have the Opposition in the Legislative Council, when considering the matter, agree to whatever amendments the Government proposes.

Mr F. J. WALKER (Georges River), Attorney-General [8.27]: The Committee will agree with me that the amendment of the Deputy Leader of the Opposition has some shortcomings, and possibly some deficiencies. It would be foolish to accept the amendment on that basis: it will have to be changed later, anyway. I shall do more than merely consult my officers on the matter. We should be firm and tell them what Parliament wants so that the bill will be improved. I am sure that once the amendment is improved it will be carried unanimously in the upper House and probably with acclamation. While we are being frank about the matter, as all honourable members here know, we must keep the honourable members in another place working. This bill is associated with about eight consequential bills that must be dealt with. For the sake of expedition more than anything else, it is important that we deal with the measure tonight, and make the necessary amendments in another place.

Amendment negatived.

Clause as amended agreed to.

Adoption of Report

Bill reported from Committee with an amendment, and report adopted on motion by Mr F. J. Walker.

YOUTH AND COMMUNITY SERVICES (AMENDMENT) BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [8.29]: I move:

That this bill be now read a second time.

As I intimated at the introductory stage, the bill will amend the Youth and Community Services Act of 1973 to remove the present statutory basis for the Department of Youth and Community Services. The future existence and title of the department will be able to be changed administratively without the need to take up parliamentary time. This measure will avoid the situation we once had where Ministers and the department went under different titles until appropriate legislation could be passed. I commend the bill to the House.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [8.30]: The Opposition does not oppose this measure, which is aimed at the rearrangement of affairs following the new Government's election to office. We accept the bill as presented.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr F. J. Walker.

TECHNICAL AND FURTHER EDUCATION (AMENDMENT) BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [8.32]: I move:

That this bill be now read a second time.

The bill will amend the Technical and Further Education Act of 1974 to remove the present statutory basis for the Department of Technical and Further Education, and to place it in the same position as other departments concerning its future existence and title. Thus the Governor may abolish or change the department's title without the need for legislation. The measure will assist in regularizing the position of all departments, and enable the government of the day to give immediate effect to administrative changes it wishes to make. I commend the bill to the House.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [8.33]: This is consequential legislation, and the Opposition agrees to its passage.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr F. J. Walker.

DEPARTMENT OF AGRICULTURE (REPEAL) BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [8.34]: I move:

That this bill be now read a second time.

There has been a Department of Agriculture statutorily established since at least 1907. The bill proposes that the Department of Agriculture Act of that year be repealed, thereby abolishing the statutory office of Minister for Agriculture. The Department of Agriculture remains specifically preserved, however, although honourable members will note that clause 5 of the bill provides that nothing in the bill affects any power to create, establish, abolish or change the title of any ministerial office or department.

Much play was made at the introductory stage by Country Party members of the alleged proposal that the Department of Agriculture was to be abolished. The Deputy Leader of the Country Party referred to the apparent innocence of the bill, and said that I glibly wished to abolish the Department of Agriculture. He assured

the House that the Opposition would not sit idly by and watch an important establishment wiped out by the mere stroke of a pen. Had the Deputy Leader of the Country Party been listening to me when I delivered my introductory speech, which consisted of only five sentences, he would have heard me say that the Department of Agriculture is to continue in existence, although the ministry is to be abolished.

The Agriculture Ministry has not been filled since the present Government was sworn in. It is quite easy to see that the Deputy Leader of the Country Party has brought himself up to date on this aspect of the recent election result. The honourable member for Temora, the honourable member for Oxley and the honourable member for Armidale also expressed their views on the subject. Their theme is not that it ill behoves the Government to rely on changing the name of such a great department and great Ministry. Change, of course, is something of which the Country Party has been wary, and perhaps that is the reason why it has been barely aware of it when it has happened. It is a long time since the State came home on the pig's back, although some honourable members who have listened to members of the Country Party and their predecessors could be forgiven for believing that those days are not far removed.

Country life is growing more and more diverse, and country communities now have a wide range of business and leisure activities. Country interests that now require recognition go far beyond the interests which it seems the Country Party now wish to represent. An agriculturist is a worker with soil, supplying human wants. There is obviously more to country life than growing things, although no one would ever discount the contribution the farming community has made to the development of the State and the nation. However, the country has developed so much that one would not think of simply applying to things done in the country the restrictive appellation "agriculture". An industry is an original work, a business, a commerce, a trade. A primary industry is one that is elementary and basic.

I assume that the Country Party would not wish to reflect adversely upon the Prime Minister, the principal Minister of the Crown. If perchance the party did, I am positive that it would not wish to reflect on the status of the Deputy Prime Minister—at least not publicly. The pretender to the federal parliamentary leadership of the Country Party, the Hon. Ian Sinclair, happens to be the federal Minister for Primary Industry but I doubt—although one never knows for sure—that the name of his Ministry is what makes him so restive to get ahead. Times have changed, and it may help honourable members opposite to remember that fact by making a mental note of the position in which they now sit in the House. It is proposed that the bill will be deemed to have commenced on 14th May, 1976 and I commend it to the House.

Mr BRUXNER (Tenterfield), Deputy Leader of the Country Party [8.37]: The Attorney-General has seen fit to use his second-reading speech on this measure to be scathingly critical of the Country Party. Of course, his approach is not unusual. Ever since the House assembled on 24th August the Government has singled out the Country Party as the major target for its criticism. We regard this as a distinct compliment, because the more often the Government seeks to criticize the Country Party in this establishment, the more certain my colleagues and I are that we shall continue to be returned in our respective constituencies, and continue to be a major force in the political life of the State. No matter how much the Government would like to see the demise of the Country Party, I assure its supporters that this is not likely to happen in their lifetime.

The Attorney-General criticized me for intimating at the introductory stage that the Opposition would not regard this measure as stroke-of-the-pen excising legislation. To repeal an Act that passed through this Parliament nearly seventy years ago is a

most important step to take. I am glad that the Attorney-General has intimated again tonight that, even though the measure will abolish the position of Minister for Agriculture, the department will remain intact. I had sought an assurance in that regard and I thank the Attorney-General for giving honourable members that assurance tonight.

Mr Day: I gave you that assurance at the introductory stage.

Mr BRUXNER: I am speaking about the Attorney-General's speech at the introductory stage. I was under the impression that the Attorney-General was in charge of the passage of the bill.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Tenterfield has the call.

Mr BRUXNER: I have accepted the Attorney-General's explanation and said that the Opposition is pleased that the Department of Agriculture will continue. However, at the same time, the Attorney-General is creating an immediate anomaly in that we shall have a Department of Agriculture headed by a Minister for Primary Industries.

Mr Day: What is wrong with that?

Mr BRUXNER: In reply to the Minister for Decentralization and Development and Minister for Primary Industries, I make it quite clear that I have no personal objection to the ministry having a change of name. A claim was made at the introductory stage that the Country Party should not object to a change of name because such a change has been effected in Queensland. I never thought that I would see the day when a member of the Labor Party would accept action taken by Mr Joh Bjelke-Petersen, Premier of Queensland, as bona fide justification for action being taken here. If Government members want to hide behind some action of the Queensland Premier in calling his department the Department of Primary Industry, that is all right by me. I have said already that the name Department of Primary Industry is acceptable as far as I am concerned. However, I must point that the result will be that we will have a Minister for Primary Industries in charge of the Department of Agriculture — a position that does not obtain in any other State.

The term Primary Industries covers adequately the range of duties that the Minister will perform and for which he will be responsible. It is interesting to note that, with the exception of Queensland and the Commonwealth — and now, of course, the State of New South Wales—all other States refer to their Minister as the Minister for Agriculture, just as they refer to their department as the Department of Agriculture. In South Australia the same Minister is responsible for forests and fisheries; in all other States it is the Minister for Agriculture who administers the Department of Agriculture. Prior to 1907, when the legislation that is being repealed tonight was enacted, the Department of Agriculture was joined with the Department of Mines, and in New South Wales we had a Minister for Mines and Agriculture. It might be a case of putting the clock back to 1907, repealing this Act, abolishing the Ministry of Agriculture and making it a joint department once again.

It is important to refer to some of the comments that were made on 5th November, 1907, when the legislation that is sought to be repealed tonight was before this Parliament. On that occasion every honourable member — whether a member of the Government or the Opposition — who spoke in that debate applauded the fact that agriculture was at last to be recognized as a single portfolio with its own responsible

ministry. On that occasion Mr Wade, then Attorney-General and Minister for Justice, who introduced the bill that created the Department of Agriculture and Ministry of Agriculture, said:

> And as each year goes by it becomes more manifest that the source of the greatest wealth in the future is the soil of the country.

Those words are as true today as they were in 1907. In that debate Mr Nielsen, the honourable member for Yass, who led for the Opposition, said:

> I altogether disapprove of the idea that the position should be associated with that of Minister for Mines. The two departments have absolutely nothing in common. If there is any connection at all between any two departments, it is between the Department of Lands and the Department of Agriculture but it is well known that the administration of the Department of Lands is a sufficient work in itself, and that no Minister doing his duty properly can control in addition such an important department as the Agricultural Department undoubtedly is.

Those words also are as true today as they were nearly seventy years ago.

Mr Day: You have not changed your policy in seventy years.

Mr BRUXNER: We have updated our policy many times since then but we have not changed the section of it that supports the remarks I am quoting. In the 1907 debate Mr Griffith, the member for Sturt, said:

> This is one of the reforms which are welcomed by all parties. It is not a party question. It is a question that benefits the country and there are no two opinions about it.

Another honourable member taking part in that debate, Mr Meagher, then honourable member for Phillip and a well-known figure in this House—a predecessor of yours, Mr Speaker—said:

> That is why I am strongly in favour of a Department of Agriculture, for I believe the State of New South Wales is destined to be one of the greatest agricultural countries on the face of God's Globe.

They proved fairly prophetic words coming from a representative of one of the inner Sydney constituencies. To confirm my belief that all parties at the time of the passage of that legislation were in agreement, I propose to quote the words used by Mr Hindmarsh, then honourable member for Rous, who said:

> We should have the means at our command to train our young men as stock inspectors, and we should also have a veterinary laboratory, where experiments in stock diseases could be carried out.

In the time that has elapsed since the establishment of the Department of Agriculture and its Ministry, we have certainly seen that honourable member's hope bear fruit. We have seen the Department of Agriculture bring to fruition the training of men as veterinarians and their advances through various areas of the State. In the 1907 debate Mr Price, then the honourable member for Gloucester, said:

> Instead of the patchwork arrangement we have at present, the whole of the various branches dealing with agriculture will be concentrated and controlled by one ministerial head.

All those statements lead in the same direction: on that occasion the members of this House were applauding the establishment of a separate department with its own

separate Minister. In the same debate Mr Ball, then the honourable member for Corowa, said:

> The future prosperity of the State depends to a large extent upon the successful administration of that department.

In the same debate Mr Scobie, then the honourable member for The Murray, said:

> We must all realise what great things can be accomplished by a Department of Agriculture, wherein all the experts of the experimental farms and the managers of the different departments will be gathered together under one head.

We have seen the progress of the State's experimental farms administered by the Minister and his department. Over a long period we have seen them bring to fruition the hopes that the honourable member for The Murray, Mr R. Scobie, expressed. In that same debate the honourable member for Allowrie ——

Mr Crabtree: This is not a speech; it is a roll call.

Mr **BRUXNER:** Perhaps it is. However, I should like to point out to members on the Government benches that, unlike some supporters of this Government, some of their predecessors knew what they were talking about. The honourable member for Allowrie, Mr M. F. Morton, said:

> It is an important department to control, and, if properly administered, will have a beneficial effect on the future of the State as far as agriculture and dairying are concerned.

The honourable member for Blayney, Mr G. S. Beeby, also took part in the debate. It is interesting to note that soon after that debate the honourable member became Mr Justice Beeby of the industrial court. I thought I might quote one portion of the honourable gentleman's address together with an interjection which might be of interest to the Attorney-General, though he may claim that it has nothing to do with the matter before the chair:

> I trust that the creation of the new department will lead to the building-up of a system under which the middleman will be gradually eliminated. I believe in the elimination of middlemen, so far as the handling of produce is concerned.

Then an honourable member, not named in ***Hansard,*** interjected: "What about lawyers?" to which the honourable member for Blayney replied:

> I can even conceive of a high state of society in which there will be no lawyers.

Further in the debate the honourable member for The Hawkesbury, Mr B. Hall, used these words:

> . . . because the Agricultural Department has been dragged at the heels of the greater Mines Department. One Minister could not reasonably be expected to manage the two departments which have hitherto been placed under the one control.

The same message occurs throughout the debate. It is still true. On that occasion honourable members on both sides of the House expressed their recognition of the importance for the new department, as it then was, to have its own Minister solely

responsible for its administration. The honourable member for Burrangong, Mr G. A. Burgess, said:

> I think that it is nearly time that one of the most important branches of industry in this State should receive due recognition, and be placed under the control of a separate Minister.

A similar message was contained in a speech delivered by the honourable member for Camden, Mr F. W. A. Downes, who said:

> We have a department of which we have every reason to be proud, and with a separate Minister to administer its affairs, it will, no doubt, increase in volume and value to the State.

That same theme continued throughout the debate. I might conclude my quotations by referring to the fact that the honourable member for Randwick, Mr D. Storey, moved an amendment in Committee as follows:

> That the Minister shall be paid from Consolidated Revenue the sum of £1370 per annum.

I am happy to report that the Committee rejected that amendment on the good ground that it did not come within the scope of the bill. I hope that in 1907 the Minister for Agriculture was worth a lot more than an annual salary of £1,370. I hope that in 1976 the Minister for Agriculture or his equivalent is worth a lot more than the equivalent of that amount in dollars. Government supporters have reacted in a levitous fashion towards the quotations I have put before the House. I thought they were historical and that it was important tonight, when repealing this measure, to consider the thoughts which city and country members expressed seventy years ago when they applauded without question the establishment of a separate Ministry and a separate department to be responsible for agriculture. I have said quite openly that I have no objection to the title primary industries. I think it covers adequately all aspects of agriculture. I am glad to hear that this historic department is to be preserved. No doubt the Government will be giving some thought to the name of the department. It might be better to have a Minister and a department with the title primary industries, as is the position in Queensland. The most important feature associated with the repeal of this legislation is the fear that no longer will there be a Minister for Agriculture.

When I spoke in the Address-in-Reply debate a member on the Government benches interjected that the Minister for Primary Industries is an extremely competent person. I did not then argue that interjection; I do not argue it now. The Minister would know that I speak quite sincerely. He occupies a portfolio and an office which I had the honour to occupy. However, in conjunction with that portfolio, he is required to occupy the portfolio to which the quotations I have read refer, which is every bit as important in 1976 as it was in 1907—possibly a great deal more important. My reply to the Government's action in repealing this measure is that the Opposition will not oppose the measure.

The Attorney-General has said he did not appreciate the Opposition's reaction to this measure at the introductory stage. My answer to that comment is the Opposition would hope that the Premier will become aware that this portfolio is deserving of being restored to administration by a separate entity. We should hope that the Premier will recognize that primary industries in this State and in this country face a tremendous challenge. Whether those problems come from difficulty of climate, as exhibited by the severe drought in the south and south-westem areas of the State, or whether they come from difficulties presented by marketing arrangements, I cannot say.

I do not care how good the Government might think the Minister is; I do not care how hard he might work; I do not care how earnestly he might pledge himself to the two portfolios he holds. It is not fair to him as a person and it is not fair to the two departments and the people that their activities affect that one man should hold both offices. I know that the Premier has in mind the addition of extra Ministers to his Cabinet. That is his responsibility entirely. If he is thinking of that, I urge him to consider the division of these portfolios. He has removed a Ministry for Agriculture and created a Ministry for Primary Industries. Let us have one Minister for this job. Let us have the honourable member for Casino doing that job or his other job, but only one of them. It is not humanly possible for one man to give full attention to and gain full support from the departments covered by the joint portfolios.

It has been stated that the two portfolios have much in common. They do to the degree that we are trying to decentralize secondary industry into country regions that are based mainly on primary industry. As I said during the Address-in-Reply debate, it is important that the Minister for Decentralisation and Development—and one must not forget that the original portfolio was Decentralisation and Industrial Development and that the word industrial was dropped to shorten an otherwise long title—be in constant touch with secondary industry in the metropolis, in decentralized areas and overseas. While doing that he cannot give his full attention to the problems in primary industries. That is the reason I have spoken at some length on a short bill. The Parliament does not often repeal an Act which it has passed with the support, as I have demonstrated from the debate to which I have referred, of members on both sides of the House on the ground that it was creating for the first time a new Ministry with its own responsible head in the Parliament and its own department outside of it. The Department of Agriculture will not operate successfully until it is given back its own Minister—call him by whatever name you will. The people of New South Wales will not be receiving the service they deserve until the Government sees fit to divorce these two portfolios and establish them as separate entities.

Mr PETERSEN (Illawarra) [9.3]: I represent an electorate, as do you, Mr Speaker, that might be described as a provincial electorate or a cross between a city area and a country area. A number of my constituents are engaged in primary industry. I am amazed that a simple measure, which maintains the Department of Agriculture but puts it under the control of the Minister for Primary Industries, could generate so much heat. An indication of how up to date the Country Party is in dealing with problems of the Australian society in 1976 is gained from the fact that the honourable member for Tenterfield spent most of his time reading extracts from a debate in 1907, 69 years ago. Someone should tell Country Party members that in World War I the steelworks at Newcastle were established and in World War II the industrialization of Australian society proceeded. Australia is one of the most industrialized societies on the face of the globe.

Whether the Country Party likes it or not, Australia is no longer basically an agricultural society; it is an industrial society. Because Australia is basically an industrial society it is vital that we should have a concept of developing areas outside capital cities and the industrial development of country areas. It is equally vital that we have a ministry which combines administrative responsibility for agriculture with that for the development of industry in those areas. I find quite incredible that the Country Party cannot understand this concept—probably mainly because it does not want to understand it. I am amazed that Country Party members should blow their bags with regard to this current legislation, which will be the last of its kind to be introduced into the Parliament. Debate has concluded recently on the Administrative Changes Bill which provides that in future any such changes will be determined

administratively and thus avoid a great song and dance act to transfer administrative responsibility from one portfolio to another.

All the bill proposes is that the Minister for Primary Industries shall be responsible for the administration of the Department of Agriculture. It is a simple and necessary bill. I pay a tribute to the Attorney-General for his bringing down seven bills to simplify administration. After years of conservative bungling administration I find it a relief to have the Attorney-General's portfolio held by a young energetic Minister. The bill is far from being the most important measure to be brought before the Parliament. Its importance goes beyond its provisions; it demonstrates that the Government is not willing to accept the maintenance and anachronisms. I remind the House that about nine months ago the Commonwealth Government changed, as did the Queensland Government, the name of the department administering agriculture to the Department of Primary Industry.

I suggest there are two ways to destroy parliament: the familiar one with which we are associated, as are a great number of authoritarian societies, is rule by decree such as one finds in fascist, military and Stalinist regimes. I am sure that many Opposition members today would like to rule that way. I remind the House of the way in which they disrupted proceedings at the beginning of this Parliament. The other way which is almost as effective is to swamp parliament with masses of paper and masses of tiny pieces of legislation for administrative changes of which it has to approve. Among the masses of bills for administrative changes one finds important measures such as the Summary Offences Bill, the Teaching Service Bill and the Strata Titles Bill to which many members contribute the same amount of discussion as they do to the tiny pieces of legislation affecting administrative changes. Some honourable members opposite when in Government would debate endlessly the Wild Dog Destruction Bill and then gag debate on important legislation like the Teaching Service Act. Six of the seven pieces of legislation now before the Parliament are unnecessary by any logical reasoning. The only legislation which was really worth discussing was the Administrative Changes Bill.

Mr Viney: On a point of order. Although the House is discussing a particular bill the honourable member for Illawarra is traversing the whole range of bills which are subject to the guillotine tonight. I submit that he should return to the bill before the House and not debate the total spectrum of tonight's programme in the House.

Mr SPEAKER: Order! I am sure the honourable member for Illawarra is about to link his remarks to the measure before the House.

Mr PETERSEN: The point I am coming to is that, as a result of the nous shown bv the Attorney-General, debate on bills similar to this one will in future be unnecessary. The response from members of the Country Party at the introductory stage was amazing. If the present Attorney-General were possessed of the ego demonstrated by some of his precedessors, no doubt he would welcome the opportunity to blow his bags. It is a tribute to the Attorney-General that he is seeking to remove provisions that would give him numerous opportunities to pretend that he was making a contribution to the democratic processes of the Parliament.

Honourable members should welcome the legislation if only because in future there will not be such stupid braying as came from the Country Party at the introductory stage. On going through the debate I found that at the introductory stage the Deputy Leader of the Country Party accused the Government of wiping out the State's primary industries with the stroke of a pen. The Minister for Decentralisation and

Development and Minister for Primary Industries had to point out that all that was being done was to make the name of the department the same as it is in Queensland. Apparently the rural idiocy that is a constant feature of the Country Party had to find expression, so the honourable member for Temora, the honourable member for Oxley and the honourable member for Armidale all had to rise and, like braying asses, echo what the honourable member for Tenterfield had said. They all look like failed jackaroos. I was reminded that the difference between a jackaroo and a kangaroo is the look of intelligence on the face of the kangaroo.

Far too many matters are being dealt with by Parliament that could be dealt with by regulation and administrative procedure. The Parliament is swamped with far too many papers. I am glad that I can speak on this measure and that with the passage of the Administrative Changes Bill far fewer such pieces of legislation will come before the House. This is a ridiculous piece of legislation. It is ridiculous that it must be passed by the Parliament. Though I welcome it, I hope that this is the last time we have a ridiculous piece of administrative garbage like this before the Parliament. I hope that in the future these matters can be dealt with by regulation, as the Attorney-General indicated when he brought the Administrative Changes Bill before the House.

Mr Bruxner: Like they are in Russia, where you should be. You would like a bill to repeal the whole Parliament, you commo bastard.

Mr SPEAKER: Order! I call the Deputy Leader of the Country Party to order for the first time.

Mr COWAN (Oxley) [9.14]: I had not intended to speak on the second reading. I made my feelings clear at the introduction of the measure. I support the Deputy Leader of the Country Party in saying how concerned I am about the change of name. I am more concerned that ever since the start of this session the honourable member for Illawarra has appeared to lead for the Government on controversial bills. Over the years the Attorney-General and the honourable member for Illawarra have been closely associated in this Chamber. When members of the present Government occupied the Opposition benches those two honourable members sat together consistently and conferred. The Attorney-General is supported by the honourable member for Illawarra who is known in this House for his leftish tendencies. I am suspicious about the intention of this bill. The more I see of it the more suspicious I become.

The Minister for Decentralisation and Development and Minister for Primary Industries has been sniggering from the time the Attorney-General started to speak on the second reading of this measure. He treats it as a joke. I have been informed, though I cannot vouch for the authenticity of it, that the Premier said to the Minister for Decentralisation and Development and Minister for Primary Industries and to the Minister for Conservation and Minister for Water Resources that they should go away and work out for themselves who should have the portfolio of primary industries. Have we reached the stage when there is in office a government that is willing to downgrade agriculture in the way that the Government has? The Government put the honourable member for Illawarra up to speak on the issue. He is totally opposed to primary industries. He has made that clear.

I fear for the future of primary industry in New South Wales. When one considers the areas that members of the Government represent one sees that the old traditional primary industries of the State have been downgraded by those at present in Government. I am concerned about that and so are the primary producers of New South Wales. As the Deputy Leader of the Country Party said earlier, it does not matter such a lot whether there is a Minister for Primary Industries or a Minister for Agriculture but there is a tradition and the primary producers of New South Wales

do not want to have the name changed. The principles applying in 1907 when the matter was debated and when the administration of primary industries or agriculture was carried out by the Mines Department, are no different from those surrounding agriculture today.

In the State and the Commonwealth, vast and important areas of agriculture must not be downgraded. It does not matter what the portfolio is called in Canberra or Queensland. The activities surrounding agriculture in New South Wales should be linked with agriculture, the traditional word. Since the Government attained office what has happened in this House relating to the dairy industry and other primary industries is an illustration that the Government does not know its job. The Minister does not know his job. He is not an agriculturalist.

Mr F. J. Walker: On a point of order. Surely the toleration that the House can extend to the honourable member for Oxley has been exhausted.

Mr Viney: Mr Speaker will decide that, not you.

Mr SPEAKER: Order!

Mr F. J. Walker: The honourable member for Oxley has attacked the Minister for Decentralisation and Development and Minister for Primary Industries instead of dealing with what is a minor piece of legislation. The bill simply changes the name of a portfolio. The only matter about which the honourable member for Oxley is entitled to speak is the change of name of the portfolio. He is not entitled to attack other Ministers of the Crown in the administration of their portfolios.

Mr SPEAKER: Order! I am a little concerned at the direction the debate is taking. Though the Attorney-General said that this is a simple measure and the Deputy Leader of the Country Party intimated that the Opposition would not oppose it, the debate is now developing into a slanging match between members on both sides. I trust the honourable member for Oxley will return to the bill before the House.

Mr COWAN: I shall be pleased to return to the bill but I draw attention to the fact that the honourable member for Illawarra was allowed to engage in wide-ranging debate on the subject. As you allowed him such latitude, you must allow it to the rest of us.

Mr SPEAKER: Order! If the honourable member for Oxley is canvassing my ruling, I warn him that I shall ask him to resume his seat. The subject before the Chair is the Department of Agriculture (Repeal) Bill. I have listened to what the honourable member has said so far. I have given him some latitude. I now ask him to come back to the bill before the House.

Mr COWAN: I shall be pleased to come back to the bill. The Department of Agriculture encompasses a broad field and one is justified in covering its many aspects. There is a great deal behind this bill, and many unforeseen principles are embodied in it, particularly in clause 5. This is of grave concern to members on this side. The Minister knows that clause 5 contains many hidden aspects that we should like to know more about. I reiterate my concern at the principles behind the bill. I am concerned that the Government is anxious to downgrade agriculture. Traditionally, agriculture stands by this State. Some members of the Labor Party represent rural electorates, but they are very few. It is shameful that they are downgrading the department, the ministry, and the future of agriculture, which is so important to us. I should like to say many things relating to this matter. If I delved into the minor provisions of the bill and tried to predict what might follow from them, I should have

to be critical of the Minister for Decentralisation and Development and Minister for Primary Industries. I do not want to be critical of him; I hope he will live up to his responsibilities to every primary industry in this State, but the agriculturalists——

Mr F. J. Walker: On a point of order. The honourable member is talking about the responsibility of the Minister for Decentralisation and Development and Minister for Primary Industries, not the change of title of the Ministry of Agriculture.

Mr SPEAKER: Order! The point raised by the Attorney-General is a difficult one to adjudicate upon. In referring to the Department of Agriculture and the portfolio of the Minister for Primary Industries, the honourable member for Oxley must make some reference to the duties performed by the Minister. However, the member leading for the Opposition has traversed a fair area of reference to the Minister's duties, and I am concerned that the debate is getting away from the subject before the Chair. Standing Order 152 is explicit: it states that no honourable member shall digress from the subject-matter of any question under discussion.

Mr COWAN: I shall make it as clear as I can that agriculturalists are highly suspicious of this legislation. At the introductory stage I said that I felt there was concern within the Department of Agriculture. It is strange that there is a Department of Agriculture and a Minister for Primary Industries who in theory, let alone practice, must be removed from his department. Why is there not a Minister and a department with the one title? Why is it not either the Department of Primary Industries and the Minister for Primary Industries, or the Department of Agriculture and the Minister for Agriculture? Surely this must follow.

Mr Day: You were only Minister for the dairy industry.

Mr COWAN: And you are making a hell of a mess of it.

Mr SPEAKER: Order! If the Minister seeks the call I shall see that he gets it. The honourable member for Oxley has the call.

Mr COWAN: I do not want to say anything about the dairy industry at the moment. The longer the Minister is in office, the more he puts his foot in the mess, the cow manure. Let him keep going the way he is going. He is concerned with his own dairyfarmers at the moment. That is what I like to hear. Let him look after his dairyfarmers. I conclude by saying that the Minister is happy to see the change to the Ministry of Primary Industries because he will start a new decade in agriculture that will go down in the history of agriculture, this Parliament and this State as the most fearful time ever for agriculturalists. The Minister for Decentralisation and Development and Minister for Primary Industries will initiate it under a new name. I hope he never defames people engaged in agriculture, not only in the department, but also the farmers.

Mr SHEAHAN (Burrinjuck) [9.27]: This has been an interesting debate both at the introductory stage and the second-reading stage. The honourable member for Oxley, who made an extraordinary speech, talked of suspicion. All the bush lawyers on the Opposition side are suspicious of clause 5, which is the savings and protective clause. The bill is of one page. Clause 5 is a standard savings clause providing that certain powers shall not be affected. These powers have been undoubted since the 1907 legislation was introduced. The honourable member for Young can read it. The honourable member for Oxley thinks it is a suspicious and dangerous piece of legislation.

Let me summarize the situation. It is now accepted that the term primary industries is wider than agriculture. The Deputy Leader of the Country Party has agreed that the term primary industries is most appropriate—these were his words—

for the functions to be carried out by the Minister responsible for the Department of Agriculture. It has been established that all the Government is doing is to follow the person whom Country Party members in this place regard as the fountainhead of all wisdom, the Queensland Premier, who also has a Minister for Primary Industries instead of a Minister for Agriculture. The federal Liberal-Country party Government has changed the Ministry of Agriculture to the Ministry for Primary Industry, as distinct from primary industries, and the Hon. Ian Sinclair is the federal Minister for Primary Industry. One must wonder at this change if agriculture is the most magical title that could be attributed to this portfolio. Indeed, which single industry is the primary industry in the Hon. Ian Sinclair's portfolio in the present federal Government structure? It is interesting to look at the ***Hansard*** report of the introductory debate on this bill and to compare what was said then with what has been said tonight. At the introductory stage four members of the so-called Country Party spoke against the motion for leave to introduce this measure, though no members of the so-called Liberal Party spoke against it. After all their blustering on that occasion, they now have no objection to the change of name and no opposition to the piece of legislation introduced by the Attorney-General. It is interesting to reflect on the remarks made at the introductory stage on 8th September. The Attorney-General made a speech of six sentences. It was less than six and a half lines, apart from the moving of the motion. He said:

> The Department of Agriculture Act provides for the creation of the office of Minister of Agriculture and the establishment of the Department of Agriculture. The portfolio has been abolished and the department continues to exist. The effect of repeal of the Agriculture Act is qualified by a provision in the bill for the continuance of the Department of Agriculture. The office of Minister of Agriculture is abolished. The bill will be deemed to have commenced on 14th May, 1976. I commend the motion to the House.

The Deputy Leader of the Country Party—who is highly regarded on this side of the Chamber, I might add—could not understand six, short, simple sentences. He said this in ***Hansard*** of 8th September:

> The words he is seeking to abolish—Department of Agriculture—fell glibly from his lips.

He went on to say later:

> . . . the Opposition will not merely sit by and watch an important and historic establishment, which is basic to the interests of primary industry and rural production, wiped out with the mere stroke of a pen.

He did not understand six simple sentences. He was joined in that dilemma by the honourable member for Armidale, who, in the same debate, asked why the Government had decided to change the name of the Department of Agriculture. Again, he also did not listen to six simple sentences spoken by the Attorney-General in introducing the measure. It was never proposed that the Department of Agriculture be abolished. The honourable member for Temora—whose interest in primary production qualifies him to be shadow minister for youth and community services—was the only one who understood the legislation. No doubt, because he understood the legislation he is the shadow minister for youth and community services. On that occasion the most sensible comment of the honourable member for Oxley, who has entertained us again tonight, was, "I am sorry that I was not in the Chamber when the Deputy Leader of the Country Party addressed the House."

The honourable member for Oxley also failed to understand the measure that is before the House now and was on that previous occasion. His two major points, apart from his absence from the Chamber when his deputy leader was speaking, were

that the federal Department of Agriculture was not nearly as important as the State Department of Agriculture—the federal body, whether it be primary industry, agriculture or primary industries, was not important. He downgraded the department in the federal sphere and he also complained about the site of the office of the Minister for Decentralisation and Development and Minister for Primary Industries because it was not in the State Office Block but down in an office that was formerly occupied by the Minister for Decentralisation and Development.

When we look through that introductory debate we see the complete misunderstanding of the four members of the so-called Country Party who spoke on the Minister's speech of six sentences, which has been amplified tonight in his second-reading speech. The major objection now levelled against the measure is that the Minister for Primary Industries in our Government will administer the Department of Agriculture. Why do we not change the Minister for Highways to the Minister for Main Roads, because the Minister's function is to administer the Department of Main Roads? Members opposite did not object to that title; that was the structure that they adopted from 1965 to 1976. Why is not the Miniser for Energy described as Miniser for Electricity? He administers the Electricity Authority and the Electricity Commission. It is fatuous to say that the title of the Minister responsible should necessarily be the same as the title of the department, because the honourable member for Oxley was the Minister for Water Resources while we still had the Water Conservation and Irrigation Commission. He was not referred to in the initial period until the legislation was passed as the Minister for Water Conservation and Irrigation. So let us have an end to this nonsense about the relevance of the name of the portfolio to the name of the department administered.

On the subject of changing name let me make a further point. We have in this House some members who are the only members of the only State branch left of the so-called Australian Country Party, because their federal colleagues——

Mr Viney: On a point of order. The honourable member for Burrinjuck is most entertaining, but could we please get back to the bill? The Attorney-General has indicated that we have the guillotine and that we will soon get our heads chopped off. Perhaps we might get back to the debate?

Mr SPEAKER: Order! I thought that the honourable member for Burrinjuck was making a good point when he was going through the various departments and the relationship of their names to the Ministers' portfolios. The bill concerns the changing of the portfolio of primary industries, and the Opposition so far has decried the change because of the relationship of the Minister to that department. I think that so far the honourable member is in order.

Mr SHEAHAN: Thank you, Mr Speaker. I am only amplifying the point made by the Attorney-General about the resistance to change. The interruption of the honourable member for Wakehurst when he spoke about the guillotine reminds of the story of the three men who were waiting to be guillotined. There were the Englishman, the Irishman and the Scotsman, all waiting for the guillotine and aware of the old custom that they would be freed if it did not work. The Englishman——

Mr Viney: On a point of order, Mr Speaker. We have heard discussion by the honourable member in regard to the change of name of portfolios. He then got into the area of change of names of political parties. Though he is not a member of Actors Equity, now he is seeking to entertain the House with a poor, worn-out gag that everybody knows.

Mr SPEAKER: What is your point of order?

Mr Viney: My point of order is that the honourable member should come back to the **bill.**

Mr Gordon: On the point of order. I have not heard this one.

Mr SPEAKER: Order! Although I am sure I too would enjoy the joke, I ask the honourable member to come back to the bill.

Mr SHEAHAN: It is far more interesting to explore the change of name of the co-called Country Party. As we had in the last Parliament the sole parliamentary member of the Democratic Labor Party, so in this Parliament we have eighteen relics of the so-called Australian Country Party, the only surviving parliamentary members of the only State branch of the so-called Australian Country Party.

Mr SPEAKER: Order! I ask the honourable member for Burrinjuck not to canvass my **ruling** much further. He has had two points of order taken on this matter. I ask him to come back to the bill.

Mr SHEAHAN: Mr Speaker, let us consider the importance of the title of the Minister and the suspicion of the honourable member for Oxley that there is something sinister in this measure.

[Interruption]

Mr SHEAHAN: Go back and look under your bed to see if there are any coms there. What is important is not the title of the Minister but the functions and the policy that he carries out as a Minister of the Crown. As the honourable member for Illawarra said, we are proposing to simplify this question of administrative changes, so it will not matter to members of the Parliament or the public what the name of the department is. After all, what's in a name? We on this side of the House believe that the change from Minister for Agriculture to Minister for Primary Industries is important. As was agreed by that august gentleman who led for the Opposition tonight, there is a lot to commend the name primary industries in preference to agriculture. We think of the function and the policy that the Minister for Primary Industries in this Government will carry out. Although the honourable member for Upper Hunter interjects about the number of votes that his so-called Country Party gets at an election, according to an authoritative analysis his party lost a net 1 per cent in the 1976 elections. But let me get back to the critical issue of what is involved in this measure.

The honourable member for Oxley objected, in passing, to the occupations of supporters of the Government and discussed the qualifications they might or might not have for appointment as Minister for Primary Industries. He said that the Government was downgrading the portfolio. If one is interested in questions of seniority, as the honourable member for Oxley appears to be, the fact is that the Minister for Primary Industries in the Labor Government, is a more senior Minister than any of those who occupied the position of Minister for Agriculture in recent Liberal-Country party governments. The first Minister for Agriculture in the Askin-Cutler Government got the guillotine. His successor was a man new to the Ministry, and when he retired another new Minister was appointed to head that department. So there has been no downgrading of that portfolio by the Labor Party.

While we are considering occupation and fitness for appointment as Minister responsible for primary industries, one might ask how it would ever be possible under the Opposition's scheme for populations in country areas, being what they are, and including those who work on the land and those who do not work on the land, to be integrated in some sort of meaningful way in their social dealings? If members of the Opposition are interested in the qualification of rural parliamentarians, they might

inquire why the federal Minister for Primary Industry is a barrister, why a former State Minister, Mr Stephens, was a journalist, why a former Minister who was also Leader of the Country Party was a salesman, why the late Sir Earle Page was a doctor, and why Sir Arthur Fadden was an accountant. Are these not important questions if we are to talk about the qualifications of persons to be Ministers of the Crown in this place?

The second major objection by the Opposition, apart from the fact that the department and the Ministry will not have the same name, is that there will be a doubling up in Labor's administrative structure of the Department of Decentralisation and Development and the Department of Agriculture, and a doubling up, indeed, of the relevant portfolios under one Minister. I suppose that the Opposition never really had m its ranks persons who were able to do both jobs. As the Labor Party was invited to do by the Deputy Leader of the Country Party and the honourable member for Oxley, it will face the challenges no matter who administers what department. I suggest that our Minister for Decentralisation and Development and Minister for Primary Industries has already proved himself in this House, contrary to what members of the Opposition would seek to have people believe.

If honourable members opposite are not yet convinced by my arguments, let me look at the structure of their shadow ministry. The shadow minister for decentralisation and development and primary industries is none other than the Deputy Leader of the Country Party. The objection might be made that it is only a shadow ministry and that the Opposition is merely mirroring the portfolio structure adopted by the Government. If that is so, why is the shadow ministry of federal affairs under the auspices of the Deputy Leader of the Opposition when that Ministry is the responsibility of the Premier in our administration? Why is the honourable member for Fuller not only shadow minister of justice and shadow minister for services but also shadow minister for police and shadow minister for culture, the two latter portfolios being under the administration of the Premier? Why is it that the shadow minister for youth and community services is none other than the only member of the Country Party who understood the bill at the introductory stage, and is also shadow minister for ethnic affairs? The former Minister for so-called Agriculture has finished up shadow minister for conservation and water resources, a department that he abolished.

Mr West: On a point of order. I ask your ruling on whether the honourable member for Burrinjuck is addressing himself to the bill. I believe he is not. He is traversing a subject that has no relation to the matter before the House.

Mr Sheahan: On the point of order. Two major objections have been taken to this measure, even though the Opposition does not intend to resist its passage. The first major objection was to doubling up of ministerial responsibility in having a Ministry for Decentralisation and Development and a Ministry for Primary Industries. All that I am doing is answering that point.

Mr SPEAKER: Order! The honourable member for Burrinjuck has answered criticism made by the honourable member for Oxley and others. He has laboured the point somewhat. He is now digressing from the measure. Standing Order 152 provides that an honourable member may not digress from the matter before the Chair. I ask the honourable gentleman to come back to the matter before the House.

Mr SHEAHAN: Having dealt with the *ad nauseam* member for Orange, I come to the shadow ministry in the Liberal Party's structure. First there is a deputy shadow minister for primary industries.

Mr West: On a point of order. I submit that in discussing shadow portfolios the honourable member for Burrinjuck is not dealing with the bill. I understood that you had asked him to come back to the measure. I now seek your further ruling on the point.

Mr Day: On the point of order. The Opposition is very sensitive when the honourable member for Burrinjuck speaks of shadow ministers. The bill is all about the title of a ministry of the Government. The Opposition has criticized the bill in various ways. It must be pertinent for the honourable member for Burrinjuck to refer to the way in which shadow ministries attempt to mirror the portfolios announced by the Premier.

Mr Viney: What is your point of order?

Mr Day: I am speaking on a point of order that was taken originally by you and your colleague the honourable member for Orange.

Mr Viney: Why not address the Chair?

Mr Day: You do so too.

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

Mr Day: I am addressing myself to the point of order taken by the Opposition, the members of which like to cast all sorts of aspersions on the Government's allocation of portfolios, but make no reflection on their own. In view of those aspersions I submit that any reference by the honourable member for Burrinjuck to the allocation of shadow portfolios is pertinent to the question before the Chair.

Mr SPEAKER: Order! I am not satisfied with the line of argument being put forward by the honourable member for Burrinjuck. I did accept his demonstration that the change being made on this occasion was not in any way reflected by other situations where there were departments with certain names and portfolios with other titles. Frankly, I think the honourable member is now straying well away from the measure in that he is now going through each of the shadow portfolios. I ask him to come back to the measure before the House.

Mr SHEAHAN: I had finished my survey of the relevant shadow ministries except to say that my friendly electoral neighbour, the honourable member for Wagga Wagga, attacked the move by the Government to introduce this bill and to couple the Ministry of Decentralisation and Development with the Ministry of Primary Industries. I am sure that as the following news item appeared in the honourable gentleman's own local newspaper on 22nd July last, he will accept it as being accurate. It reads:

> Mr Schipp continued, "This matter was discussed at length at the Opposition Primary Industry Committee . . .

I ask honourable members to note the use of the singular noun "industry", the same as in the title of the federal department, and to note also the name of the committee —a primary industry committee, and not the agriculture committee. The report continues:

> . . . which met in Sydney last week and it was agreed to press Labor to recognize the tremendous importance of the rural sector and to ask Mr Wran to again appoint a Minister directly responsible for the portfolio.

Really. I wonder whether the honourable member for Wagga Wagga would be able to tell the House of any written or verbal approach that he made to the Premier along those lines. The Labor Government has a Minister directly responsible for

primary industries. What does it matter that he has another portfolio? He ought to be proud to be administering two of them. If members of the Opposition do not have in their ranks anybody who can administer two such portfolios, that is an interesting fact, but they should not forget that the Minister for Decentralisation and Development and Minister for Primary Industries is not the only member of the Government who administers more than one portfolio. We have the Minister for Industrial Relations, Minister for Mines and Minister for Energy. There are separate shadow ministers for those portfolios. The Government is going so well that the Opposition needs more than one man to mark one Minister.

Mr Coleman: Give up. You lost fifteen minutes ago.

Mr SHEAHAN: The coalition parties lost on 1st May, and it is about time they woke up to it. I shall conclude my remarks now, much to the delight of honourable members opposite. The so-called Country Party thinks that some portfolios are so important that they should never be coupled with others. When the present federal Government came to office, members of the Country Party were jealous about getting seven Ministers, but it got only six. They did not consider that there is too much work load involved in one man being the Deputy Prime Minister of Australia, the Minister for Overseas Trade, and the Minister for National Resources. However, the previous federal Government regarded those functions as separate portfolios, although one had a different name.

Let us have an end to this nonsense. Two points have been made. The Minister for Primary Industries administers the Department of Agriculture. This is done in the same way as the Minister for Highways administers also the Department of Main Roads, and the Minister for Energy administers the Electricity Commission of New South Wales. Then there is this question of the doubling up of portfolios. They are the only arguments put forward by members of the Opposition. I am happy to support the bill.

Mr FREUDENSTEIN (Young) [9.52]: This is a tiny measure introduced by a tiny though somewhat devious brain. Though we are not opposing the measure, the bill calls for a certain amount of comment. We do not adopt the heated approach adopted by the honourable member for Illawarra. There is no heat in this particular debate, but we are somewhat concerned that some emphasis is being taken away from one of the greatest and most important industries in New South Wales. What amuses me—indeed, from a political point of view it intrigues me—is that similar tactics were employed by the Whitlam Government when it assumed the Treasury benches in Canberra. That Government endeavoured right along the line to denigrate the whole of inland Australia and New South Wales. Mr Whitlam endeavoured to denigrate the great primary industries of New South Wales and the great agricultural areas of this State. Of course, it cost him government eventually.

Often in our activities as a Country Party we endeavour to gain editorial comment opposing us in the ***Sydney Morning Herald.*** We spend hours trying to get an editorial against the Country Party in this newspaper. Because of the great animus being exhibited against the Country Party by the Labor Government in this State we do not have to do that now. When Government supporters open their mouths they say something against the Country Party, and as a result we are getting millions of words of publicity running throughout all the country journals. This is the greatest thing that has happened to the Country Party, but here again, in this simple little bill——

Mr Day: On a point of order. Mr Speaker, I believe that in this debate you should be fairly tolerant, in view of the light-hearted approach by the Opposition, but Country Party members took points of order on speakers from this side who strayed

from the bill. Though I am interested in the dissertation by the honourable member for Young on the Country Party, its editorial support, and its great strength with the country press—which I acknowledge—I submit with great respect that it has nothing whatever to do with the bill. If the honourable member for Young wants to have a dissertation on the Country Party, perhaps he can tell us, on a bill dealing with titles, whether he is a member of the National Party, the National Country Party or the Country Party. If he does not want to refer to that, perhaps he might get back to this measure, which changes the title of the Minister for Agriculture to the Minister for Primary Industries.

Mr Bruxner: No, it does not do that at all.

Mr SPEAKER: Order! This is a short bill. I have noted already that the Deputy Leader of the Country Party, who led for the Opposition, has indicated that there is no objection to the measure. I intended to say earlier that I was concerned that the debate was developing into a slanging match between Government and Opposition members, and it seems obvious that the members who are now rising to speak wish to continue it. I make it clear that I am not satisfied with the way the debate is developing, and I ask honourable members to address themselves to the bill, which is a very simple measure indeed.

Mr FREUDENSTEIN: Thank you, Mr Speaker. I shall not dwell long on that particular part of the point I was making. The bill has two main purposes: one is the denigration of the great rural areas of New South Wales, as pointed up by Mr Whitlam. The second point is to cover up for an inefficient Minister, and clouding him in a certain title. Another purpose is to appeal to the press and everyone else, by suggesting that Labor is ready for a change. I agree that Labor governments have changed the names of departments over the years. One Labor government altered the name of lunatic asylums to psychiatrict centres and mental health care centres. A Labor government altered the prisons service to corrective services. Now the Labor Government seeks to alter from agriculture to primary industries the portfolio in which farmers are interested.

Why waste the time of Parliament with a simple change like that? Are the farmers lunatics or prisoners? Is that the way the Labor Party wishes to deal with the primary producers in this State? Does the Labor Government think that changes of this nature appeal to the press? In essence, the only thing it is doing is to cost the taxpayers of this State the large fortune that will be involved in the change of such things as letterheads. There is little else that this will serve. It is a matter of the name Minister for Primary Industries as opposed to Minister for Agriculture. An Act oh Parliament has been introduced to make this change, in order to correct a mistake that was made by the Premier, who did know and did not take sufficient notice of his advisers when he was forming his Ministry. That is all it means. I am rather concerned with clause 5.

Mr F. J. Walker: It is only a savings clause.

Mr FREUDENSTEIN: It is to create or abolish or change the title of any ministerial office, or to appoint a person to be a Minister of the Crown by a particular title.

Mr F. J. Walker: The honourable member should read the first line.

Mr FREUDENSTEIN: That still gives a power to create Ministers at will, and also it takes the Minister for Agriculture out of his own Act.

Mr F. J. Walker: No; it does not.

Mr FREUDENSTEIN: There is no purpose in it. It is a complete waste of time and money. I estimate that the cost of bringing this bill into Parliament would be not less than about $6,000; that it what it costs to prepare each bill for presentation to Parliament. This is a waste of money, and if this is to continue throughout the portfolios, involving such things as the change of letterheads, the State will be up for millions of dollars. The Wran Government is just wasting the money of this State, and as a result the people will dispense with it after three years.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [10.0]: I am amused and amazed by the reaction of the Country Party to such a small measure. Though the bill is a trifling measure, one would think from the time Country Party members have wasted on it that it had major significance. This indicates to me that there is little in the area of primary production about which Country Party members can criticize the Government. If this is how they intend to spend their energies in Opposition, I am gratified that a major assault in this session of Parliament should be made upon the basis of a change of name of a ministry. The Deputy Leader of the Country Party spoke about two portfolios and what a great advance was made when they were separated and changed from the Minister for Mines and Agriculture in 1907. He quoted ***ad nauseam*** from the ***Hansard*** of 1907—almost seventy years ago—taking us back almost to the past century. The quotations he gave were as antiquated as the philosophy of the Country Party.

In 1927, the Marketing of Primary Products Act was introduced. The Leader of the Country Party had the effrontery earlier today to ask me why, after almost forty-nine years, this new Government contemplated changing that Act—as if everything that was done forty-nine, seventy or one hundred and seventy years ago is the bible by which we should be guided now. I admit that what was done so long ago does guide the Country Party, and that never ceases to amaze people who have a little perception. I do not know what difference there is between having a ministry of mines and agriculture and a ministry of agriculture and water resources: in fact those two portfolios have been divided and the water resources portfolio separated from agriculture. I suppose that if the Government had the 1907 philosophy of the Country Party it could enter into a great discourse about taking that action. However, I am glad to say that we do not have the same philosophy. I am surprised at the attitude of the honourable member for Young, who at one time was the Minister for Conservation.

Mr Sheahan: That was the portfolio they abolished.

Mr DAY: Although a government that he supported abolished that portfolio, he did not say a word about it tonight; he thinks it was lovely that it was abolished. The honourable member does not realize that the Government has seen fit to bestow upon the Department of Conservation a ministerial title. The Deputy Leader of the Country Party, who is in the wings waiting to take over from his leader who has been completely discredited, has spoken about the wonders of the Department of Decentralisation—a department he administered for twelve months. However, the fact is that the Department of Decentralisation and Development was so demanding at that time that the Deputy Leader of the Country Party and his successor as Minister had an exercise bike installed in the toilet. Anyone who could not run in a day and a half a week the department in the way they ran it should be utterly ashamed of himself.

In order to keep themselves fit, they installed that piece of machinery, which I must confess I have not had the time to use. However, I have had plenty of mental exercise in administering the duties that were loaded on me as a result of eleven years of absolute neglect. I am glad that the Premier has given me this responsibility and I sincerely hope that I shall do credit to both the portfolios with which I have been honoured. I can only conclude from the fact that the Leader of the Country Party has not taken part in this debate that he is on the skids. He is known affectionately among his colleagues as——

Mr Singleton: On a point of order. Mr Speaker, the Minister has wandered everywhere round his department; he has given the House a long dissertation on the facilities in the toilet in his department. It is obvious that he is spending a lot of time in the toilet. The Minister has attempted to make capital of the fact that the Leader of the Country Party has not spoken tonight. However, that has nothing to do with the small measure before the House. Mr Speaker, I ask you to order the Minister to come back to the bill.

Mr Day: On the point of order. Up to this point of time I have confined myself to answering the assertions of the Country Party members who have taken part in this debate. I submit that in answering those honourable members it is my prerogative to comment upon what they did not say but could have said. I submit that up to this point I have confined myself to the bill and the remarks that have been made by Opposition members. I submit that I should be permitted to have the right to reply to those remarks.

Mr SPEAKER: Order! The Minister has referred to certain remarks that have been made about the measure, about his portfolios and about him in particular. Although the Minister has made reference to the Leader of the Country Party not participating in the debate, I believe that it was only a passing reference. No point of order is involved.

Mr DAY: Country Party members, in their snivelling, contemptuous way, have attempted to cast aspersions upon me because I hold the portfolio of Minister for Primary Industries. I am glad to tell those honourable members that I am proud to hold that portfolio—and I am the first person in the State of New South Wales to hold it. I believe that the term primary industries is one in which everybody interested in country matters could well take pride—and I have that pride. I believe that mine is not only the first of a decade of a ministry of primary industries but also a century or more of such a ministry. I am proud of the fact that in another seventy years' this change of title and the fact that I now hold the portfolio will be referred to. The Leader of the Country Party is known as General Jubilation T. Cornpone. He is like the comic-strip leader of the hillbilly army who was famous because he never ever won a battle. This fellow has not even won a skirmish.

Mr Singleton: On a point of order. I have no idea what skirmishing and battles have to do with the bill before the House. We are dealing with a small measure effecting a change of name in an old and honoured department—the Department of Agriculture—and its Minister, the Minister for Primary Industries. However, the Minister has ranged all over the place and has failed to deal with the bill before the House.

Mr SPEAKER: Order! I indicated earlier that the Minister was making a passing reference to the Leader of the Country Party. I think he is now labouring that point.

Mr DAY: I shall not answer further. The honourable member will not last much longer. Too many people are manoeuvring against him. I shall refer now to the former Minister for Agriculture who apparently takes such great pride in the title. I suggest to the honourable member and to the House that that is the only thing in which he may take pride because he did nothing whatever for the portfolio. In fact, in his short and tragic occupancy of the Ministry he did more to destroy the dairy industry—in which he had such a vested interest, as did his leader and party followers —than any other man in history. He and his colleagues have done more damage to that industry than anyone else in the course of the agricultural history of this State. It is up to the Government and to me as Minister to——

Mr Boyd: Have you read the report of the Industries Assistance Commission?

Mr DAY: The honourable member for Byron is full of comments and continually makes sneering references.

Mr Singleton: On a point of order. The Minister is wandering again. Clearly tonight his mind is not the full dollar. He is definitely wandering. He cannot keep to this simple bill. Earlier he said it was a simple bill aimed at changing the name of the department. I submit that he should be asked to confine his comments to the bill.

Mr Day: On the point of order. I am answering an interjection from a member who has a sneering attitude not only to the institution of Parliament but to your office, Mr Speaker. If I do not have the right to answer him in this House then I have no rights at all. I do not intend to go off snivelling and telling lies to the press about this House and this institution and blame the Chair that controls it. I believe that in this debate I have a right to answer that snivelling interjection in a manner that is appropriate.

Mr SPEAKER: Order! I do not uphold the point of order taken by the honourable member for Clarence. It is grossly disorderly for an honourable member to interject continually, as the honourable member for Byron has been doing during the Minister's speech. The honourable member made the interjection at least three times. The Minister's attention was drawn away from the matter before the Chair by that disorderly interjection.

Mr West: Further to the point of order. Respecting your ruling, Mr Speaker, I submit that——

Mr SPEAKER: Order! Is this a fresh point of order?

Mr West: Yes. Earlier you ruled on a point of order taken by the Attorney-General against the honourable member for Young.

Mr F. J. Walker: I did not take a point of order.

Mr West: In that case I apologize to the Attorney-General. A point of order was taken against the honourable member for Young and you, Mr Speaker, said that the debate was developing into an argument between the Government and the Opposition.

[Interruption]

Mr SPEAKER: Order! I wish to hear the honourable member for Orange present his point of order.

Mr West: In your ruling on the point of order taken against the honourable member for Young you intimated that this was in a fact a small matter but it was developing into a situation in which political parties were arguing with each other. At the introductory stage the Minister referred to the Opposition member who led in this debate. The Minister is now digressing considerably and has moved well away from your ruling on the point taken against the honourable member for Young. I ask you to rule similarly against the Minister.

Mr SPEAKER: Order! Apparently the honourable member for Orange did not hear the ruling I gave earlier. I said that the debate was developing into a slanging match between the Government and the Opposition. I think it fair for the Mister, who has had such attack made upon him and his portfolio, to be permitted to make passing reference to the arguments levelled against him. That is what I think he has done so far. If there were fewer interjections and points of order the Minister would come more quickly to the end of his contribution to this debate.

Mr DAY: I should like to make one further short reference to the interjection regarding the report of the Industries Assistance Commission on the dairy industry and invite the honourable member for Byron, any other member of his party, or indeed any member of the Opposition, to ask me a question about it at question time and not make snivelling interjections on the subject. I shall be quite happy to give them an answer. Obviously they are worried about the answer I might give so they will not bring the matter up in the orthodox way. I particularly invite the honourable member and his colleagues to do so.

Mr Boyd: I cannot get the call at question time.

Mr DAY: The honourable member for Byron says he cannot get the call. The poor little member for Byron. He, like his colleagues, still does not realize he is in Opposition. He and his mates believe they are born to rule. Colonel Boyd, the false colonel from Byron. He was a corporal.

Mr Brewer: On a point of order. I concede that the Minister has some licence to reply to criticism offered by the Opposition in this debate. But I believe, as you said before, that the Minister is continuing a slanging match and consequently we are not hearing the reasons why the title is being changed from the Minister for Agriculture to the Minister for Primary Industries. That is the point in which I am vitally interested.

Mr SPEAKER: Order! I shall deal with the interjections. I ask honourable members and the Minister to ignore interjections and to return to the matter before the Chair.

Mr DAY: Thank you, Mr Speaker. The interjections are so pathetic that they are really difficult to ignore. Members opposite say that this Government has downgraded agriculture. However, they say nothing about our uplifting of primary industries. Surely one argument is at least as good as the other. I am proud, as I intimated earlier, of my Ministry and its title. If members opposite feel so strongly about the change of name I should like to refer briefly to the fact that the Country Party, or the party known as the Country Party in this Parliament, is not really sure of its name. It is not sure whether it is the National Party, the National Country Party or the Country Party. Obviously it has less faith in its own future than this Government has in the future of primary industries. The Government has not, as the honourable member for Young glibly put it, denigrated country areas and primary producers. In fact, the Government has uplifted them.

This Government has combined the two most important portfolios for which I have responsibility. Those two portfolios, decentralization and primary industries, have a link with the future of country areas in this State. Additionally, I have the honour and distinction of being Minister for Development. As it was pointed out by an Opposition member, this portfolio was formerly called industrial development and decentralization. Contrary to what the Deputy Leader of the Country Party said at the introductory stage and contrary to what the Country Party has claimed for eleven years, the idea was not its invention. In fact the Department of Industrial Development and Decentralisation was established by the honourable member who is now Treasurer of this State, when he was Deputy Premier. He carried with honour that title when he became the Premier of the State of New South Wales. When a coalition government came to office in 1965 all it did was to downgrade industrial development and shunt ministerial responsibility for it off to the upper House. I established in this Parliament that denigration by the coalition Government of industrial development in this State when I brought forward information about the motor industry and the way in which the Minister in charge of the department had ignored his responsibilities.

Mr Viney: On a point of order. The Minister is enjoying an ego trip but he is still defying your request to speak to the motion before the Chair. I ask you, Mr Speaker, to bring him back so that the debate might resume reasonable proportions.

Mr SPEAKER: Order! The Minister in the latter part of his remarks intimated that he has some pride in the two portfolios, Decentralization and Development, and Primary Industries, of which he is the Minister. He is in order as he is addressing his remarks to the names of those portfolios.

Mr DAY: Every Opposition member who has spoken on the bill has made some disparaging reference to my holding two portfolios and has taken exception to the fact that the two portfolios are efficiently administered for the first time in 11 years. The honourable member for Young made a snivelling reference to the cost of changing letterheads. I remind the House that in the last 15 months of the previous Government's unfortunate rule in New South Wales it changed so many departments and so many Ministries that the Government Printer must have run out of printer's ink. For example, the honourable member for Wollondilly when Premier abolished the office of Chief Secretary and created the Services Ministry. Sir Eric Willis, after his ***coup d'etat*** that brought him to the position of Premier, recreated the office of Chief Secretary and abolished the office of Minister for Services. This is only one instance of the many on which the honourable member for Bumnjuck elaborated.

The opposition to the bill is a typical Country Party storm in a teacup. I hold the office of Minister for Primary Industries and the office of Minister for Decentralization and Development. If the Opposition have grounds for suggesting maladministration by me of the portfolios I should be interested to hear them. The Opposition's criticism of the title demonstrates the barrenness of their thought and of their opposition. The House has not heard any argument that should give rise to opposition to the bill. The so-called Opposition has intimated it does not intend to oppose it and therefore I must take comfort, as does the Government, from the fact that the decision by the Premier has a great deal of merit.

Mr BREWER: Mr Speaker—

Mr FLAHERTY (Granville), Government Whip [10.23]: I move:

That the question be now put (S.O. 175B).

The House divided.

Ayes, **49**

Mr Akister
Mr Bannon
Mr Barnier
Mr Bedford
Mr Booth
Mr Cahill
Mr Cleary
Mr R. J. Clough
Mr Cox
Mr Crabtree
Mr Day
Mr Durick
Mr Einfeld
Mr Face
Mr Ferguson
Mr Flaherty
Mr Gordon
Mr Haigh
Mr Hatton
Mr Hills
Mr Hunter
Mr Jackson
Mr Jensen
Mr Johnson
Mr Johnstone
Mr Jones
Mr Keane
Mr Kearns
Mr McGowan
Mr Maher
Mr Mallam
Mr Mulock
Mr Neilly
Mr O'Connell
Mr Paciullo
Mr Petersen
Mr Quinn
Mr Ramsay
Mr Renshaw
Mr Rogan
Mr Ryan
Mr Sheahan
Mr Stewart
Mr F. J. Walker
Mr Whelan
Mr Wilde
Mr Wran

Tellers,
Mr Brereton
Mr Degen

Noes, **44**

Mr Arblaster
Mr Barraclough
Mr Boyd
Mr Brewer
Mr Brown
Mr Bruxner
Mr J. A. Clough
Mr Coleman
Mr Cowan
Mr Darby
Mr Dowd
Mr Doyle
Mr Duncan
Mr Fischer
Mr Fisher
Mr Freudenstein
Mr Griffith
Mr Healey
Mr Jackett
Mr Leitch
Mr McDonald
Mr McGinty
Mh Mackie
Mr Maddison
Mr Mason
Mrs Meillon
Mr Moore
Mr Morris
Mr Murray
Mr Mutton
Mr Osborne
Mr Park
Mr Pickard
Mr Punch
Mr Rofe
Mr Rozzoli
Mr Singleton
Mr Taylor
Mr Viney
Mr Webster
Sir Eric Willis
Mr Wotton

Tellers,
Mr Schipp
Mr West

Pair

Mr Wade Mr N. D. Walker

Resolved in the affirmative.

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

Motion agreed to.

Bill read a second time.

In Committee

The CHAIRMAN: Order! The question, That the question be now put, under Standing Order 175B, having been previously agreed to in the House, the question now is, That clauses 1 to 5 stand part of the bill.

Clauses agreed to.

Adoption of Report

Bill reported from Committee without amendment, and report adopted.

ADJOURNMENT

Fluoridation of Water Supplies

Mr F. J. WALKER (Georges River), Attorney-General [10.32]: I move:

That this House do now adjourn.

Mr BOYD (Byron) [10.32]: On Thursday, 2nd September, the Minister for Health tabled a regulation under the Fluoridation of Public Water Supplies Act of 1957 with respect to the water supply of the Tweed shire council. That was done despite objections from ten different organizations involving 4 000 signatures from individuals within the shire. Many people will argue that flouride is not harmful. Many will argue strongly that it is most beneficial. There are many with medical evidence to show that it is a dangerous poison. Professor Sir Arthur Amies and Sir Edward Dunlop are two of those people who have been reported in the press on many occasions on that stance. There are people who are allergic to fluoride. Many have been warned on medical advice that they must not even wash in fluoridated water.

Mr F. J. Walker: On a point of order. When speaking on the motion for the adjournment of the House it is obligatory that honourable members consider the standing orders. One of the rulings of many previous Speakers is that honourable members must use the appropriate form of the House to deal with a problem. I submit that the most appropriate form of the House for the problem the honourable member for Byron has is to move disallowance of the regulation that offends him. If the honourable member feels that the regulation is not in the interests of his constituents, despite the fact that his party will not do anything about it, he still has the right, at the appropriate time, to move that the regulation be disallowed. The debate on the adjournment of the House is used by honourable members to canvass matters, particularly in their own electorates, but sometimes generally. It should not be wasted by honourable members who can use more appropriate forms of the House. My point of order is that the honourable member for Byron should not be allowed to waste time that is so valuable on the adjournment. It is difficult to get the opportunity to speak in the adjournment debate. This subject could have been dealt with by a more appropriate motion at another time.

Mr Boyd: On the point of order. The matter is urgent. It is of vital concern to a great number of people in my electorate. I have been approached on the matter in recent days. I regret that I am now outside the time limit for disallowance of the regulation and, Mr Speaker, I crave your indulgence in the matter.

Mr Day: On the point of order. It is not a matter for your indulgence, Mr Speaker, but whether the honourable member for Byron knows the proper forms of the House. It is obvious from his dissertations in the press that he does not know the proper forms of the House. For example, he expects, when in Opposition, to get a question a week. I was never favoured with that in the five years that I was a member of the Opposition. The honourable member for Byron should properly learn to appreciate the forms of the House. You, Mr Speaker, should rule that he go away and study them and bring up the subject-matter he is discussing tonight at the appropriate time that is provided for in the standing orders.

Mr SPEAKER: Order! I have listened to the points of order and I have also acquainted myself with rulings by Sir Kevin Ellis on the scope of the adjournment debate. The Attorney-General referred to the most appropriate form by which a subject could be raised. That is up to the member himself, who may choose the way in which he raises it. I am willing to listen to the honourable member for Byron on this subject.

In order to overcome the number of points of order being taken by honourable members on both sides on the adjournment debate, which was robbing honourable members of the opportunity to raise matters, Sir Kevin Ellis gave this ruling:

> Honourable members speaking on the adjournment will be permitted to discuss any one matter of local or general interest, and may deal with the subject in such manner as they think fit, subject only to the normal rules of debate including, of course, the sub *judice* rule and the rules relating to anticipation and duplication of debate.
>
> This ruling is to supersede all prior rulings concerning debate on the motion for the adjournment of the House. In view of this new and flexible approach it is hoped that honourable members on both sides of the House will henceforth refrain from taking captious points of order—or, as they are known in the House of Commons, "cheating" points of order, or, as *May* refers to them fraudulent points of order—that have for their prime object the taking up of the limited time allowed on the debate on the adjournment of the House.

Therefore, I am happy to listen to the honourable member for Byron.

Mr BOYD: I thank you for your wise ruling and I congratulate you on it. Many people are allergic to fluoride. We could debate the pros and cons of fluoride for some time and finish up little the wiser. However, we do know something about it. First, it is a poison. Second, it is dangerous. There is a disease that occurs throughout the world that is called fluorosis. It affects not only human beings but also animals. I think the Minister for Decentralisation and Development and Minister for Primary Industries will be aware of the disease from his dealings with his own department. It is commonly known and recognized by the Department of Agriculture and the Queensland Department of Primary Industries. Death certificates have been issued for fluoride poisoning. But that is not the real point. What I want to speak about is the principle involved in what has happened with this regulation. On 2nd September there was a mass medication without the right to the normal democratic privilege of a referendum.

They must take fluoride whether they want it or not—whether it is beneficial to them or not; in fact, whether it kills them or not. So we have this totalitarian attitude in this particular regulation. I recognize that the Minister is probably the most outstanding Minister on that side of the House. He has always been extremely fair-minded. Some 4 000 of my constituents have petitioned the Minister to look at this matter seriously and see if it is not possible to hold a referendum on the issue before flouride is forced down their throats.

Mr STEWART (Canterbury), Minister for Health [10.41]: I appreciate the attitude of the honourable member for Byron on this issue, which is an emotional one. At the outset of his remarks, the Attorney-General took a point of order regarding the approach by the honourable member for Byron on this issue. The honourable member did not move, as he could have, the disallowance of the regulation, because that would require the support of all his colleagues. The fact that he did not use that form of the House means that the honourable member for Byron, as usual, is on his own. He does not have the support of the Liberal Party or the Country Party on this issue, otherwise he would have moved for the disallowance of the regulation, as Labor did on many occasions when we were in Opposition. All he is doing is paying some sort of lip service to a pressure group within his electorate in an endeavour to persuade them that he is on their side.

If the honourable member were on their side he would have moved, with the concurrence of his party or the coalition parties, the disallowance of the regulation. Then everyone in this Parliament would have been put to the test. We would have voted either for or against fluoridation of the water supply for the Tweed River shire. If the issue had been decided on party lines, possibly he would have had forty-six or forty-seven supporters from that side of the House against fluoridation. The fact that he has used the adjournment of the House to raise the issue indicates that the honourable member for Byron does not have the support of his party on this matter.

Mr Boyd: On a point of order. The supposition being made by the Minister is completely wrong. I have been asked by the people of my electorate to treat this as a non-political issue.

Mr SPEAKER: Order! There is no point of order involved.

Mr STEWART: I, too, am keeping this matter on a non-political basis. Had the honourable member for Byron moved for the disallowance of the regulation it would have been open to members of the Labor Party to vote with him and he would have been able to test the attitude of the whole House. It is an emotional issue and I do not doubt that the honourable member would be caught up in it. It has been the law in this State for twenty years that water supplies should be fluoridated. About 80 per cent of councils and local water-supply authorities fluoridate their water. They do that only because they are permitted to do so under the Act at local authority level. It has nothing to do with this Parliament; it is a local authority decision and should be pursued by the honourable member for Byron at that level.

Yesterday I had the honour to open the postgraduate course on dental health in New South Wales. A lecturer was present from Denver, Colorado, U.S.A., who is a world expert in preventive dental health. He highly recommended fluoridation as an essential measure in the prevention of tooth decay and he was pleased to see that in New South Wales we had achieved about 80 per cent fluoridation of our water supply. The last time he was in this country was in 1963. Our distinguished visitor said something else. He said that sugar was the No. 1 dental health public enemy in Australia. So, when I see the honourable member for Byron, who represents a sugar-growing area, coming here and criticizing the fluoridation of water, which is designed to prevent tooth decay, I am bound to observe that as sugar is the principal cause of dental caries in Australia, the honourable gentleman should go back to his electorate and ask the people there to have another look at where their agitation should be directed.

Motion agreed to.

House adjourned at 10.47 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in Questions *and* Answers this day.

PRICE FREEZE ON RETAIL MILK

Mr LEWIS asked the Minister for Decentralisation and Development and Minister for Primary Industries—

(1) Has he announced a price freeze on the retail price of milk?

(2) If so, will he give consideration to protecting the interests of dairy farmers who will be adversely affected by the price freeze by either—

(a) placing a price freeze on wages, freight, feed and other items affecting the costs of milk production; or

(b) calling on the New South Wales Government to subsidize their incomes?

Answer—

(1) Yes.

(2) (a) As the honourable member for Wollondilly knows full well, it is not within my ministerial powers to do any of the things he mentions, even if they were necessary. The present temporary freeze on prices and trading margins is necessary for two reasons:

(i) There is a climate of danger for organized marketing in this State, partly because of last year's High Court decision on interstate milk trade. It has also been partly caused by an unfair imbalance in supply-opportunity created by previous Governments amongst this State's dairymen. The logical first step towards safeguarding organized marketing is to stabilize the dairy industry on a State-wide basis, and the Government has commenced measures to achieve this. There will be an early appraisal to gauge the effects of these measures on the overall dairying economy pending which, dairymen must adapt their businesses within the existing trading margin. The Government believes it is reasonable to expect dairymen to do this in the common cause of State-wide stabilization.

(ii) The Government intends to have a new-style Dairy Industry Prices Tribunal, which will conduct public inquiries. As a consequence of Government policy, increasing quantities of milk will be obtained from centres where, it is believed, costs of production are somewhat less than in other supply areas. Accordingly, it seems reasonable that a freeze on the present trading margin should be maintained until the Tribunal can conduct its first inquiry.

(b) No, for the reasons just explained.

UNDERGROUND DUCTING OF SERVICES

Mr LEWIS asked the Premier—

(1) Has he read the Connaghan report requested by the Lewis Government on the underground ducting of industrial and domestic services?

(2) Does the Government intend to proceed with the recommendation that the Housing Commission, which has given its concurrence, provide ducting on a small scale during a trial period?

Answer—

(1) Yes.

(2) Yes.

WOMEN'S HEALTH CENTRES

Mr HEALEY asked the Minister for Health—

(1) What funds will be given to

(a) Womens Health Centre, Leichhardt?

(b) Womens Health Centre, Liverpool?

(c) Family Planning Association?

(2) What steps are being taken to evaluate the practices and performance of these centres?

(3) If this evaluation is done will the Government consider no longer funding these centres?

Answer—

1. Funds have been allocated for the 1976–77 Community Health Programme to the Leichhardt Women's Health Centre, Liverpool Women's Health Centre and the Family Planning Association as follows:

1A. ***Leichhardt Women's Health Centre***

Component	Grant $	Total $
Salaries	123,000	
Rent	5,000	
Other Operating	3,400	
Total Operating		131,400
Furniture and Equipment	1,080	
Total Capital		1,080
Total Allocation		$132,480

1B. *Liverpool Women's Health Centre*

Component	Grant $	Total $
Salaries	48,500	
Rent	10,500	
Other Operating	27,500	
Total Operating		86,500
Furniture and Equipment	5,000	
Total Capital		5,000
Total Allocation		$91,500

1C. *Family Planning Association*

Component	Grant $	Total $
Salaries	44,000	
Rent	6,240	
Other Operating	6,755	
Total Operating		56,995
Total Capital	Nil	
Total Allocation		$56,995

2. The Health Commission of New South Wales has no control over, or direct involvement in the administration of these particular projects. All three are conducted by voluntary organizations. As is the usual procedure in the case of Community Health Programme grants approved by the Hospitals and Health Services Commission for voluntary organizations, the organization must agree in writing to the conditions attached to such grants prior to the release of funds. (A copy of the General Conditions of Application is attached.) It is this Commission's responsibility to ensure:

1. That the organization agrees to these conditions before any monies are actually handed over; and

2. That the conditions are adhered to thereafter.

3. If it became apparent that a particular project was not being conducted in accordance with the terms laid down in the standard conditions of grant, then the discontinuation of Commonwealth Government funding would be the subject of joint consideration by both the Commonwealth and the State—as outlined in condition one of the attached conditions.

COMMUNITY HEALTH AND COMMUNITY MENTAL HEALTH PROGRAMME

CONDITIONS OF GENERAL APPLICATION TO VOLUNTARY ORGANIZATIONS

1. Future Commonwealth Government assistance for the project will depend on joint evaluations of the project as and when requested on behalf of the Hospitals and Health Services Commission. Such evaluations will be carried out by representatives of—

(a) the Commonwealth Government;

(b) the Health Commission of N.S.W.;

(c) the Regional Director of Health,

(d) the organization, where the organization is a non-governmental organization.

Fees:

2. Where salaries of staff are fully paid out of a Commonwealth Government grant, fees shall not be charged for the services of that staff.

3. Where salaries of staff are not fully paid out of a Commonwealth Government grant, fees may be charged for the services of that staff provided the levels of those fees are approved through the Health Commission of N.S.W.

Means Test on Eligibility:

4. No means test is to be applied to determine a person's eligibility to receive services provided by a project in respect of which a Commonwealth Government grant has been made.

Rent:

5. Where any part of premises associated with the project, being premises in respect of which there is a Commonwealth Government grant, are to be let or made available to persons other than salaried or sessionally paid staff of the project for the purposes of providing community health or related services, the conditions of occupancy, including any rental to be charged, shall require approval through the Health Commission of N.S.W.

Re-allocations:

6. In the relevant financial year, up to 20 per cent of an approved component of a Commonwealth Government specific grant for a project may be re-allocated by the recipient of the grant to any other approved component of that grant and the Commonwealth Department of Health shall be notified forthwith of any such re-allocation through the Health Commission of N.S.W.

7. Where more than a 20 per cent re-allocation is sought, formal approval by the Hospitals and Health Services Commission is required, through the Health Commission of N.S.W.

Note: Grants are at present made in respect of one or more of the following components:

Operating Expenses

(i) Salaries
(ii) Rent
(iii) Other Operating Expenditure

Capital Expenses

(iv) Furnishing and Equipment
(v) Other Capital Expenditure
(vi) Vehicles
(vii) New Building including renovations to or modifications of buildings
(viii) Land (including any existing buildings)

Staff variations:

8. Variations of the categories and numbers of staff associated with a project in respect of which a Commonwealth Government grant has been made, may be made by the recipient of the grant, provided the purpose of the project, within its approved budget, is maintained. The Commonwealth Department of Health shall be notified, through the Health Commission of N.S.W. forthwith of any permanent variations in categories or numbers of staff.

Recognition:

9. The recipient of any Commonwealth Government grant for a project shall acknowledge Commonwealth Government funding of the project in any formal public statement, advertisement or printed material concerning the project.

10. As and when requested by or on behalf of the Commonwealth Department of Health, the recipient of a Commonwealth Government grant shall erect, or cause to be erected, on any premises included in the project a sign to the effect that the project is supported under the Commonwealth Government Community Health Programme.

Use of Facilities:

11. Land and facilities in respect of which a Commonwealth Government grant has been made, may be made available at the discretion of the management of the project for general community activities or for activities consistent with the Community Health Programme, provided those activities do not interfere with the provision of services for which the project was approved. The use of the land or facilities for activities outside the scope of the management's discretion as described above shall require the approval of the Commonwealth Department of Health.

Recovery of Commonwealth Government Grants:

12. If the recipient of a Commonwealth Government grant under the Community Health Programme ceases to conduct the project for the purposes for which the grant was made, the Commonwealth Minister for Health may, on the advice of the Hospitals and Health Services Commission, revoke his approval of the project and thereupon the recipient shall, on demand by the Minister, repay to the Commonwealth Government, through the Health Commission of N.S.W. all capital moneys and unexpended operating moneys that have been paid by way of Commonwealth Government grant in respect of the project.

Representation:

13. The Hospitals and Health Services Commission shall be entitled to nominate a representative of the Commonwealth Government to any regional advisory planning body concerned with the delivery of health care to the community.

Audit:

14. As and when requested by the Commonwealth Department of Health, an audited statement of receipts and expenditure connected with any project in respect of which a grant has been made under the Commonwealth Government Community Health Programme to a Voluntary Organization or Body, shall be provided to that Department, through the Health Commission of N.S.W. by the recipient of the grant.

General:

15. Voluntary organizations must produce evidence, including their current registration number, of registration with the Department of Services as a charitable organization. This must be supplied to the Regional Director of Health of the particular region.

16. Voluntary organizations must formally agree to the conditions of the grants as outlined hereunder before a grant is made.

17. Voluntary organizations must agree in writing to contribute 25 per cent of capital costs and 10 per cent of operating expenses for the project for which the grant is made. Tangible evidence of ability to meet this commitment should be supplied to the Regional Director of Health.

18. Voluntary organizations are requested to agree to regional oversighting of the project to ensure that it is in accordance with the purposes for which the grant was made, and also blends with the regional health care programme.

BOTANY BAY DEVELOPMENT

Mr LEWIS asked the Premier—

(1) When will the Simblist inquiry on the proposed port development of Botany Bay be finished?

(2) Will the results of the inquiry be made public?

Answer—

(1) The Botany Bay Port and Environment Inquiry under the direction of Mr S. H. Simblist, Q.C., was announced on 1st June further to my election undertaking to put a stop to the former Government's piecemeal development of the Bay until such time as a proper review of the whole matter had been carried out.

In establishing the Inquiry it was my Government's clear intention that as wide an environmental impact inquiry as possible should take place as quickly as practicable with a view to a totally objective result being achieved.

Having regard to the wide range of submissions made, I am most satisfied with progress of the Inquiry so far and I know that Mr Simblist is approaching his task expeditiously with the aim of reporting his findings at the earliest possible date.

(2) Unlike much of the former Government's decision making on the development of Botany Bay, the Botany Bay Port and Environment Inquiry has been fully open to the public in its hearings and the display of all material before the Commission at an Information Centre at Mascot specially set up for this purpose.

As soon as Mr Simblist's report is to hand it will be considered by the Government following which appropriate announcements will be made.

INQUIRY INTO STATE PUBLIC SERVICE

Mr LEWIS asked the Premier—

(1) Has he stated that there is a strong possibility of inquiring into the management and efficiency of the State Public Service?

(2) Has he made a decision on the matter yet?

Answer—

(1) Yes.

(2) No.