

Legislative Assembly

Thursday, 7 October, 1976

Petitions—Questions without Notice—Motion of No Confidence in Mr Speaker—
Grievance Debate—Bills Returned.

Mr Speaker (The Hon. Lawrence Borthwick Kelly) took the chair at 10.30 **a.m.**

Mr Speaker offered the Prayer.

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.

Petition, lodged by Mr Flaherty, 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.

Petition, lodged by Mr Flaherty, received.

QUESTIONS WITHOUT NOTICE

EDUCATION COMMISSION

Mr PICKARD: I wish to direct my question without notice to the Minister for Education. Is it a fact that the working committee on the Government's proposed education commission will be responsible for determining the educational standards in all schools in New South Wales? If so, why has the Wran Government denied Catholic and other non-government schools a direct voice on this committee? Will the Minister give an assurance **that** he will reverse his previous decision and give Catholic and non-government schools, which represent approximately 25 per cent of the school population, a position and a voice on the working committee?

Mr BEDFORD: The working **party**, which is presently meeting and determining recommendations for **further** consideration for the future of education in New South Wales, was appointed on the basis of the policy that had been stated by the **Labor** Party prior to the elections. Prior to the elections, organizations that have now indicated some interest in taking part in the working party's deliberations did not want a bar of an education commission. Now that the working party has been established they are showing some interest.

I inform the House that the task of the working party has nothing to do with **the** standards for education in New South Wales now or in the future. It is looking at recommendations from all persons and organizations interested in education. It will put together those recommendations and supply them to the Government in the form of a white paper. No submission will be omitted; it will be an appendage to the white paper. That document will then go back to the community for their further deliberations before any action is taken. I have had the opportunity to speak to a number of organizations that are not directly represented on the working party and as far as I can ascertain they are satisfied with the present arrangements.

Mr Pickard: That is not so.

Mr BEDFORD: The honourable member might send me copies of any letters that he has.

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

Mr BEDFORD: There seems to be some misapprehension that the working party is some sort of executive body. This is not so. I might point out that at this stage it is too late for any further direct representation on the working party and there will be no reversal of government policy in this matter. I reiterate that every interested person and interested organization in New South Wales is not only invited to make submissions to the working party, either oral or written, but has actively been approached to do just that.

DEEPENING OF NEWCASTLE HARBOUR

Mr WADE: My question without notice is directed to the Deputy Premier, Minister for Public Works, Minister for Ports and Minister for Housing. Can the Minister advise the House whether the Government has any immediate plans for the deepening of Newcastle Harbour?

Mr FERGUSON: I am sure that I speak on behalf of all honourable members when I welcome back the honourable member for Newcastle from his overseas trip, and I should like to indicate my appreciation of his continuing interest in the progress of Newcastle. On Saturday advertisements will be placed in newspapers seeking dredging companies interested in taking out preliminary information compiled by the Maritime Services Board as a first step towards calling tenders in June next year for the widening and deepening of Newcastle Harbour. The proposals are that the entrance and main channel of the harbour be deepened from 36 feet to 50 feet at low water, and the approaches to the port outside the entrance breakwater be increased to 58 feet. At the same time, the entrance channel will be widened from 500 feet to 600 feet and the steelworks channel from 450 feet to 600 feet. When the dredging is completed vessels up to 120 000 tonnes deadweight will be able to use the harbour. This project will create substantial employment opportunities on the site as well as work for dredging and manufacturing companies, ensuring that the port of Newcastle will remain one of the most important ports in Australia. It will bring back to Newcastle the confidence that was destroyed by the attitude of the Fraser Government.

LAND VALUATIONS

Mr MACKIE: I should like to direct a question without notice to the Minister for Lands. Is the Minister aware that officers of the Valuer-General's Department are apparently taking into account property sales due to the influence of the Albury-Wodonga development corporation when revaluing shire land adjacent to Albury? Are these unrealistic and variable valuations causing anomalies and administrative difficulties for councils and creating financial hardship for farmers who wish to use their land for agricultural purposes? Will the Minister ask the Valuer-General to investigate this situation, which is common in many other areas of the State, with a view to amending the Valuation of Lands Act to provide for more realistic valuations of country property and a more uniform rating system?

Mr CRABTREE: I thank the honourable member for **Albury** for giving me the opportunity to pay a tribute to the Valuer-General of this State and his staff. I point out that the Valuer-General is a statutory authority and the honourable member will realize that I have no power to direct him on the method of assessment; that is laid down primarily in the Valuation of Land Act.

Mr Viney: You could amend the Act.

Mr CRABTREE: The honourable member will be happy to know that although this Government has been in office for only five months, already sensible discussions have taken place between the Valuer-General and me and it is proposed to review completely the Valuation of Land Act. For eleven years members now occupying the Opposition benches were in Government but did nothing about it. As the honourable member for **Albury** and other members representing rural areas know, the Valuer-General is most co-operative. He has sent his officers throughout the State. I have made a note of the matters raised by the honourable member and I shall take them up with the Valuer-General and let the honourable member know the result later.

SHIP REPAIR

Mr DEGEN: My question is directed to the Deputy Premier, Minister for Public Works, Minister for Ports and Minister for Housing. Has his attention been drawn to the lack of ship repair facilities for large vessels that need to have repairs effected in the port of Sydney? Have these large vessels been forced to go interstate to have the necessary repair work effected? Will the Government give consideration to using the largely unused area known as 6, 5 wheat wharves at Glebe Island for repair work? As it is well away from any residential area, can it be used for a laying-up berth so that the Sydney ship repair industry will be able to tender for repairs to large vessels in the port of Sydney?

Mr FERGUSON: Recently I received a deputation from ship repair companies in Sydney when concern was expressed about the lack of available facilities for ship repair. The honourable member for **Balmain** has expressed the strongest possible concern to me about shipbuilding and ship repair operations in his electorate. This is causing disquiet to residents because of noise and the fact that the companies operate twenty-four hours a day. I appreciate his concern for his constituents. I have asked the ship repair companies to put positive proposals to me about where the Maritime Services Board can provide a wharf for ship repairs. I shall refer to the board the question asked by the honourable member for **Balmain**, and give a considered reply as soon as possible.

SELECT COMMITTEE UPON THE FISHING INDUSTRY

Mr COWAN: I ask the Minister for Conservation and Minister for Water Resources what consideration he has given to recommendations in the report of the Select Committee upon the **Fishing** Industry.

Mr GORDON: I welcome this question from the honourable member for **Oxley**, who was chairman of the parliamentary Select Committee upon the Fishing Industry. He will recall that this committee's report was tabled in this House in February, **1976**. He will recall also that Mr Josephs, a former member of the Fish Marketing Authority, was commissioned to comment on the report. Mr Josephs presented his suggestions and recommendations to me in July, and I have since studied

them and discussed **them** with him. I have visited the South Coast and discussed with interested persons the various recommendations in the report affecting the fishermen's co-operatives along that coast. I intend to follow a similar course as soon as possible in respect of the North Coast. When I do that I hope to be accompanied by members in whose electorates the fishermen's co-operatives are situated, as I was on the South Coast. I have received deputations from fishermen's co-operatives and the recommendations have been discussed. I have discussed the recommendations with officers of the State Fisheries, members of the Fish Marketing Authority, members of the New South Wales Advisory Council, and representatives of the Australian Department of Primary Industry. It is expected that a new fishermen's and oyster farmers' bill will be drafted and presented to Parliament at the first opportunity.

HAZARD LIGHTS ON MOTOR VEHICLES

Mr CLEARY: My question without notice is directed to the Minister for Transport and Minister for Highways. Is it a fact that almost all cars imported to this country are fitted with hazard lights as standard equipment? Is it a fact also that only some of the Australian-manufactured models have hazard lights as standard equipment, and that the majority have them as an optional extra costing between **\$30** and **\$50**? As the Public Transport Commission has fitted these safety devices on buses, will the Minister investigate the possibility of making hazard lights a compulsory fitting on all new cars in New South Wales so as to improve safety controls on our public roads and motorways?

Mr COX: The honourable member for Coogee has set out the facts in his question. I congratulate him on raising this matter, which I shall have investigated. He has shown a keen interest in road safety, and I am sure that all honourable members will join me in expressing appreciation of his raising of this matter. I shall have the details examined by the Traffic Accident Research Unit at Rosebery. and as soon as I get a reply I shall give it to the honourable member and the House.

GAMBLING CASINOS

Mr WEBSTER: I ask the Premier whether he has told any person or persons that he or they will be granted a licence to conduct a casino when casinos are legalized in this State.

Mr WRAN: Mr Speaker, no.

NATURAL GAS

Mr SHEAHAN: I ask the Minister for Industrial Relations, Minister for Mines and Minister for Energy a question without notice. Has the Minister's attention been invited to claims made consistently by the honourable member for Wagga Wagga, through the columns of the Wagga Wagga *Daily Advertiser*, that the Minister and the Government have failed to take any steps to ensure the construction of the country laterals of the State's natural gas pipeline system? Has the Minister continually negotiated with the Australian Gas Light Company to ensure the construction of **these** country laterals? Will the Government's proposed energy authority be in a position, under its legislation, to ensure their construction? Pending the passage of that legislation, will the Minister inform the House of the present position of his negotiations with the Australian Gas Light Company in relation to the construction of these laterals?

Mr HILLS: My attention has been invited to a number of articles that have appeared in the Wagga Wagga press, purporting to come from the honourable member for Wagga Wagga. I am amazed that he is continuing the utterances, because recently I took the opportunity to have quite a discussion with him about the Government's intentions and about the general discussions we have been having with a number of people and the letters I have been sending to the Rt Hon. J. D. Anthony, the Deputy Prime Minister. I have never yet received the courtesy of an acknowledgement or a reply to those letters, and it is extraordinary that the Government of New South Wales should receive this treatment from the Minister who is supposed to be in charge of energy matters in the Commonwealth Parliament.

I have had discussions with the Australian Gas Light Company, a private company that was commissioned by the former Liberal-Country party Government to supply natural gas to the Sydney metropolitan area and gave undertakings to the Liberal-Country party Government to construct laterals to Wagga Wagga, Bathurst, Orange and Lithgow. That company also gave an undertaking to construct a pipeline to Newcastle. All the discussions, with the exception of the last one, that I had with the chairman of directors and the directors of the Australian Gas Light Company proved to be abortive. At the last discussion I indicated to the chairman of directors that the Government proposed to introduce legislation—of which I gave notice yesterday—for the purpose of establishing an energy authority in this State. Under the proposed legislation provision will be made to deal with this situation and, if necessary, to enable the Government to construct pipelines.

I have also examined the situation to see whether **it** is possible to provide gas from Victoria. A pipeline is under construction from Melbourne to bring gas to Albury-Wodonga. Incidentally, Albury will be supplied with natural gas from Melbourne under the arrangements that have been made with the Victorian authorities. I am concerned to know whether it is possible to construct a pipeline from Albury to Wagga Wagga, thus providing natural gas from Victoria rather than from the South Australian field. If it be possible to do that, the **cost** of the pipeline would be about \$10 million. The Government has to consider seriously which would be the responsible authority to build and to pay for that **pipeline**, and whether capital funds would be available.

At the introductory and second-reading stages of the Energy Authority Bill, which I hope will be debated in Parliament next week, I shall give the House full details of the powers, authorities, duties and functions that the Energy Authority will have for investigating energy needs and the sort of provisions that might be made under that legislation for country lateral gas pipelines.

CIVIL ENGINEERING CERTIFICATE COURSE

Mr BROWN: I ask the Minister for Education a question without notice. Is there a course known as the civil engineering certificate course available through the Department of Technical and Further Education? Have persons undertaking that course completed their practical work, and are they due to do their theory and written work next year? Has that part of the course been written, but are there delays in producing it owing to the inability to complete the editorial and production aspects? Is this the responsibility of the Sydney Technical College? Is this inability likely to cause a delay of some two or three years to the persons now taking the course who wish to finish it? If these are facts, will the Minister make immediate inquiries, and engage additional staff if necessary, so that the course will be available when required?

Mr BEDFORD: The honourable member for Raleigh has caught me completely unawares. I have no knowledge of any of the points he raises, but naturally I am concerned about the implications that obviously are inherent in the question. I assure the honourable gentleman and the House that I shall make immediate inquiries and give a further answer as soon as possible.

COMPLAINTS ABOUT POLICE

Mr COLEMAN: I ask the Premier whether the State platform of the Australian Labor Party calls on his Government, in due course and at its own timing, to extend the powers of the Ombudsman so that he may investigate citizens' complaints about the police. Is it the intention of the Government to follow the programme of the State Labor Party? If so, when will the Government introduce this legislation? If it is not the Government's intention to implement the policy of the State Labor Party, will the Premier explain to the House and to the interested public why he is not doing so?

Mr WRAN: For some years the matter of the investigation and report upon citizen complaints against police has attracted the attention of the framers of the Australian Labor Party's policy and platform and, indeed, of many other reputable and socially-minded organizations. It is a great pity that the point seemed to have escaped the notice of the Liberal-Country party Government during the eleven years it was in office. However, what the honourable member for Fuller asks about the Australian Labor Party's written platform and policy document is true. Since the Labor Party has assumed the government of New South Wales I, in my capacity in respect of the police force, have had discussions with senior officers of the Police Department, as well as with the Police Association. Those discussions have been directed to whether, first, it is desirable to implement some better means of investigating citizens' complaints against the police; to whether, if it is desirable, the appropriate course is to extend the powers of the Ombudsman, as referred to by the honourable member for Fuller, or to adopt the recommendation in the comprehensive and fine report made by Mr Justice Kirby in his capacity as chairman of the Australian Law Reform Commission. The honourable member for Fuller, who takes a close interest in these matters, would be aware that only recently a prestigious seminar was held in Sydney to which all points of view were presented in respect of this vexatious matter of finding a more suitable mechanism than that which now exists in New South Wales for dealing with complaints against the police.

Mr Coleman: The existing system was also defended.

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

Mr WRAN: The honourable member for Fuller seeks to put some gloss on what I am saying. I said that all points of view were put forward at the seminar, including the retention of the present system, having the Ombudsman deal with these matters and the establishment of a special tribunal. It has been only in the past week that I have discussed a whole range of matters affecting the police force, including the matter raised by the honourable member, both with senior police officers and officials of the Police Association. The provision of a suitable mechanism for investigating citizens' complaints against the police is a matter I regard as most important, as does my Government.

Recently the Government extended the powers of the Ombudsman to deal with complaints about local government decisions and his office is being re-structured in the sense that more assistance will be necessary to deal with what is

expected to be a flood of complaints. The Government is now considering what is the proper course to adopt in respect of complaints made against police. It is a step not to be taken lightly, as was indicated at the recent seminar. My view is that the present mechanism is not adequate and that some better system needs to be instituted. If it were my personal choice as between the Ombudsman and Mr Justice Kirby's recommendation I should come down in favour of Mr Justice Kirby's recommendation. There is still a little water to run under the bridge. The only thing certain is that some improvement will take place.

SPORTING COMPLEX AT SEVEN HILLS HIGH SCHOOL

Mr QUINN: My question without notice is directed to the Minister for Education. Is it a fact that the **Whitlam** Government made available funds for the construction of a sporting complex at the Seven Hills High School? Has an oval with accommodation to seat approximately 5 000 spectators been constructed? Is there a need for an amenities block containing showers and change rooms to be constructed in conjunction with this sporting complex so that full use may be made of the area? Is the Minister able to advise the House whether it is the intention of the New South Wales Government to proceed with the construction of an amenities block in the near future?

Mr BEDFORD: In reply to the honourable member for Wentworthville, it is true that funds were provided by the **Whitlam** Government for the establishment of this huge complex at Seven Hills High School. In fact, it was one of those initiatives introduced by the **Whitlam** Government which, sadly, has now been discontinued by the Fraser Government. It is true also that for that complex to operate effectively an amenities block must be constructed. I am pleased to be able to inform the honourable member that officers of the department are working on construction plans and drawing for this project.

CLUB MEMBERSHIP

Mr **McGOWAN**: My question without notice is directed to the Minister of Justice and Minister for Services. Is the Minister aware that the Cronulla Sutherland Leagues Club Limited, recognizing its responsibility to women in the community, recently opened its books to full membership of women? Does the Minister know that many clubs are reluctant to take such action while membership is restricted for fear that the effective membership of clubs overall would be reduced if both husband and wife were admitted as members? Will the Minister give consideration to amending the regulations to remove membership restrictions altogether or alternatively, to encourage clubs to accept female membership by not including female members in the membership restrictions?

Mr Barraclough: And ask him who started this in leagues clubs.

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

Mr **MULOCK**: May I say at the outset that I am not aware of the particular matter referred to in the question concerning Cronulla Sutherland Leagues Club Limited and its attitude to granting full club membership to women. I am aware, however, that the Cronulla Sutherland Leagues Club was saved and this was due, in no small way, to the efforts of the honourable member for Coogee.

Mr **Barracrough**: The Minister ought to apologize.

Mr **SPEAKER**: Order!

Mr **MULOCK**: I shall not apologize, for what I have said is fact. Why should I apologize for telling the truth? When the registered clubs legislation was before this House the general issue of the membership of women in clubs was raised by the Opposition, now the Government, and the point of principle involved was pressed strongly. The Registered Clubs Act has not been formally put into operation. Before coming to the House this morning I presided over the first meeting of the Clubs Advisory Council, a body representing various parts of the registered clubs movement. The first matter dealt with at that meeting was a consideration of the Registered Clubs Act. I trust that this council will continue to deliberate upon the legislation because there is undoubtedly a conflict of views about it, as has been indicated in the question asked by the honourable member for Gosford.

One of the matters that causes reluctance on the part of some clubs to give women full membership is the fact that it would have the effect of reducing the overall effective membership and bring it down to a husband and wife situation. I repeat what I said earlier, that the principle of granting full club membership to women was debated at the meeting. I hope that it will not be too long before that matter—and also other matters that will be the subject of consideration by the Clubs Advisory Council and my recommendation arising from them—will be considered.

FIREARMS CONTROL

Mr **DOYLE**: I direct my question without notice to the Minister of Justice and Minister for Services. Has the Firearms and Dangerous Weapons Act been operating to the satisfaction of police, graziers and sporting shooters? Has the officer in charge of the firearms registry been sent overseas to study firearms controls and restrictions and has this given rise to conjecture among sporting shooters that the Act is to be amended? Did the Sporting Shooters Association write to the Minister on 9th August, seeking the Government's view and has the Minister failed even to acknowledge the letter? If amendments are to be made to the Act, how does the Minister reconcile that approach with the assurance given by the Premier to the Sporting Shooters Association prior to the elections that it was Labor policy to retain the Act in its present form, and that the Labor Party would not seek to impose additional firearms restrictions?

Mr **MULOCK**: I was not aware that a member of the New South Wales police force holding the position indicated in the honourable member's question had gone overseas for the purpose mentioned. Of course, this is understandable because the movement of members of the New South Wales Police Force is a matter coming under the jurisdiction of the Premier, who is the responsible Minister. However, I have received representations from the Sporting Shooters Association and from other people concerned with firearms and dangerous weapons on the administration and operation of the Firearms and Dangerous Weapons Act. Only last weekend I signed a reply to representations from the Sporting Shooters Association. The honourable member for Granville was able to assure a representative of the Sporting Shooters Association—as I had assured the honourable member for Granville previously—that there was no intention of amending the Firearms and Dangerous Weapons Act. The person to whom the honourable member for Granville spoke was no doubt the one whom the honourable member for Vacluse saw yesterday about this matter. What I have just said was the context of the letter I signed last weekend, and no doubt that reply would now be in the hands of the Sporting Shooters Association.

The Government is well aware of the necessity to obtain a balance between those who seek to use weapons, particularly firearms, in a reasonable way, such as people who are in organized shooting bodies. At the same time it is obvious that representations also come across my desk, as responsible Minister, from other people who are concerned about the wrongful use of firearms. As with so many matters, it is necessary to have a balanced approach to these matters. I have indicated to the Sporting Shooters Association, quite contrary to what was said by the honourable member for **Vaucluse**, that at this stage there is no intention to interfere with the operation of the Act, which was brought into operation only some twelve months ago.

LAND VALUATIONS

Mr R. J. CLOUGH: I direct my question without notice to the Minister for Lands. Is the Minister aware that substantial increases have occurred in valuations **in the three** local government areas in my electorate? Is the Minister aware also that in many instances there has been unequal escalation in valuations? Will the Minister inform the House what action his department will take to inform ratepayers generally of the reasons for the higher valuations?

Mr CRABTREE: I pay tribute to the honourable member for Blue Mountains. **Although** he has **been** a member for but five short months, already he has impressed me with his submissions on valuations.

Mr Boyd: On a point of order. Mr Speaker, many honourable members on this side of the House have had little opportunity to ask **questions**—

Mr SPEAKER: Order! I ask the honourable member for Byron to **come** to his point of order.

Mr Boyd: Honourable members are hearing a long and stupid preamble to a reply.

Mr SPEAKER: Order! I **inform** the honourable member for Byron that he will be trifling with the House if he takes that type of point of order in future.

Mr CRABTREE: I pay tribute to the honourable member for Blue Mountains for the way he has worked not only on behalf of his own **constituents**—

[Interruption]

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

Mr CRABTREE: The honourable member for Blue Mountains has made quite a valuable contribution to the submissions on rating forwarded to my colleague the Minister for Local Government. On behalf of the Government I convey to him my appreciation for his practical approach to a pressing problem. The honourable member for Blue Mountains spoke to me quite recently about the problem. I am happy to inform him that I have spoken to the Valuer-General about the matter. The Valuer-General realizes the concern felt by constituents of the honourable member for Blue Mountains and he has arranged to visit the **Blaxland shire** council at 2.30 p.m. on 4th November, 1976, with a view to discussing valuations, both with the constituents of the honourable member and the council. On the same day the Valuer-General will visit the Blue Mountains city council at 8 p.m. for a similar purpose.

WESTERN DIVISION

Mr MASON: My question without notice is addressed to the Treasurer. Is the Treasurer aware that last year a well-conceived scheme to assist hard-pressed farmers in the Cobar-Byrock area, aimed at achieving for them some stability and financial viability, was presented to the Treasury by the Western Lands Commission? Further, is the Treasurer aware that the scheme was rejected by the Treasury on technical grounds concerned with the nature of some of the funds that were to be involved in it? In view of the Treasurer's interest in this area and his concern for farmers, will he review the proposal to determine whether some way can be found round the technical problems?

Mr RENSHAW: For some considerable time, in fact for eight or ten years, investigations have been going on into the problems of the Western Division, including regeneration of low shrub following the disappearance of the rabbit. The carrying capacity of much of the area has been depleted substantially. Some areas that used to carry 3 000 to 4 000 sheep are now capable of carrying only 1 000 wethers. It is not possible to have an efficient operation with such a small carrying capacity.

The problem mentioned by the honourable member for Dubbo is not new to the Western Division; it prevailed during the time that the previous Government was in office. The matter is being looked at on the basis that more than likely some of these wide areas are suitable only for the harbouring of animals and particularly for preserving them as havens for animals in the Western Division of New South Wales, and not as agricultural or pastoral holdings. Because of the low carrying-capacity of these properties and their worth being next to nothing on the open market, hardship has been caused to the owners. Subject to the matters raised by the honourable member, consideration is being given to the subject by the responsible Ministers and a reply will be given to him in due course.

BABYSITTING AGENCIES

Mr WILDE: I ask the Minister for Youth and Community Services whether there are agents who can arrange for persons to mind children on behalf of parents. Is it correct that following such an arrangement entered into earlier this year an incident occurred where a babysitter absconded with a child from a Sydney home? If these are facts, will the Minister state whether the Government proposes to licence or take other action in relation to commercial baby sitting agencies and other babysitters?

Mr JACKSON: It is a fact that on 2nd January a child aged 21 months was kidnapped by a babysitter from a home in Pymble and taken to a home in Elizabeth Bay. To deal first with the second part of the honourable member's question, let me say that it is not the Government's or my intention to licence private babysitters. The people of New South Wales are fed up to the teeth with being licensed, restricted and subjected to charges and regulations that have been imposed upon them during the eleven years in office of the previous Government. I regard the engagement of a private babysitter by parents as a contractual arrangement between two individuals.

However, I issue this warning. Before a parent, parents, guardian or guardians elect to leave their child under 18 years of age with a babysitter it is their responsibility to know the qualifications and the background of the babysitter. If they do not investigate those matters and the substance of the babysitter, they leave their child open to be charged as a neglected child and placed under my care—and the child could not be under better care. Parents have a responsibility to arrange for the proper care, control

and custody of their children. There is no way in which the Government or I will interfere with their privacy or private arrangements unless there is associated with the engagement of a private babysitter some element of neglect by the parents.

In relation to the commercial **baby** sitting agencies referred to by the honourable member for Parramatta, as I said a baby aged 21 months was kidnapped on 2nd January by a person recommended by an agency called Dial an Angel. The parents concerned are responsible people and they called on the agency on the understanding that it was responsible for the babysitter. The babysitter had changed her name on three occasions and at the court in which she was subsequently convicted it **was** disclosed that she was a reputed prostitute and a person of ill fame.

Where there is a private contractual arrangement by parents or guardians to engage the services of a babysitter the responsibility is with the parents or guardians. Where they seek to secure the care of their child by a commercial agency, or so far as short term babysitting engagements are concerned to obtain the services of a person through an agent, then the agent or agency should be responsible. I am in the process of recommending to my colleague the Minister of Justice and Minister for Services that regulations be introduced into Parliament to make agents responsible for persons whom they recommend to care for children up to 18 years of age where parents or guardians elect to secure their services through an agent. There is the Commercial Agents and Private Inquiry Agents **Act**——

[Interruption]

Mr JACKSON: Honourable members opposite may laugh. Although the kidnapping to which I have referred took place on 2nd January and the former Government chose to go before the people on 1st May, it did nothing in the intervening time, notwithstanding that Parliament was sitting. The former Government should have introduced regulations to make sure that licensed agents are responsible for the *bona fides* of babysitters.

[Interruption]

Mr SPEAKER: Order!

Mr JACKSON: The honourable member for Fuller has a lot to say about *it*.

Mr SPEAKER: **Order!** The Minister will ignore the interjections, with which I shall deal.

Mr JACKSON: One cannot ignore the interjections when Opposition members are laughing and making a joke of this most serious matter. I know that they would like the Government to licence private babysitters. I assure them that there is no way that it will interfere with the privacy between a parent or parents and an individual when they choose to engage the services of a private person to care for their children. I repeat, the responsibility is on the parents. However, when an agent is involved he must be responsible for the person he recommends to **babysit** or care for children under 18 years of age. If he does not do so, I will do everything I can to prosecute him and put him out of the way by making sure he is **delicensed**.

COMMISSIONER OF POLICE

Mr BREWER: Did the Premier recently make a statement that upon retirement of the Commissioner of Police he would take the opportunity to restructure the police force? In the restructuring of the police force does the Premier **contemplate** bringing somebody from outside the police force to be its head?

Mr WRAN: I accept with some diffidence the terms of the statement attributed to me. Frankly I do not remember making such a statement. Further, I do not have any notice of any impending retirement of the Commissioner of Police. There is a grain of relevance in the substance of the honourable member's question because only recently the mumbling member for Fuller asked me a question about a committee report prepared for the previous Government which deals, among other things, first, with the successor to the present Commissioner of Police when he retires and second, the structure of the police force involving changes from its present structure. I wish to make clear that there is really no relationship between one aspect and the other: the structure of the police force has no relationship to the recommendations by the committee in respect of the commissioner. No consideration has been given by the Government as to the identity of a successor to the commissioner as he is still in office. However, serious consideration is being given by the Government to the structure of the police force. Almost certainly there will be changes, but they will be effected not in any hurried way but after full and proper consultation with all interested parties and in the light of what is accepted and what is projected from the report to which I have referred.

MOTION OF NO CONFIDENCE IN Mr SPEAKER

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [11.21]: I move:

That, in my opinion of this House, Mr Speaker has misused the powers entrusted to him by preventing honourable members speaking freely, by prohibiting criticism of ministers and by generally behaving in a blatantly partisan fashion, contrary to the long and honourable traditions of his high office, and accordingly, he no longer holds the confidence of the House.

It was only after five days of thoughtful deliberation that I decided this motion was absolutely necessary. When I left the House at the end of last week's sittings, I must admit that I was in a somewhat emotional state and it was not until the middle of this week that I was able quite calmly and objectively to look at the matter that was in my mind. I reached the conclusion that this motion was absolutely necessary but I want to assure the House that I did not lightly make the decision to move this motion. No one is more sorry than I am that the motion is necessary, because no one has a greater respect for the institution of Parliament and the need to cherish and preserve our traditions. One of the most cherished of these is the right of Parliament to discuss anything without fear or favour—and by Parliament I mean parliamentarians. That is why we have parliamentary privilege, though we should not be taking advantage of it all the time.

For those reasons, when we elect a Speaker from one of our number that gentleman proceeds immediately to Government House and there, before the Governor, lays claim to the ancient rights and privileges of his high office. He does not do that for himself personally but for all members of the Parliament. The Governor traditionally gives ready assent to that request. However it seems that you, Mr Speaker, have completely misunderstood the granting of those rights and privileges by His Excellency to you. I doubt if it was an accidental misunderstanding, because from the first day of this session you have shown that absolute or near absolute freedom, amounting almost to licence, is permissible for Government supporters while the Opposition has been subjected to quite rigid rules, and occasionally what can only be called Kelly's rules.

Today, for example, almost every interjection from the Opposition side immediately brought from you a call to order and the honourable member was told that he was called to order for the first or second time as the case may be. But not once

today during question time when there was an interjection from the Government side **did** you say **one** word. This has become a traditional practice in this Parliament since you have assumed the high and honourable office that you now hold. My colleagues and I accept the fact that the Australian Labor Party has nothing but contempt for traditions, conventions and procedures that have been handed down by our forefathers over the centuries. We accept also that the Labor Party does not understand or will not accept these conventions concerning the **Speaker**——

[Interruption]

Mr SPEAKER! Order!

Sir ERIC WILLIS: We accept the fact that the Labor Party requires the Speaker to attend party meetings, presumably so that he can be subjected to party discipline, whereas a Speaker from our side of the House——

Mr Wran: That is a lie.

Sir ERIC WILLIS: Are you not going to call them to order?

Mr SPEAKER: Order! I call the Premier to order for the first time.

Sir ERIC WILLIS: Hurrah! It has happened. The first time this session.

Mr Einfeld: On a point of order. There are traditions in this Parliament to preserve honourable members rights and order and decency here. The exhibition just given by the Leader of the Opposition is against all forms of reasonable etiquette. When the Leader of the Opposition calls out "Hurrah, hurrah" excitedly and with ill-conceived enthusiasm, it makes us all worry about his mental state. It is something that would normally call for his examination by a psychiatrist, because he is obviously nervous and emotionally upset. I ask you, Mr Speaker, to direct members of the Parliament, with emphasis on the Leader of the Opposition, that behaviour of that sort may be all right for a kindergarten or a beer party, but it is not proper in this House.

Mr SPEAKER: I ask the Leader of the Opposition to address the Chair and to conduct himself in a proper manner, as is expected of all honourable members.

Sir ERIC WILLIS: You may be assured, Mr Speaker, that I shall always do that. I was saying that I understand, as my colleagues do, that Labor Party members **who are** elected as Speakers do not accept the traditional conventions, such as non-attendance at party meetings and not voting on gags and matters of that nature, but we object when the Speaker permits himself to be a puppet of Ministers or his party or anyone else, contrary **to** the traditions of his high office. During the recent school vacation I had some visitors in the gallery, including a schoolchild. Afterwards, when speaking to them I asked whether there were any questions that they would like to ask me about what they had seen. This 10-year-old child said, "Shouldn't Mr Speaker treat all members the same way?" I put that to you as an indication that even a small child can see the partisan fashion in which you have been behaving in **carrying** out your duties, Mr Speaker.

[Interruption]

Mr SPEAKER: Order!

Sir ERIC WILLIS: This motion is to ensure that the great traditions which have been handed down over the centuries from previous Speakers are maintained, and that the high office of Speaker is not prostituted for cheap, political purposes. It is necessary also to ensure that Parliament remains, as it traditionally has been, the

bastion of free speech and the forum whereby the people of this State know not only what is happening but also why it is happening. It is not just a matter of what the Government thinks the people should be allowed to know, as was the situation in Nazi Germany or as it is today in the Union of Soviet Socialist Republics. That is apparently what this Government would like us to have because we have seen repeated attempts by people, including the Attorney-General, to deny free speech in this House, aided and abetted from the Chair.

Mr F. J. Walker: He **learnt** from you.

Sir ERIC WILLIS: Watch out. If you interject you might be called to order. This motion is to ensure that representatives of the people can speak on their behalf and can question the government of the day without fear of intimidation or reprisal. So far in this session that has not been the right of members of the Opposition. Obviously, Mr Speaker, you are under instructions of some kind from the Premier, the Attorney-General or the caucus of your party, first to shield from public scrutiny the people to whom I have referred and, second, to ensure that Parliament is only a rubber stamp to endorse their decisions without any query being raised from this side of the House or anyone else. In other words, instead of Parliament being a place where free speech is guaranteed, it is now more restrictive than outside Parliament. Under your rulings I am not permitted to say in this House what I can say anywhere else in the whole of New South Wales. That is the very reverse of what used to be the position. Things can be said in court and in the newspapers, but here, acting at the behest of the Attorney-General, you deny members of the Opposition the right to say those same things.

Shades of that notorious, nefarious predecessor, William Henry Lamb, who was Speaker of this House when I first came here twenty-six years ago! I never thought that I would see a repetition of those disgraceful days when that Speaker allowed the standards of Parliament to sink so low in public opinion as to be accused of prostituting his high office for party-political purposes. Standing Order 151 is the standing order that you, Mr Speaker, have drawn upon on many occasions during the current session. For the benefit of all I shall read it. It says:

No Member shall use offensive or unbecoming words in reference to any Member of either House of Parliament or make imputations of improper motives or personal reflections on Members.

Obviously the purpose of that standing order is to ensure that members behave like gentlemen—or ladies and gentlemen—and do not engage in name calling or **make** wild accusations or allegations under cover of parliamentary privilege without any sense of responsibility. This rule has been applied more rigidly than I have seen it applied before, but only against members of the Opposition. **At** the time it is applied against us—even, on occasions, without a member of the Government who was allegedly maligned complaining about what was said. On several occasions members on this side have been called to order and told to withdraw a remark when the member about whom the remark had been made had not got to his feet to take exception to it. In other words the Speaker rushed in to defend members of the Government from any criticism. But they can say anything they like without fear or favour about members of the Opposition. I shall give several examples of this.

A week or two ago I asked a question of the Minister for Transport and Minister for Highways regarding contradictory statements made by him and the Premier in respect of the burden of taxation on motor vehicle owners. I asked which one of the two of them was telling lies. Before another word had been uttered, the Speaker was on his feet telling me that my question was in breach of Standing Order 151 and

ruling it out of order. He was not going to have me say that someone on the Government side might be telling lies. That was a shocking thing even to be mentioned; he wanted it expunged from the record. But what happened? Neither of the two gentlemen concerned complained about it. They knew that one of them was telling an untruth, if not both of them. The fact is that they were not permitted the opportunity to defend themselves in this instance, because the Speaker leapt to his feet and ruled my question out of order.

What happened when the Premier said that when I was Premier I had lined my pockets? That was a most despicable and unworthy remark for him to make about anybody, let alone his opposite number in this House. When he suggested that I had abused my high office for my own gain, did the Speaker leap to his feet in my defence? Not on your life. I had to get to my feet in my own defence and ask the Speaker to direct the Premier to withdraw.

Mr F. J. Walker: He did that.

Sir ERIC WILLIS: The Speaker did not direct him to withdraw; he asked him to withdraw. I agree that we must have rules here, but they must be applied to both sides. Any Australian knows that a referee in any sport or debate must be impartial. At the moment we have a referee who is so far one way that it is beyond a joke and beyond all realms of fair play as understood by the Australian people. I remember the Minister for Consumer Affairs and Minister for Co-operative Societies getting up and saying that I was a criminal. A criminal, mark you. This meant that I have committed crimes. He did not substantiate his allegation in any way; he did not say what the crimes were; he did not move a substantive motion. Did the Speaker leap to his feet and defend me against that kind of attack? Not on your life. I had to jump up again and say that I took exception to the remark.

Mr Einfeld: What happened?

Sir ERIC WILLIS: I shall tell you if you shut up for a minute. Once again the Speaker asked the Minister whether he would withdraw the remark. He withdrew it, and immediately repeated it. Again I had to take exception to it. The Speaker did not reprimand the Minister. I had to jump up and remind the Speaker that the Minister had repeated the remark. The Speaker again asked him to withdraw it. Goodness gracious me; is this the standard of fair play to be engaged in in this House?

Mr F. J. Walker: It is perfectly reasonable to me.

Sir ERIC WILLIS: The master puppeteer has spoken. He has said that it is **perfectly** reasonable to him. Of course it is. It does not matter whether they use hobnail boots against us, but we are not allowed to touch them.

[Interruption]

Mr SPEAKER: Order! I call the Minister for Conservation and Minister for Water Resources to order.

Sir ERIC WILLIS: On several occasions when we have taken exception to remarks, saying that they were offensive to us and asking you to direct Ministers concerned to withdraw them, you have declined to do so because you did not regard them as being offensive. You do not wait when the remarks are made on one side, but you do not take action when reminded of remarks by the other side. I ask any fair-minded person whether that is a fair go. I repeat, Mr Speaker, that if you look through *Hansard* you will find that on every occasion a Minister or member of the Labor Party has been guilty of making an offensive remark and its withdrawal has been sought, you have asked him to withdraw, but in the case of any member on this

side of the House, you have directed him to withdraw. We are not going to stand any nonsense like that—a request to members on the Government side and a direction to members of the Opposition. Again, it is one set of rules for one side and other set of rules for the other. Many members on this side have been subjected to this.

Let us look at questions. Some questions asked by Opposition members have been disallowed before the Minister concerned has had a chance to answer them. One example is a question to which the Attorney-General took exception on the ground that it contained argument. One beautiful phrase of his must go down in the record. The Attorney-General said that he thought you should disallow the question because it used colourful and political phrases. I thought we were here for political purposes. I thought Parliament was all about politics. Apparently a question that contains a political phrase that is in any way critical of the Government is not permitted when Labor is in office. The Attorney-General —

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition has the call. I shall ensure that any member on the Government side who wishes to rise gets the call.

Sir ERIC WILLIS: I should not mind if that rule applied to everybody. When members of the Government party rise to ask a question they are not ruled out of order. I cannot remember one of their questions being disallowed, even though they have breached the standing orders by asking questions that contained argument, colourful phrases and all sorts of things that are prohibited under the standing orders. When we take exception to this, even if the question is blatantly out of order, the Speaker says, "I wonder whether the honourable member would mind resuming his seat and reframing his question, and a little later I shall give him an opportunity to put it again."

I remember that a couple of weeks ago the honourable member for Campbelltown asked the most outrageous question that contained most outrageous allegations about people both in the House and outside it. The Speaker asked him to sit down, think about it and rephrase the question, and said that he would give him an opportunity later to ask it. When I ask a question that is quite in order according to all the rules hitherto, the Speaker jumps to his feet and says, "The question is out of order; next question." You can think what you like, Mr Speaker, but the public have already formed their view on this matter.

On the question of disorder, there is a standing order, the number of which I have forgotten for the moment, which provides that when the Speaker is on his feet or when the Speaker is talking, no member is permitted to walk about the Chamber, to walk out of the Chamber, or to interrupt the Speaker. Mr Speaker, if an honourable member on this side does that you jump on him straight away, but the other day I saw the Premier walk out; I saw the Deputy Premier walk out; and I saw the honourable member for Cessnock stagger out. Indeed, the honourable member for Cessnock and others interject while the Speaker is on his feet and not a word is said against them, but what happens when members on this side of the House do that? Opposition members have been removed from the Chamber just because they have had the effrontery to try to take a point of order. For example, when the honourable member for Davidson got to his feet and said, "On a point of order," the Speaker said, "Serjeant, remove the honourable member for Davidson"—certainly without calling him to order first.

We might have been prepared to put up with what I have talked about hitherto, because we know we cannot expect anything better. But what happened last Thursday was the straw that broke the camel's back. Last Thursday produced the most disgraceful

performance I have ever witnessed in this House on the part of a Minister and on the part of a Speaker. Not only did the Speaker repeat all the previous errors and wrongful behaviour to which I have referred, but he added a few more. I shall mention eleven points.

First, the Speaker allowed the Attorney-General to take a point of order on a matter that was not even before the House. He not only allowed him to take the point of order; he also allowed him to ramble on for about five minutes without in the slightest way interrupting him or disturbing what he was saying. When the murmurs of disapproval on this side of the House had risen to a roar, the Speaker finally interrupted the Minister and admitted his error. I would not have been permitted to talk for those five minutes; I would not have been allowed to talk for five seconds without being interrupted by the Chair. But the Minister was allowed to proceed for five minutes, and finally the Speaker decided that he should not have been on his feet at all, because there was no business before the House.

The second point I make, Mr Speaker, is that whereas you did not interrupt the Minister when he was taking a point of order—or any other Minister for that matter, notwithstanding the rubbish that some of them talk, such as the Minister for Consumer Affairs—the fact is that every member on this side of the House who has taken a point of order has had the experience of being interrupted by you before he has got out more than several sentences. This is happening today, but it happened last Thursday on a number of occasions; indeed, it has happened to me and to other members on this side of the House in a number of instances.

Therefore, it appears that a point of order is always worth listening to if it comes out of the mouth of the Minister for Consumer Affairs and Minister for Co-operative Societies, and it does not matter whether it goes on for five or ten minutes and has nothing to do with the case. However, the moment honourable members on this side of the House get to their feet the Speaker will interrupt and say, "What is your point of order?" Or he will say, "I have heard enough". Or you interrupt, no matter how relevant or wgent the arguments being submitted might be.

My third point is that last Thursday, before the honourable member for Northcott, who was attempting to move a motion, had uttered one word in support of that motion—and therefore, no one could possibly know what he was about to say—the Attorney-General, who obviously is scared stiff that his administrative decisions, based on political rather than legal principles, will be exposed, was allowed to take a point of order to the effect that the honourable member for Northcott might say something that would be out of order, and that therefore the honourable member for Northcott should be prevented from even starting. I have never ever heard the like of that. I do not think that even in the Union of Soviet Socialist Republics they would put up with that sort of a submission. I cannot imagine how anyone could get to his feet and say, "I do not know what he is about to say, but I think he will say something and, on that basis, you should rule him out of order". That is, in effect, what the Attorney-General requested—or should I say instructed—the Speaker to do last Thursday afternoon.

Until we protested loudly, the Speaker was prepared to allow the Attorney-General to go on and on speaking to this point. Then the Speaker said—and this is my fourth point—"I believe the Attorney-General is making a most valid point." He could not have possibly based that statement on any standing order or any precedent of his predecessors. It was obviously a very partisan comment indeed. However, finally the Speaker yielded to the points of order coming from this side of the House,

Sir Eric Willis]

which submitted, in effect, that he could not possibly rule on something **that** had not yet been uttered. Accordingly, he allowed the honourable member for Northcott to start his speech.

Then, after further arguments on a point of order, the Speaker said that the honourable member for Northcott was in breach of Standing Order 151, which deals with imputing improper motives or casting personal reflections on other honourable members. At that stage the honourable member for Northcott had **not** mentioned anyone's name, so I do not know how you, Mr Speaker, could possibly have upheld that point of order. But the Attorney-General suggested that all this was directed at the honourable member for Heffron, even though that honourable member's name had not been mentioned, and even though the honourable member for Heffron had not taken any exception. The fact was that the Attorney-General submitted that the honourable member for Heffron was going to be talked about. That was another point that was allowed to go on and on and on.

My next point is that, in giving the ruling, Mr Speaker used the most unbecoming words I have ever heard from the Chair; they were in relation to the honourable member for Northcott who is, I think we all agree, the most erudite speaker in this House. To suggest that one of his speeches was a diatribe was not only unbecoming but was I think a most regrettable remark to be made from the Chair. But then the Speaker said that he demanded of the honourable member for Northcott that he answer the question truthfully. There was never any suggestion from the Chair that the Attorney-General should say or do anything truthfully; there was no suggestion that the Attorney-General should come clean. But the demand was made that the honourable member for Northcott should be truthful. We can all read the implication in that remark.

My next point is that the Speaker then, quite improperly, demanded to know from the honourable member for Northcott what he was about to say, before he said it. In all my years in this House I have never heard of a Speaker demanding to know of a member what he intended to say before that member got to his feet. Are we now in a situation where we have to submit our speeches in advance to the Speaker, who will then refer them to the Attorney-General, the head of the politburo—I am sorry, the Minister for propaganda—so that if the speeches are approved through that channel, we will be permitted to make them? Have we reached the one-party state in New South Wales, in which we are allowed to say only things that praise the **Government**, and are not permitted to say anything in criticism of the Government? In this circumstance, the Speaker has become a minion of the Minister for propaganda. If this sort of thing is not stopped forthwith, it seems that we shall all be required at some time in the future to submit our speeches in this way.

When the honourable member for Northcott's time had finally expired, the Speaker called on the Clerk to read the next order of the day. We all know that meant that business was no longer before the House, and the Clerk was being asked to tell the House what was the next matter for discussion. In other words, the Speaker was finished with the previous motion just because the time of the honourable member for Northcott had expired. He quite obviously was very anxious to get on to some fresh subject—as was the Attorney-General.

After I took a point of order on that, the Speaker apologized and then said, "I now put the question". Putting the question indicates, though you may not realize it, Mr Speaker, that the debate has ended: you are about to call for the ayes and the noes, and debate has finished. "I put the question", said the Speaker, and again I had to

jump to my feet, for I did not regard the debate as having ended even though the Speaker appeared to be regarding it as such. I suggest that the question would have been put at that moment if I had not taken that point of order.

After I had moved for an extension of time, the question that the extension of time be granted was put, and the Speaker said, "Those in favour say aye. Those against say no. I think the noes have it". The standing orders lay it down clearly, and I am sure that even **you** would have read them to that extent, Mr Speaker, that when the Chair says, "I think the noes have it" or, "I **think** the ayes have it", any honourable member may call for a division. If a division is called for, the bells must be rung. That is all set out in the standing orders and has been the practice of this House for a long time.

However, when on this occasion an honourable member disagreed with the opinion of the Chair, **thinking** that the noes did not have it, and calling for a division, the Speaker, instead of calling on a division, instead of directing that the bells be rung, ruled that there was no division. The Speaker does not have the power to rule there is no division. If any honourable member calls for a division after the Speaker has expressed his view on the result of the vote on the voices, it is mandatory on the **Chair** to **call** on a division and to go through the necessary procedures, **including** the turning of the division-glass, the ringing of the **bells**, and so on.

When I took another point of order the Speaker ruled wrongly, I submit, that there would be a division only if those who had voted no called for one. For heavens sake. On that ruling, if the Opposition votes aye, and claims that it won on the voices, it could not get a division if the Speaker disagreed. The Speaker **ruled** that **only** when somebody among the noes calls for a division can a division be called. **Again**, I repeat that a study should be made of the standing orders in that regard. However, for some reason that has not yet become apparent to me, all of this procedure was glossed over when the Speaker said in an arbitrary fashion that he was granting an extra fifteen minutes of debate. He made that **statement** even though he had just said that in his opinion the House had decided against that being done. He was now saying that he could do it. It is not possible to have these things both ways at the same time.

The most charitable construction that could be placed on that muddle is that the Speaker was confused at the time by the conflict going on in his mind between the proper thing to do and what he was being told to do by the Attorney-General. This is the most serious charge of all, for everybody had seen the Attorney-General pass a note up to the Speaker, and after the Speaker had regained his calm he ruled out of order the motion that had been moved by the honourable member for Northcott, and he did so while reading from a piece of paper that had been handed to him by the Attorney-General.

It is obvious to all that the Attorney-General is scared stiff of being exposed, is scared stiff of the truth, and of free speech. He wanted to end the debate and he obviously said to the Speaker, "No more points of order; no more debate: just rule the whole thing out of order and let us get on with something else". I did not actually see the note, but obviously that is what it was because the Speaker read from the piece of paper that had been handed up to him when he ruled the motion out of order, and obviously the basis on which he ruled it out of order was what was written on the piece of paper handed up to him by the Attorney-General.

That is the reason for this motion. The long and honourable traditions of the Speakership are being trampled underfoot at present. or I should say trampled on **by** the jackboots of the Government of this **State**, when the Speaker allows himself to become the puppet of a Minister or anybody else: when the Speaker misuses **the**

Sir Eric Willis]

powers entrusted to him by stifling free speech; when the Speaker misuses the powers entrusted to him by shielding a Minister, in this case the Attorney-General, who is abusing his privileged position by dropping criminal charges against a man whom the Solicitor General ordered be tried, and dropping them just because the man against whom the charges were made happens to be a political colleague of the Attorney-General—I am referring to the member for Heffran. When that stage has been reached and the Chair permits itself to be used, misused or abused in that way, then the Speaker, I regret to say, is prostituting his office and he should be censured and told that he no longer has the confidence of the House.

Mr F. J. WALKER (Georges River), Attorney-General [11.561: Last Thursday the Leader of the Opposition proclaimed to **this** House that democracy had died. He was wrong, of course. Democracy in Australia was already dead. It died on 11th November, 1975. The Leader of the Opposition was wrong about the point of order, too. However, more about that in a minute.

How are the mighty fallen. We are saddened today by the pathetic sight of the leader of a political party who, having taken and lost the gamble of his political career, and finding himself incapable of scoring points against a popular Government and under serious challenge from his own colleagues, now seeks to blame all his troubles on the referee. From the day of your election, Mr Speaker, from the first moment that you took the chair, the Leader of the Opposition has led, encouraged and condoned a campaign against you of rudeness, insolence and disruption. As a new Speaker—and we all have to learn our jobs—you were entitled to some courtesy, some co-operation, and particularly to some understanding. Instead, you were subjected to a baptism of fire, the opposing general being the Leader of the Opposition. You were subjected frequently to fraudulent and cheating points of order, and to constant, loud, and unruly interjections. This was conduct grossly disrespectful not only to you personally but indeed to your high and honourable office, contrary to the traditional respect that the Chair has always been accorded. This was no accidental course of action. This was no accidental pattern of behaviour. It was a cool and calculated campaign against the Chair of this honourable House, and it was not without precedent, for a similar campaign was waged against Mr Speaker Lamb—and also Mr Speaker Willis, I might add. It was not without precedent in Canberra in the time of Mr Speaker Cope, but I shall say more about that later.

Mr Healey: He was a great Speaker.

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

Mr F. J. WALKER: It is the Leader of the Opposition who must bear the full responsibility for that behaviour. It was his troops, his colleagues, whom he led and condoned in this way. He is the man who must accept the odium for the outrageous, disgraceful, unpardonable behaviour of the honourable member for Maitland, the honourable member for Yaralla and the honourable member for Davidson. Worst of all, he must accept responsibility for the behaviour of the honourable member for Northcott, a former Speaker of this House, who should have known better and at least should have apologized for his disgraceful conduct. He did not do so. The honourable member for Maitland did have the decency to say he was wrong. At least the honourable member for Maitland, of all Opposition members, was man enough to admit his mistake and to say that what he had done was wrong. No Speaker in any parliament in the world would have tolerated such loutish behaviour, with honourable members standing on their feet, defying the Chair, disgracefully taking points of order while the Speaker was on his feet trying to bring the House to order. No

honourable member of this House could say honesty to himself that he approved of such behaviour. I know that the Country Party does not approve of it. I know that a large segment of the Liberal Party does not approve of such behaviour, for honourable members opposite have expressed that opinion to me privately.

The Deputy Leader of the Opposition must receive the opprobrium and censure of the people of New South Wales for behaving in a childish and unparliamentary manner. One of the vital chinks in the political armour of the Leader of the Opposition is his incapacity even to admit an error of judgment. He goes on and on against the tide no matter how wrong he is. In fact, the more wrong he is the more he endeavours to force the issue in an attempt to get out of trouble but in fact he gets deeper into the quicksand. That is one of the reasons why he lost the May elections. Instead of retreating and licking his wounds when he lost the election he has embarked upon a campaign against you. Instead of behaving as Leader of the Country Party has in accepting defeat and rejection by the people, the Leader of the Opposition has embarked upon a campaign of attacking the referee and kicking the umpire in the stomach. That is precisely what this motion today consists of. It is an attempt by the Leader of the Opposition who has lost the game to kick the umpire in the stomach.

The people of New South Wales are concerned about the great issues of the day. They are concerned about inflation and the unemployment problem. Next Saturday I predict that the people of The Hills electorate will prove to the Leader of the Opposition that his party will never return to office if the most controversy the Opposition can raise in this House is merely whether or not a Speaker's interpretation of the *sub judice* rule is correct. The Leader of the Opposition has made a big deal about one point of order. That is the great issue of the day in New South Wales—from his point of view. He is not concerned about inflation or unemployment; he is concerned about a point of order taken in this House.

The Parliament has set aside valuable time to discuss this motion when it should be discussing something which obviously the Leader of the Opposition regards as unimportant, the Budget—something that affects the welfare of the people of New South Wales. He regards the Budget as an unimportant document, something not in the interests of the people of New South Wales, and not nearly as important as a point of order that he lost. Why is the Parliament distracted, perhaps for several hours, from its deliberations upon the welfare and well-being of the citizens of New South Wales? What catastrophe and crisis exist that all other things must be put aside? It is the Leader of the Opposition's pride. He lost a point of order and he cannot accept the Speaker's decision.

When I was in Opposition I lost literally hundreds of points of order. All members of the Government experienced the same sort of thing. Many points of order were taken by the Labor Opposition but few succeeded. Indeed, on a couple of occasions I recall actually winning a point of order and then being subjected to considerable ribbing by my own colleagues who suggested that I was currying favour with the Speaker otherwise I should not have won the point of order. The fact of the matter is that the Opposition, as a matter of tactics, takes points of order and invariably the Opposition loses most of the points of order its members take. But, how is democracy affected by that procedure? It is the normal happening in a parliament in this nation under our system. I acknowledge that there are human and understandable problems to be faced by a former Premier in adjusting to a role in opposition. It is not easy. The task of suppressing one's natural spleen and frustration about what is happening is not easy.

Mr F. J. Walker]

The Leader of the Country Party is conducting himself particularly well in the **circumstances**. The Government understands the feelings of the Leader of the Opposition. The Government expects a little bit of frustration and, on occasion, some wild and unruly interjections. However, it does not expect to witness the sort of campaign that has been occurring in this House since the change of government. The tactics at present employed by the Leader of the Opposition are not new. He is following **the example** of a **campaign** of terror which the Liberal-Country party coalition Opposition in Canberra launched against Mr Speaker Cope in the Whitlam Government. That Opposition consistently attacked the Speaker of the House of Representatives. It took the same points of order and indulged in the same loutish behaviour and its members remained standing when the Speaker was on his feet. Precisely the same situation has occurred in this Parliament. Unfortunatley, the Opposition in Canberra with its terrible behaviour succeeded in bring down a fine Speaker.

I assure the Opposition that that will not happen in New South Wales. I assure you, Mr Speaker, that this Government stands right behind you. Government supporters will not allow the Leader of the Opposition in his pique and frustration to destroy you. The Government will defeat this motion because of a great respect not only for you personally, Mr Speaker, but also, and, perhaps more important, for this institution of Parliament. **The** only outcome of the sort of campaign that the Leader of the Opposition is conducting at the moment is that the institution of Parliament will be thrown into **disrespect** in the community. That is the only possible outcome of the sort of motion moved today.

There are no votes to be gained in the electorate by attacking the Speaker. They are not my words. Those are the words of a member of the Country Party who spoke to me on this subject last night. At least members of the Country Party understand that there are no votes in attempting to kick a Speaker to death. The only votes to be won, as the people of The Hills electorate will show on Saturday, are on matters of the economy and other important issues involved in the well being of the State. The Opposition will get no credit for attacking the Speaker.

I turn now to the sort of pitiable and pathetic arguments put forward by the Leader of the Opposition in an attempt to justify his motion. I emphasize that there is no more serious motion in terms of importance to the institution of Parliament than a motion of no confidence—which is the ultimate—or dissent from a ruling of Mr Speaker. Motions of this nature cannot be taken lightly. Let us consider the substance of the allegations upon which the Leader of the Opposition relies in moving this serious motion.

First, he says that it is only Opposition members who are called to order. Of course, everyone knows that that is not true. Even today my colleague the Minister for Welfare and Community Services was called to order. Despite that, the Leader of the Opposition said that it is only members of the Opposition who are called to order. Of course, he exaggerates. I have been called to order on two occasions. The Premier has been called to order on more than one occasion. The allegation made by the Leader of the Opposition is completely untrue and has no substance. It is a wild allegation made in support of a wild motion. The honourable gentleman made a snide allegation that the Speaker attends party meetings. I have it on good authority that a former Speaker of this House, a member of the Liberal Party, actually moved the motion for a spill and brought about a change of leadership in that party.

Sir **Eric Willis**: That is not so.

Mr F. J. WALKER: That is my information. Whether it be true or not the fact of the matter is that both Mr Speaker **Cameron** and Mr Speaker **Ellis** on occasions-attended **party** meetings. That is a fact that will not be denied. The Leader of the Opposition has attempted to smear the Speaker by saying something which, on this motion, **was** quite unnecessary to put before the House. The Leader of the Opposition has made a general allegation that Standing Order 151, which deals with unruly behaviour and comments, is used only against members of **the** Opposition. However, only last week the Premier was, under that standing order, required to withdraw the word hypocrite and he did so.

The Leader of the Opposition quoted himself as an example, in **the** question in which he asked whether the Premier or the Minister for Transport and Minister for Highways was a liar. He wanted to know which one was a liar. Not surprisingly, you ruled that question out of order. That, in the mind of the Leader of the Opposition, is a great sin because that ruling did not fall **within** the **ambit** of Standing order 151. Of course it did not. You did not rule that out of order under Standing Order 151. You ruled it out of order under the standing order that provides that party political comment and argument should not be included in any question asked in the House. That was the standing order under which you ruled that question out of **order**.

Mr Mason: Which one is that?

Mr SPEAKER: Order!

Mr Mason: Tell us which one it was.

Mr SPEAKER: Order!

Mr F. J. WALKER: That was a standing order upon which I won a point **of** order from Speaker **Cameron**; in fact he actually upheld that point of order on no fewer than three occasions while he was Speaker. So where is the argument there? **Mr** Speaker, the Minister for Consumer Affairs and Minister for Co-operative Societies was **asked** by you—not **on** one but on two occasions—to withdraw the word criminal. I thought that you were very strict, Mr Speaker, and so you were. Those sweeping, wide, wild allegations are just not true; the facts do not substantiate them.

The next allegation made by the Leader of the Opposition was that no questions asked by Government supporters are disallowed. That is not true; it is another wild, sweeping allegation. Mr Speaker, only yesterday you disallowed a question asked by the honourable member for Cessnock. On that occasion I thought that it was a tough decision for it seemed a fairly good question. However, you ruled it out of order on the ground that it was a bit long. I concede that the honourable member for Cessnock tends to ask long questions. Also, only one or two sitting days before, the honourable member for Campbelltown was ruled out of order on the ground that his question was too long. So that allegation made by the Leader of the Opposition is again palpably untrue, it is just not right; it is nothing but a sweeping, wild, unsubstantiated **statement**.

The next allegation was that Opposition members are not given the opportunity to rephrase their questions when they are considered to be too long. However, Mr Speaker, you gave the Leader of the Country Party that courtesy, just as you gave the same courtesy to the honourable member for Clarence—and he needed it because he has difficulty framing any question. Then the allegation was made that you, Mr Speaker, did the wrong thing when you removed four honourable members from this House in that when you were on your feet they stood up and defied you. Mr Speaker, how could any reasonable parliamentarian suggest that what you did was **wrong**? If

an honourable member is so rude ~~as~~ to remain standing and defy you while you are on your feet, there is only one course of action that you—in fact any Speaker—can take, and that is to remove him from the Chamber. I do not think there is any need to justify your action on that occasion.

Then we get to the famous eleven points about last Thursday, the first of which was that you, Mr Speaker, allowed me to speak on a point of order on a matter that was not before the House. You allowed me to try to take a point of order but when it was brought to your attention that there was no matter before the Chair, you sat me down rather unceremoniously—so I thought at the time. Nevertheless, Mr Speaker, you acted; you did not allow me to continue to take that point of order—and that is something else the Leader of the Opposition did not tell the House. He did not want it to appear in *Mansard* that what he was saying was incorrect. On that occasion you sat me down. So there is no substance in that **point**.

Mr Speaker, the second point taken was that you interrupted honourable members taking points of order before they were finished—and that is true. On a number of occasions you have interrupted honourable members who were in the course of taking points or order. However, for every one occasion on which you have done that, the honourable member for Northcott must have done it a hundred times when he was Speaker—in fact, he was notorious for interrupting honourable members while they were on their feet, and Mr Speaker Ellis was noted for taking that same stand. Speakers in this House have always held that if a point of order was considered to be a cheating or a fraudulent point, they should say so, interrupt the honourable member concerned and indicate that no point of order is involved. That practice was condoned by the Leader of the Opposition when he was Leader of the House and when he was Premier and Treasurer. How can that point be taken against the Speaker as a reason why he ought to be removed from office? Surely the Leader of the **Opposition** does not suggest that you, Mr Speaker, should be removed from office for following a tradition established by your predecessors.

Mr Speaker, the third point on which you were accused was that before the honourable member for Northcott had uttered one word, you allowed me to take a point of **order** about something that I thought the honourable member, was going to say. I **do not** think it is suggested that I **was** not entitled to take a point of order at any **time**: the standing orders give me that right. I think the suggestion is that I cannot **take a** point of order about **something** that I think an honourable member is about to say. There is a tradition in this House about the first law officer of the Crown—and I am not only a politician but also I happen to hold that other august office—protecting the interests of people brought before the courts on criminal charges. Since I have been a member of this House I have found that Attorneys-General—particularly Sir Kenneth McCaw—have always been ready to jump to their feet before any damage is done to the fair trial of someone appearing before a court, and to point out to the Speaker that if the debate were allowed to continue along the present lines, there was a danger of a person's fair trial being prejudiced.

On the occasion in question that is what I did; I rose to my feet to exercise my duty as Attorney-General and the first law officer of this State. Mr Speaker, I pointed out to you the dangers if the honourable member for Northcott pursued a certain course of action. That was not the first time the matter had been before the House; it had been discussed on a previous occasion and it was clear in the mind of every honourable member what the honourable member for Northcott intended to say. I am sure that if I suggested it to the honourable member, he would not deny it; he would have to admit that every honourable member knew what he was about.

The honourable member for Northcott was smearing the honourable member for Heffron and maybe giving me a little smear on the side. He was attempting to try a man who is presumed innocent until dealt with by a court. He was trying to force me into a situation where, in defending myself, I had to put before the House the reasons in detail why an indictment was laid against a particular person. His behaviour was quite wrong. I knew what was going to happen—just as every honourable member of this House knew what was going to happen—and that is why I got to my feet. I wanted to ensure that justice might be done to see that a man who was presumed to be innocent was not tried by the press or by this House. Mr Speaker, I got to my feet and pointed out to you the danger of those things happening. I did that not only on my own initiative but also on the basis of precedent established by former Attorneys-General, particularly Attorney-General McCaw—and former Attorney-General Sheahan was known to take similar action in his capacity as first law officer of this State.

Mr Speaker, you were accused that when the Attorney-General pointed out the danger to you, you acted in an improper fashion. I suggest that the course of action you took was proper. As I had made the statement you handled the matter in the only way you could. Mr Speaker, the fourth point was that you made a statement that you believed that I was making a valid point. Perhaps that was not expressed in the most delicate of language and, taken out of context, it does seem to be partisan. However, we have got to remember two things: first, the House was in uproar at that particular stage; and, second, what you were trying to tell the House—and what we know you were trying to tell the House—was that you thought there might be some substance in the point of order I was trying to take. Though they may not have been the words you would have used in quieter circumstances, that was their real meaning. Moreover, anyone who reads the *Hansard* report of that debate will understand that that was their real meaning. Taken out of context, those words may sound the way the Leader of the Opposition sought to make them sound, but we all know the meaning of those words. So there is no substance in that fourth point raised by the Leader of the Opposition.

The fifth point referred to a breach of standing order 151, in regard to a reference to the honourable member for Heffron. However, by the time you gave that ruling there was no doubt that the honourable member for Northcott was referring to the honourable member for Heffron; he was reading from a newspaper article about the honourable member for Heffron. Moreover, he read verbatim from the transcript of proceedings in a case in which the honourable member for Heffron was involved. I informed you, Mr Speaker, that he was doing that. There could be no doubt in the mind of any honourable member that the honourable member for Northcott was referring to the honourable member for Heffron. The honourable member for Northcott did not want to be seen to be attacking directly the honourable member for Heffron. His riding instructions were to get at me and in that way to smear the honourable member for Heffron on the side. He knew that I had done nothing wrong.

The honourable member for Northcott was out to smear the honourable member for Heffron. You knew, Mr Speaker, and all honourable members knew, what the honourable member for Northcott was about. You were fortified in your ruling by a decision of the House. You were not fortified—indeed you were obliged—to follow the decision of the House. There was a vote of the House on the very issue. You, Mr Speaker, were simply following the decision of the House. How could you be removed from office—how could you be sacked as Speaker—for merely implementing a decision of the House? Whether that decision was right or wrong does not matter. You cannot ask that question. Once the House has decided on a ruling you are obliged to follow it. So, there is no substance in that point.

Mr F. J. Walker]

The sixth point raised by the Leader of the Opposition was that you, Mr Speaker, used unbecoming words to describe an earlier speech by the honourable member for Northcott. You called it a diatribe. I suppose that is a strong term. It may be again that more moderate language might have been used if there were not uproar in the House and if you were not being subjected to tremendous pressure from honourable members. I must say that it was a diatribe. It was a filthy smear on the honourable member for Heffron, but, that aside, though the word might be a little strong, it is certainly not strong enough to remove you from the office of Speaker of the House.

The seventh point was that you demanded that the honourable member for Northcott answer a question truthfully. That is not an awful thing to say. It is not imputing that he would do anything else. What the Leader of the Opposition did not tell the House is that, having said that, you withdrew it and said that you did not mean to say it. You said that was not the way you wanted to express it. I do not blame you for having difficulty in expressing yourself at that point especially with the Leader of the Opposition having almost a heart attack at the table and everyone screaming and yelling at you. I can imagine that you may have had some difficulty in those circumstances with syntax and sentences. In any event you withdrew that. Indeed, you apologized to the honourable member for Northcott if there should have been any imputation or inference that might have been drawn from it.

The eighth point raised was that you asked him what he intended to say. It was clear to the House what he intended to say but you are accused of being biased, partial and prejudiced. When you gave him a further opportunity to wriggle out of his dilemma you were bending over backwards to assist him by giving him an opportunity to tell you that he might have been about to tell you something different from what everyone knew he was going to say. But he did not take that opportunity. He was not willing to tell you what he intended to say. We all know what he was going to say. There was no doubt in the mind of any honourable member that you were bending over backwards, probably unnecessarily so, to assist him. I cannot imagine why you should be sacked from office for doing that.

The ninth point relates to your admission that you asked the Clerk to read the Order of the Day. You did—then you withdrew that. Again, it was an emotional and confusing situation with gross disorder in the House. You withdrew the statement and called upon the Clerk to read the question. That was wrong because you should have read the question. You corrected that immediately. You then put the question. You did not put the question to a vote; you put the question before the House by saying, "The question is". That would have allowed any honourable member who wanted to speak to do so. That was a proper course. It may have taken you a couple of seconds to get to it but you got to the proper course. Who could blame you for being a little confused or distracted in those circumstances?

If members of the Opposition are willing to put a Speaker under intense pressure surely they do not believe that he will behave with complete coolness and without making mistakes? I remember that when the honourable member for Northcott was in his first few months as Speaker he made a lot of understandable mistakes. He has admitted that on occasions. He would not deny that. Being Speaker is a responsible job at which, no doubt, one becomes better after a lot of experience. Any tiny slip of the tongue is usually corrected by the Clerk. That happens every day. If a Speaker were to be removed from office because he made a tiny slip like that things have come to a ridiculous pass in the Parliament.

Finally, there was a motion for extension of time for the honourable member for Northcott. The question was put to the House and the overwhelming majority of members, including myself, agreed to that. There were a few members on the Government side of the House who said, no. That is the truth of the matter. Again,

you made a slight slip of the tongue. You said, "The noes have it". What you meant was, "The ayes have it". A division was called. It then became immediately apparent to you that in fact the ayes had it overwhelmingly and that if there were a division **there** would be no **one** on the noes side of the House. Even the honourable member for South Coast would have been supporting the motion for an extension of time. There would have been no one on the noes side. It **was** pointless to have a **division**. You corrected your decision and said, "The ayes have it". You, Mr Speaker, were doing that to save the valuable time of the House and to assist the honourable member for Northcott, who wanted to speak. Are you to be removed from your high office for that? Is that such a terrible sin? Is that a strong and powerful argument?

One by one we have seen the facile arguments of the Leader of the Opposition demolished. The final allegation—the most foul and wild allegation of all—is that I handed a piece of paper to Mr Speaker. If you can recall the situation, there were only two or three honourable members on the bench. I was sitting where the Minister for Local Government is sitting. There was a gap to about where the honourable member for Heffron is at the moment—a large gap. There was no way in the world that I could have handed up a piece of paper, nor did I hand a piece of paper up to the Speaker. That is a foul lie. The Leader of the Opposition said, after being pressed a little by interjections from myself, "I did not actually see the note". That is what he **said**. He is **willing to** come into the House and say, "I did not actually see the note", but that I handed the note up to you.

Sir Eric Willis: I saw the paper, not the note.

Mr Jackett: That is exactly what the Leader of the Opposition said.

Mr F. J. WALKER: I did not hand a note up.

[Interruption]

Mr Jackett: You did.

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

Mr F. J. WALKER: Why the Leader of the Opposition should make such wild allegations is beyond me. Why should he **gild** the lily to that extent? If I were going to have the Speaker as a puppet I should not be handing notes to him in **public**—I am a little smarter than that. Why make the allegation? Why make such a silly **allegation** which brings the Leader of the Opposition into discredit and discredits his argument even more? You, Mr Speaker, have been a good Speaker since you took the chair of the House. You have done your best, in trying circumstances, to be fair to all honourable members. The Leader of the Opposition deserves little credit for the role he has played in putting you under pressure and in continually subjecting you to the **sort** of disorder to which no Speaker should be subjected. The motion does not assist the situation. The Government stands right behind you.

Mr SPEAKER: Order! The question is, That the motion moved by the Leader of the Opposition be agreed to.

Mr Hatton: Mr Speaker——

Mr Bruxner: Mr Speaker ——

Mr SPEAKER: I call the honourable member for South Coast.

Mr J. A. Clough: On a point of order. I understand that for the purpose of being given the call an independent member is considered to be a member of the Government. The **custom** has been that if a Government supporter speaks, a member

of the **Opposition** speaks next, then a **Government** supporter and **so on**. I submit that as the Deputy Leader of the Country Party sought the call he should be permitted to speak now.

Mr SPEAKER: Order! The honourable member for South Coast caught my eye when he jumped and I have given him the call. As a member of this Chamber he is entitled to **seek** and to be given the **call**.

Mr HATTON (South Coast) [12.31]: As I was the person who was nearly in the position that you, Mr Speaker, now occupy I have given this matter a lot of thought. I could well say, there but for the grace of God go I. I was dismayed by what happened last Thursday in the Parliament as I have been by what has been happening in it since the elections. Although I am dismayed I am not fooled. If members on both sides of the Chamber are sincere in saying that you, Mr Speaker, hold a high office and you have risen above party politics, you are deserving of their support. The members of the political party to which you belong should accept punishment in the same way as Opposition members should accept punishment. It should be dished **out** to members on either side of the House without fear or favour. If that is not seen to be done, we are in trouble.

I am not fooled by the events of last Thursday. There was a **move** to prevent criticism of members of this House and people outside it. I do not object to that. If we feel that this is our role let us ensure protection from criticism. However, it is not the role of the Speaker to protect people from criticism. Last Thursday you, Mr Speaker, faced a dilemma about which I shall have more to say. As I have said, I have not been fooled by what has been happening in this Parliament over the past month. There has been a programme to try out the Speaker. In the crucial few days when I looked like being the Speaker I was told that plans were being formulated to make things difficult for me. I saw the noose into which I may have been putting my head. That is as true as I stand here; it is a fact.

When I took for the first time in three years a point of order I expressed my disgust at the repeated interjections and the fact that **members** were arguing with the Speaker while he was on his feet. I spoke also about specious points of order, about back answering and about criticism of the Speaker that appeared in a newspaper. I do not support that approach, for the Speaker is not in a position to defend himself. The Speaker deserves the support of both sides of the House, irrespective of who he is. The honourable member for Northcott was an outstanding Speaker. On numerous occasions I was impressed by him. However, I have been bitterly disappointed that he should seek to use his experience, eloquence and capabilities in this **Chamber** almost as a weapon. I hate to say these things for I **am** not normally critical in such strong terms of a member of the Parliament.

In the few short months since the change of Government and the election of a new Speaker I have **observed** a climate of bitterness and disappointment develop among those who were defeated for office. I have seen, also, elation and the spreading of wings by those who had been in Opposition for eleven years and are experiencing the first feelings of power in **government**. Obviously this must lead to abuses by members and to point scoring on both sides of the House. It is in this climate that you, Mr Speaker, have to carry out your functions. I **do** not envy you your position.

Last Thursday the real point was that if a member of Parliament was to be criticized it should be by way of substantive motion. You, Mr Speaker, referred to pages **361** and **417** of the eighteenth edition of *May*. I agreed with you. You referred also to Standing Order **151** which states that no member shall use offensive or unbecoming words in reference to any member of either House of Parliament or make

imputations of improper motives or cast personal reflections on members. You were endeavouring to come to a difficult decision. I imagined myself in the position of trying to interpret the sub *judice* rule. I believe that last Thursday you erred and I demonstrated my view when I stated that the motion was general and at that stage no attack had been levelled at any member of the Parliament. I said also that there had been an interference with the rights of members to speak on private members' day.

We must identify the root cause of the problems of private members' day and in particular the problem of last Thursday. The problem is associated not only with you, Mr Speaker; it relates also to the misuse of private members' day and to the misuse of the forms of the House. Private members' day should not be the occasion to move motions of the type that I have observed moved on that day ever since I have been a member of this Parliament. The notice paper has only one proposed motion on it that it is devoid of party-political petty point scoring. I am referring to the motion that relates to an organization known as "The Children of God"—a motion that deserves the support of all members. Any problem arising from the restriction on private members and on their ability to speak on private members' day is caused by the standing orders. Although the former Opposition had a majority on the Standing Orders Committee it introduced the standing order to limit private members' motions to one day. Only several members may get an opportunity to speak, especially if Ministers reply, and then private members' day is concluded until another time. I have made suggestions to the Leader of the House for remedying the position and I have asked that they be brought forward before the Standing Orders Committee. One cannot describe grievance day as other than an exercise in party-political point scoring. If the gag is to be applied on every private members' day you, Mr Speaker, will be put in a position as difficult as the one in which you were placed last Thursday. This is the root cause of the problem. Last week you had to maintain a difficult balance; you had to stop the mud slinging and you had to ensure that those who were appearing before courts were tried properly by a jury or magistrate and not tried in public. In the result, mistakes were made. You, Mr Speaker, cannot be psychic and foresee what is about to be said; you must wait until it is said. It is quite wrong for the Attorney-General to take points of order and enter into a time-consuming exercise in order to prevent a member of the House from speaking.

I support to the hilt the right of the honourable member for Northcott to speak, whether or not I agree with what he has to submit. He should not have the time usually available to him frittered away by points of order and by the Attorney-General speaking for an inordinately long time on a submission. I submit that you, Mr Speaker, made mistakes on the question of a division. If the Opposition's intention was to drag out the case of the honourable member for Heffron and to bring into the Parliament the subject of Mr Grieve, it should have done it in another way—by substantive motion. I am sure that this was the aspect you had in mind—as it is in my mind now—when you gave your ruling, that it must be done by substantive motion. Nobody should have the right to put a citizen who is before a court on public trial in this Parliament, for that person's right to justice may be prejudiced. I hope that we have all learnt a lesson from last Thursday and that there is not a repetition of what took place then. I should hate to think that the Speaker may be put through a similar ordeal week after week. You, Mr Speaker, have my support.

Mr Speaker, in the light of the events of last week, if the Opposition had sought to move a motion of dissent from the Speaker's ruling, I should have supported it because I believe that you erred. The fact that the Opposition decided to move this vote of no confidence is proof of my contention that Opposition members actually set out to try you out as Speaker. I believe that if they were genuine they would have moved dissent; and I should have supported that motion.

Mr Hatton]

I hope that this type of debate will not be seen again in the next two-and-a-half years that I am in this Parliament. I hope that the members of your party give you the support you deserve by taking the punishment that on occasions they may deserve. Only by doing that can we really be genuine about praise and support for the high office of Speaker in this Chamber.

Mr BRUXNER (Tenterfield), Deputy Leader of the Country Party [12.42]: It is my duty to support the motion moved by the Leader of the Opposition and to make my position and that of my Country Party colleagues quite clear in this debate. In doing so, I cannot think of a more distasteful duty that has ever fallen to me since I came into this Parliament. I share the view of the honourable member for South Coast that a motion like this one should never have to appear on the business paper of this Parliament. I have seen it on only a few occasions in the time that I have sat in this Chamber. But, distasteful as my duty might be, it is necessary; and it is necessary for this motion to be on the business paper and to be debated today, if for no other reason than that mentioned by the honourable member for South Coast, that he hopes it will clear some of the air that has been generated in this Chamber over the past month or so.

In speaking on behalf of the Country Party I want to say that our support for the motion of no confidence in you, Mr Speaker, is designed primarily to cover the events of last Thursday. I shall not go over them in detail; they have been broadly debated here this morning. I do not want anyone in this House or elsewhere to be under any misconception that the actions of my colleagues in the House last Thursday, while they were reported as being different from those of our colleagues in the Liberal Party, in no way mean that we condone your conduct or the prompting of that conduct by the Attorney-General. The Attorney-General has assumed the mantle of respectability with the responsibility of his office. He has talked today about defending his colleague and himself from smears or attempted smears in this Parliament.

I thought it rather a strange change of attitude from that of the man who in the last few days of our Government deliberately smeared the reputation of a fine gentleman who had just been recommended for one of the highest public service positions in New South Wales. The honourable member smeared him in this Chamber and allowed it to be spread in the media. To the credit of his colleagues but not the Attorney-General, they learned that the same gentleman was well worth keeping in the job. If anyone will help the Government out of the transport mess—to which it is adding—it is the man whose reputation was blackened here. So the Attorney-General need not defend his Speaker on the ground that he does not want people smeared in this Parliament.

I hope that no one is ever smeared in this Parliament. I hope that every member who enjoys the privilege that I am enjoying at this moment realizes that it is a privilege which is not available anywhere else. I stand here, uncensored, with no possibility of a legal action being brought against me. It is a privilege that many people outside this Parliament would earnestly desire. I have always taken the view that in order to earn and maintain that privilege, when I speak here I should uphold the very rights and traditions that we have heard mentioned today, but I look to you, Mr Speaker, as the custodian of those rights and privileges, to be the first to set the standard.

When we were in office I was one who watched you much more kindly than I think you believed of many Government members. I am sure that you will not mind my saying that there were times when you as an active Opposition member often quoted standing orders by number and in detail, and in the process roused the humour of some of my colleagues. Over a period of a couple of years you showed quite clearly that you aspired to the high office that you now hold, and it appeared that you

hoped that if your party gained Government you would be elected to it. You took the trouble of studying the standing orders and of reading the history and practice of this House and similar democratic institutions. At that time I said to myself that if we were to go out of office one day and a new government were to elect the honourable member for **Corrimal** to the chair, at least he **should** start off knowing something about it. I say to all honourable members: few of us ever have the opportunity to occupy the chair. Apart from the permanent position you hold, Mr Speaker, there is the position of Deputy-Speaker and Chairman of Committees and the panel of temporary chairmen who **from** time to time can be called upon to take the chair. I had the honour to be one of those temporary chairmen for a period of almost five years.

I say to my colleagues here today: you should not be too critical of the Speaker until you have sat in his chair. The view from up there is quite different from what it is down here. The first thing that hits one in the eye—or perhaps I should say in the ear—is that the normal amount of interjection and cross-talk in the Chamber seems to be twice as loud when one is occupying the chair. To be truthful, even, though I occupied it on occasions only temporarily, sometimes I had an overwhelming desire to have half the members of the House removed from it. There were days and nights when I could scarcely hear what was going on. Without wanting to sound **school-masterly** I suggest that there is one sure way that members can avoid being called to order, removed from the House or suspended from the **sittings** of the House—it is by behaving themselves. If they wish to say something, they should come to one or other side of this table and say it. I do not suggest that there should not be the natural cross-talk that occurs now and again, and even the humorous interjection or two.

We have heard a lot today about points of order. I cannot remember when I last took a point of order in the House or when I last asked someone to withdraw a statement about me. Honourable members can call me any name they like in **this** House; they can say about me anything they like, as long as they remember that in doing so they are enjoying the privilege to which I have referred.

Mr Speaker, when you came to office it was by the election of your party. As long as we have a party system in politics in New South Wales it is inevitable that the party with the majority in this House will elect the Speaker. That may not necessarily be the best thing. Perhaps we should examine the position in the House of Commons. Immediately the Speaker of the House of Commons is elected he removes himself from party affiliations and he is unopposed in his constituency. From time to time there has been a change of government in the House of Commons without a change of Speaker. However, I have no argument about your being elected by your party, Mr Speaker, and assuming your role as Speaker. The Opposition did not oppose your election on the day that Parliament opened in May.

Mr Speaker, I ask you to give us the benefit of the experience that you have been gaining, and to give us some guidance. I express the sincere thoughts of my colleagues and myself when I say that we have been disappointed. I shall not go through all the ramifications of what, to me, were fairly minor incidents, but we were concerned about the offence **in** this House last Thursday. My colleagues know that I have a favourite saying **when** we are having discussions in our party room. I say, "If you want to play rounders, go out the back gate and into the Domain." In here a much tougher game is played. Anyone elected to this House should know that he has not been elected to a kindergarten. We have a rough-and-tumble exercise in this Assembly. The **give-and-take** in this place is up to the members. I do not think we need to involve the Speaker to the extent that Mr Speaker **Kelly** has been involved, or any of the Speakers who have preceded him in my time.

Mr Bruxner!

What I am concerned about is to ask, again respectfully, that you might regard this motion as a timely warning. We know that it will not be carried. We know that the Government will use its numbers to defeat it. Mr Speaker, you will not be removed from office this afternoon. But under the heading of a timely warning so early in your career, my colleagues and I say to you that the workings of this Chamber cannot continue if there is a sense of injustice **wrangling** in the breasts of members of the Government or the Opposition. In the early stages of this first session and the early stages of your career, we want to tell you to have a look at things as they are now. I think the honourable member for South Coast said the same thing in different words.

I am concerned about the events of last Thursday. I am concerned about your ruling, propped up time and again by the Attorney-General, who has professed himself today to be the senior law officer in the State. I respect that position, but I ask him, as I have asked you, Mr Speaker, to live up to it. But your decisions and his actions last Thursday denied members of the Opposition of the opportunity to debate an important issue in the forum where it should be debated. It cannot be debated anywhere else. We were told that we might infringe the sub *judice* rule. Heavens above, the Attorney-General when a member of the Opposition was the most persistent of members in asking that the sub *judice* rule be relaxed. That was when Mr Speaker Ellis and Mr Speaker Cameron were in the Chair. Today he wears the mantle of respectability. The only words that the honourable member for Northcott got out last Thursday—and I quote from Hansard—were "Mr Speaker —".

Then the Attorney-General rose on his point of order. I accept his explanation that you overlooked that you should have asked for the motion to be moved first. I am not worried about that. That is not essentially important, but the traditional issues we are debating today are important. What concerned my colleagues and me was that while that point of order and subsequent points of order were being taken, you allowed the Attorney-General to put the case for the defence. He said that the prosecution was not allowed to put its case before the court of this Parliament, but he then demonstrated the case for the defence. He built up on it. Under the guise of saying that we could not talk of that member or that citizen he gave the whole outline, as he would have been entitled to do, of his defence, but surely he would be entitled to do that only in reply to the honourable member for Northcott in speaking to his original motion.

I bow to my learned legal colleagues, but I do not know of any rule of this land or this Parliament which allows the media to discuss things at length and in detail, while in here we are told that for some reason or other those matters must not be brought up on the floor of this House. Speaking as a simple layman I do not accept that argument. I hope that you, with your legal colleagues, will fully examine the treatment meted out to the honourable member for Northcott. We have heard today that one of his colleagues is disappointed in him, that he was a good Speaker, but now he does not think that he is making a good fist of things as a private member. I do not want to make comments on this—it might be embarrassing—on what I think of him **as** a Speaker, a member or a man, but I hope that because he is a former Speaker, he will not now be singled out for any special attention while sitting as a private member of this House. He speaks on controversial issues in a manner which I for one admire. Some others do not admire him for it; rather they take umbrage at it: indeed, some members get very cross about it. But so long as he is willing to stay within the bounds of the rules and traditions to which I have referred, I hope the honourable member for Northcott will get the same fair go as the honourable member for South Coast seeks for all of us, and will not be penalized because he is a former Speaker. I hope that none of us will be penalized for speaking our minds.

Government members are worried about protecting their reputations. They can say what my ministerial colleagues and I did when in office. I do not take it as a

smear; rather, I accept it as part of the rough-and-tumble to which I have referred. **Let** Government supporters not be mealy-mouthed and attempt to preserve the rights of present Ministers while kicking the daylights out of the ones that were formerly in government. I am not complaining about criticism of former Ministers, nor am I speaking in a sense of frustration. The first motion of no confidence in a Speaker that I heard in my first year in Parliament was moved by the Leader of the Opposition, then Mr Askin. I was surprised that it had to be on the business paper. The Attorney-General has been kind enough to make several references to it. I do not know whether he is trying to butter us up and to divide us from our Liberal colleagues. He said that the attitude of the Country Party in this House has not been too bad. He was so generous when speaking about my parliamentary leader that I shall have to tell him at lunch time that he had better have another look at himself because he has the Attorney-General on side. If I may say so, they are a couple of strange bedfellows.

The Attorney-General said that my colleagues and I have attempted to play by the rules in this House. We do that. As every member of the Country Party knows, when he comes here as a new member, on the first day he is here, even before Parliament sits, our Leader, Whip and senior members of the party give him a course of instruction on what is expected of him. This was told to me, and it is told to every member of the Country Party who comes to this Parliament. We break the rules now and again. We are not a group of angels, and members on the Government side are not the only fellows who know how to play the rules. But we come in here with a sense of tradition.

I support the motion. I make it clear that there is no division between the Liberal Party and the Country Party on the motion. There is no division in our feeling that we want you, Mr Speaker, to have a close look at what has been said in this debate, what has gone on in this House, and at the proceedings in future. You face a tremendous challenge. In closing, I quote from a book entitled *Speakers of the House of Commons from the Earliest Times to the Present Day* by Arthur Irwin Dasent. He said:

Politicians and parties may come and go, changes may, and must, occur in the aims of aspirations of the democracy of England, which will affect the relations of the House of Commons towards the parent assembly: but the Speaker's office, unfettered by the exigencies of party, and administered in the lofty and impartial spirit which has characterized the latter years of its existence, will endure as long as the constitution itself.

If you remember, Mr Speaker, that you are the servant of this House before you are the servant of your caucus, our democracy, and its aims and objects, will remain in safe hands.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [1.1]: Let me first assure you, Mr Speaker, that I and my colleagues, and I think most members of this Parliament, have the utmost confidence in you as Speaker of this House. In fact, I believe that you are entitled to the congratulations of the House for your rulings, patience and tolerance in the time you have occupied your high office.

I had the privilege of sitting with you as a member of the Standing Orders Committee for quite a considerable time. I relied on your advice and your knowledge of the standing orders. You were always helpful, and even though most of the motions that you and I supported at the Standing Orders Committee meetings were defeated because the government of the day had a majority and was not anxious to democratize the proceedings of this Parliament to the extent that you and I felt they should be

democratized, and even though that Standing Orders Committee was for most of the time under the chairmanship of your predecessor, the honourable member for Northcott, except for a period when it was under the control of the honourable member for Raleigh, the Leader of the Opposition, who was also a member of the committee, or the Deputy Leader of the Opposition, invariably denied approval of the points of view that you and I supported. The Leader of the Opposition had his way, for he was then in government. One of the things that happened was that backbenchers were not given a licence to raise matters in this House regularly and with freedom.

I want to deal with one or two things said by the Deputy Leader of the Country Party, who in this debate has pontificated about character assassination and the blackening of character. I refer first to a report in *Hansard* of 28th September, 1976, where the Deputy Leader of the Country Party is shown as interjecting while the honourable member for Illawarra was speaking. What sort of hypocritical attitude it is on the part of the Deputy Leader of the Country Party to pontificate about being fair and so on, when he can say the sort of thing that is reported in *Hansard* on the date to which I refer? It is interesting to note that it was the Deputy Leader of the Country Party who spoke in this debate, and not the Leader of the Country Party. Everybody knows that the leadership of the Country Party, like the leadership of the Liberal Party is being contested desperately. Already the knives are being sharpened. I suggest that they should be made of stainless steel; and they should not have any dirt on them, for dirty knives used for stabbing colleagues in the back can cause disease.

As I was saying, it was the Deputy Leader of the Country Party who talked about blackening character. Yet it was he who interjected, while the honourable member for Illawarra was speaking: "Like they are in Russia where you ought to be. You would like a bill to repeal the whole Parliament, you commo bastard". That is what he said, this man who does not believe in character assassination. He asks honourable members not to blacken anybody's character, and yet he wants licence to call a member of Parliament a commo bastard. I believe that you erred, Mr Speaker, in making your ruling at that time, for you said, "Order! I call the Deputy Leader of the Country Party to order for the first time". It is disgraceful that words like that should be used to attack a member of Parliament. Such words should attract the immediate expulsion of the member who uses them. I believe the proper attitude would have been to name the Deputy Leader of the Country Party and to throw him out of the House, for this is not a place where we want to hear words of that sort. This is not a place for blasphemy. This is not a place where a member has unbridled licence to use any word he wishes.

The Leader of the Opposition does not understand that situation. Last Thursday we saw one of the most disgraceful scenes ever in this Parliament, and the leader of that disgraceful scene was the Leader of the Opposition himself. Let me remind honourable members of some newspaper comment on the incident. One editorial was headed, "Get on with it, Sir Eric". It then said, "What has happened to the New South Wales Opposition?" And well that question might be asked. Every citizen in New South Wales must have the same thing on his mind. The editorial continued:

The walkout by Liberal MLAs in State Parliament yesterday gave it an opportunity to show its strength, but somehow it got it all wrong. Since losing office at the May 1 election . . .

I emphasize those words. It is time that the Leader of the Opposition appreciated that he has lost office, that he is now in a minority party, and that he cannot get away with the things he got away with over the years. Who bore the brunt of his confrontation more than I? He gagged my views. I was prevented frequently from attacking him when he was most vulnerable and merited attack because of what he

had done wrong or what he refused to do. The honourable gentleman used his muscle when he was Leader of the House, and now he is bleating and crying because you, Mr Speaker, in your impartiality, have given both sides equally fair treatment.

The article to which I have referred in the press goes on to denigrate the activities and practices of the Liberal Party. Another comment on the subject appeared in a Sunday newspaper. It began, "Sir Eric takes his bat home". Sir Eric did not take his bat home; he merely took it outside and then sent the Whip into the House to move that a Minister of the Crown be no longer heard. The Leader of the Opposition later came back, but it is interesting to recall that the members of the Country Party did not walk out. Obviously they felt the tactics adopted by the Liberal Party were ridiculous, as they were, disastrous and disgraceful. However, when the members of the Liberal Party did come back, they were not accompanied by those in the Tom Lewis faction, who stood outside because they knew that the tactics of the Leader of the Opposition were disastrous for them, for their party, and for the traditions of Parliament.

It is the traditions of Parliament that concern honourable members most. Are we day after day to sit and watch scenes of the sort that have been taking place because the Leader of the Opposition is desperately trying to convert the House into a shambles? It is fair to say that the honourable gentleman gave us warning of what he intended. On the occasion of your election as Speaker, on 25th May last, the Leader of the Opposition pontificated at great length, and he warned you and the Parliament that you were going to have a rough time; that the Opposition was going to make things as rough as it could. He went on to say:

I have publicly gone on record as saying that the Opposition promises the Government a lively time. It would be reasonable to assume that the lively times will flow over into the proceedings of this House. There will undoubtedly be occasions when debate is heated and tempers are strained, and the man in the most difficult situation in these circumstances will be you, Mr Speaker.

Ever since then the Leader of the Opposition has incited the members of his party to attack you and has used every tactic possible to inconvenience you and to make you miserable and unhappy. However, he does not know you as well as I do. Instead of dispiriting you, he is inducing you to say, "I will stick to my task". I know you as a man, grimly determined, who will say, "I will do my duty despite the attacks of the **Leader** of the Opposition". I know you as a ~~man~~ who will say, "I am determined to see that the traditions of Parliament are preserved". I know you, without doubt, as a man who will carry on in control of the Parliament and see that everybody has the benefit of fair dealing.

After leading this infamous **Willis** walk-out, the Leader of the Opposition said today that all members of Parliament have the right to discuss matters without fear or favour. Strangely, that is about the only part of his speech with which I agree. To be able to discuss matters without fear or favour does not mean that honourable members are given free licence to be disruptive or to slight the very traditions and fundamentals of the Parliament. The Leader of the Opposition is a Pecksniff; everybody who knows him knows that he is a Pecksniff and a palterer. He said that members of the Opposition are called to order and members of the Government are never called to order. Everyone knows that is deliberately untrue. Indeed, the Leader of the Opposition has been in the House day after day and has heard members on the **Government** side being called to order. He heard the Minister for Youth and Community **Services** called to order today; he heard the Premier called to order today; and he heard the Attorney-General called to order the other day. I was called to order by

Mr Einfeld]

Mr Speaker **Cameron**, but I did not resent it, because I thought he was doing what he thought was his duty. I had respect for him and for Mr Speaker **Ellis**. People who occupy this high position are entitled to respect from honourable members.

As a member of Parliament, both here and in Canberra, I have always believed **that the office** of Speaker and the occupant of that **high** position, whoever he is, should have respect from every member of Parliament. However, the Leader of the Opposition has never agreed with that principle and has never given that sort of respect. Mr Speaker, you were attacked for attending a party meeting once in a while, but your predecessors did so in their parties once in a while. When I was a member of the Commonwealth Parliament Mr Speaker Macleay used to vote in Committee when there was a division. He used to vote in his gown and all the lace accoutrements. **Who would expect** him to undress and then don **normal** attire when he voted? He was elected by a party, and that was the practice he adopted. That is the practice that you are adopting, Mr Speaker. That is to your credit, because it shows that you have courage. You have demonstrated while you have been in the Chair that you are impartial, but are unwilling to lose your right of voting in Committee because you were elected on a ticket that says that you support freedom and democracy. That is what the Labor Party observes as a party.

The Leader of the Opposition said that he is more restricted inside Parliament than he is outside. I often used to take that view when Mr Speaker **Cameron** used to say to me, "You are out of order." I used to think, "I can say that outside, but I cannot say it in here." But that is normal in Parliament. Mr Speaker, you and I tried without success to alter that in the Standing Orders Committee but the Leader of the Opposition, the Deputy Leader of the Opposition and others on their side stopped us from doing it. The Leader of the Opposition said that during a debate I called him a criminal. On that occasion I was about to add the words "—as a result of neglect of certain things", but I did not get the chance to do so. He immediately protested and Mr Speaker asked me to withdraw. The Leader of the Opposition made some play about whether you, Mr Speaker, should ask a member or direct a member to do something. I do not know that there is any difference.

Mr Neilly: You want to tell the bloody truth.

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

[Interruption]

Mr SPEAKER: Order!

Mr EIWFELD: I suppose if one could say that there was a difference, Mr Speaker would be directing members of the Opposition, because they have shown themselves to be recalcitrant and not anxious to obey your rulings. On the other hand you **would** ask supporters of the Government, who are anxious to obey your rulings at all times. Another point raised by the Leader of the Opposition related to the disallowance of **questions** without notice. There have been questions disallowed on both sides and that point has been answered. Certainly the honourable member for **Campbelltown** and the honourable member for Cessnock have had questions disallowed.

Mr Neilly: He even went to——

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

Mr EINFELD: Mr Speaker, you have been accused of misusing your powers, but you know very well that you have followed the proper procedures when exercising your authority. It is proper to recall that today is the eighteenth sitting day of this session. In that period we have had one motion of dissent from the Deputy-Speaker's ruling; three motions of dissent from your actions; and now we have before the House this motion of no confidence in the Speaker. That tally speaks for itself and indicates the disruptive tactics that the Opposition is pursuing, in line with the instructions honourable members opposite received from the Leader of the Opposition on the first day of your election. When the honourable member for Maitland was removed from the Chamber he admitted outside the House—and he was so reported in news media—that his conduct had been such as to warrant his removal.

Mr Dowd: I compliment him.

Mr SPEAKER: Order!

Mr EINFELD: I might point out to the honourable member for Lane Cove, who has just interjected, that even in the knowledge that his colleague had said that his removal was justified, the honourable member for Lane Cove had the gall and effrontery to move a dissent motion against the Chair's ruling removing the honourable member for Maitland.

It is obvious that the tactics being adopted by the Opposition are designed purely to upset and intimidate you, Mr Speaker, as the occupant of the chair. The members of the Opposition are quite happy to accept your decisions that favour them—in fact, the majority of decisions given by you have favoured the Opposition—but when a fair and just decision goes against their wishes they immediately show their petulance and inability to accept the referee's decision. I think it was the Deputy Leader of the Country Party who talked about the matter of last Thursday. This is more serious.

[Interruption]

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

Mr EINFELD: You are the referee, Mr Speaker, and the Opposition will not accept your ruling when it is adverse to honourable members opposite. When a fair, and just decision goes against their wishes, they immediately show their petulance, because they are not good losers and still do not realize that they are not on the Treasury benches. I know this is a difficult matter for them. It must be a hard lesson for them to realize that on 1st May last they lost control of this Parliament, when the people of New South Wales showed confidence in **Neville Wran** and the members of the Australian **Labor** Party, and put us into government. If there were an election tomorrow we would win ten or twelve more seats. We know how many people are saying that they have confidence in the work, programme and efforts of this **Labor** Government.

In the present case, most of the resentment of the Opposition stems from its desire to attack an honourable member of this House in a roundabout and back-door manner. The standing orders provide for charges of this nature to be made in a certain way, but members of the Opposition are unwilling to come out in the open and do it that way. We have challenged them to do so; indeed, the Attorney-General has repeatedly challenged them, but they have not the spunk or courage to stand up and do it. In the past few weeks the impartiality of the Chair has been exemplified, and your task has been made doubly difficult on occasions by grossly disorderly conduct by members of the Opposition. Everybody agrees that you, Mr Speaker, have

a most difficult task. The same applies to the Chairman of Committees and the other honourable members who temporarily occupy the chair here. It is the duty of every honourable member, be he Government, Opposition or independent member, to assist, not hinder, the Chair in carrying out his duties.

Visitors to the House of Commons have been greatly impressed by the complete acceptance of the Speaker's decisions by all honourable members at all times. Anyone who has been to the House of Commons realizes that the Speaker's decision is accepted freely and without question. Indeed, in the Commons there is no provision for dissent from a ruling of the Speaker. I do not think that any honourable member of that House would envisage such a motion in his wildest dreams. I could not bear to consider what they would think of their Leader of the Opposition if he were to move a similar motion. Indeed, the whole thing would be ruled out of order, and quite correctly so. Perhaps this complete acceptance of decisions of the Chair is brought about by a more mature approach to their parliamentary duties by honourable members at Westminster.

I believe that is the answer to the Leader of the Opposition, who likened himself today to a 10-year-old child. That is about the standard of the treatment he deserves. Today he stood in this Parliament and cried out, "Hurrah, hurrah". This is no carnival or mardi gras; this is serious business in a House of Parliament. We are fighting an attack on the fundamental principles and basic democracy of this Parliament, and the members of the Opposition should take note of the more mature approach in the House of Commons, to which I have referred. The adoption of a similar approach here would not only enhance the standing of honourable members in this House and in the community, but also to assist the Chair in carrying out his important and onerous duties. I said earlier that the Leader of the Opposition is a Pecksniff. So he is. He continually palters when discussing this matter. I deprecate the motion he has moved and his whole attitude in this matter. Then there was the hypocritical suggestion by the Deputy Leader of the Country Party that he does not believe in besmirching the character of people, yet he attacked the honourable member for Illawarra.

I welcome this opportunity, on behalf of my colleagues, to say to you, Mr Speaker, that you have our entire confidence. We are thrilled and happy that you were the one elected by the House to the position of Speaker. We know that while you occupy the chair, democracy, privilege and free speech will be the right of every honourable member of Parliament.

Mr CAMERON: Mr Speaker —

Mr FLAHERTY (Granville), Government Whip (1.20): I move:

That the question be now put.

The House divided.

Ayes, 49

Mr Akister	Mr R. J. Clough	Mr Ferguson
Mr Bannon	Mr Cox	Mr Flaherty
Mr Barnier	Mr Crabtree	Mr Gordon
Mr Bedford	Mr Day	Mr Haigh
Mr Booth	Mr Degen	Mr Hills
Mr Brereton	Mr Durick	Mr Hunter
Mr Cahill	Mr Einfeld	Mr Jackson
Mr Cleary	Mr Face	Mr Jensen

Mr **Johnson**
 Mr **Johnstone**
 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 Ryan
 Mr Sheahan
 Mr **Stewart**

Mr **Wade**
 Mr F. J. Walker
 Mr **Whelan**
 Mr **Wilde**
 Mr Wran

Tellers,
 Mr Jones
 Mr **Quinn**

Noes, 48

Mr Arblaster
 Mr Barraclough
 Mr Boyd
 Mr Brewer
 Mr Brown
 Mr **Bruxner**
 Mr **Cameron**
 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 **Hatton**
 Mr **Healey**
 Mr Jackett
 Mr Leitch
 Mr **Lewis**
 Mr **McDonald**
 Mr **McGinty**
 Mr Mackie
 Mr Maddison
 Mr Mason
 Mr **Moore**
 Mr Morris
 Mr **Murray**
 Mr Mutton
 Mr **Osborne**
 Mr Park

Mr Pickard
 Mr Punch
 Mr Rofe
 Mr Rozzoli
 Mr Schipp
 Mr Taylor
 Mr Viney
 Mr N. D. Walker
 Mr Webster
 Mr West
 Sir Eric Willis
 Mr Wotton

Tellers,
 Mrs Meillon
 Mr Singleton

Resolved in the affirmative.

Question—That the motion be agreed to—proposed.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [1.27], in reply: I shall not detain the House for long in my reply as there is not a great deal to reply to. Naturally, I agree with those who regret the fact that this motion was brought at all. I regret also the fact that there was a necessity for **the bringing** of such a motion, especially so early in the session. But as I intimated earlier, one must bring to notice the fact that the rules by which Parliament operates have not been applied evenly or justly. I hope that as a result of this motion in future a better state of affairs will prevail. The Attorney-General gave a rather lengthy but weak discourse—or should I say diatribe—which was quite unconvincing. At no time did he attempt to deny that he was reluctant to have his administration debated and exposed to public scrutiny.

As regards the note that the Attorney-General denies having been aware of, that I said had been passed up by him to the Speaker, all I wish to say is simply that a number of honourable members saw a note handed up from **the** Attorney-General to Mr Speaker and they saw also Mr Speaker read from that note when giving reasons why the motion moved by the honourable member for Northcott was out of order.

The honourable member for South Coast made an interesting contribution to the debate. I assure him quite unequivocally and without hesitation that no organized campaign has ever been contemplated in respect to the Speaker of this House. Mr Speaker, when you were nominated for the position that you now occupy the Opposition made no attempt to oppose your nomination, nor did it put up anybody in opposition

to you. The Opposition feels, as it has always felt, that the position you occupy is an important one and a responsible one. The Opposition will always show respect to the position and will always support the occupant of it. However, in return the Opposition expects what Australians call a fair go, in accordance with the honourable traditions of the Speakership. In other words, whether this place develops into a bear pit or is run as an orderly parliamentary institution depends to a large extent upon the Speaker. I do not mean by that whether the Speaker is harsh or lenient: I mean whether the Speaker is fair in his administration of the business of the House—fair to all honourable members by treating them equally.

The Minister for Consumer Affairs and Minister for Co-operative Societies did not say much at all—certainly nothing worth replying to. He made the usual personal remarks about a lot of people, including myself, but I could not be bothered about replying to them. However, as he quoted a couple of examples which he felt were all the proof he needed for his case, I felt I should quote a couple of other examples that refute completely what the Minister put, namely that the Speaker's attitude is fair. A couple of weeks ago the honourable member for Yaralla asked the Premier a question concerning the office of State Governor. In effect, he asked whether the Government of New South Wales, led by the Premier, intended to implement the policy of the Australian Labor Party in respect of the abolition of the office of State Governor. Before the Premier could get to his feet, the Speaker ruled the question out of order. I submit that on that occasion the Speaker gave an incorrect ruling in that he said that the office of Governor had nothing to do with the administration of the Premier. Well, if the office of Governor is not administered by the Premier I do not know who does administer it. The office of Governor appears under that particular portfolio in the budget papers. The Premier should have been called upon to answer that question, but he was not permitted to do so. Perhaps the question could have been a little embarrassing to him, but the Chair protected him by ruling that he need not answer it.

Mr SPEAKER: Order! I am reluctant to interrupt the Leader of the Opposition. However, surely in reply he must be restricted to the points raised by other honourable members in the debate. He has already raised one new matter in his reply and now he is preparing to bring forward another. I feel that I must apply the rules of debate. I rule that the honourable member must restrict his remarks to matters about which other honourable members have already spoken.

Sir ERIC WILLIS: Mr Speaker, I accept without question the fact that I am not permitted to raise new matter, but I am replying to the point made by the Minister for Consumer Affairs and Minister for Co-operative Societies. He gave several examples to illustrate the fairness and independence of the Speaker. In return I am giving the Minister examples to refute his proposition. The only additional matter I wish to raise briefly involves what occurred when the honourable member for Pittwater attempted to bring up the question of crooks operating in the field of what are called jack-up-homes. The honourable member was told that he would not be permitted to mention any names concerned with that organization. But within a few days the honourable member for Campbelltown and the Deputy Premier, Minister for Public Works, Minister for Ports and Minister for Housing mentioned the names of people involved in that line of business. Even though the honourable member for Pittwater took points of order on those occasions, his points were dismissed summarily. In other words, those Government members were permitted to do what the honourable member for Pittwater had been unable to do only a few days earlier.

I could give many similar examples but the House has sufficient of them already. Let me summarize the position. All members of this House elect the Speaker. They all expect that in accordance with a long and honourable tradition they will be

treated equally by the Speaker. The Speaker was not elected by the Labor Party for the purpose of looking after only the members of that party. The Speaker was elected by the members of this Parliament for the purpose of administering Parliament, looking after its affairs and treating all members of Parliament equally. We shall all respect the Chair if the Chair treats us all equally, whether that treatment be harsh, lenient or anything else. All we ask is that there be equal treatment. Hitherto in this session we have not had it and that is why this motion has been moved. Mr Speaker, I know that I shall not win when the vote is taken, but I hope that there will be a change in your practice in the weeks that lie ahead compared with what has occurred in the weeks that have gone by.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Mr Arblaster
Mr Barraclough
Mr Boyd
Mr Brewer
Mr Brown
Mr **Bruxner**
Mr **Cameron**
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 Lewis
Mr **McDonald**
Mr **McGinty**
Mr Mackie
Mr Maddison
Mr Mason
Mr **Moore**
Mr Morris
Mr **Murray**
Mr Mutton
Mr **Osborne**

Mr Park
Mr Pickard
Mr Punch
Mr Rofo
Mr Rozzoli
Mr Schipp
Mr Taylor
Mr Viney
Mr N. D. Walker
Mr Webster
Mr West
Sir Eric Willis
Mr Wotton
Tellers,
Mrs Meillon
Mr Singleton

Noes, 50

Mr Akister
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 Face
Mr **Ferguson**

Mr **Flaherty**
Mr Gordon
Mr Haigh
Mr **Hatton**
Mr **Hills**
Mr Hunter
Mr **Jackson**
Mr Jensen
Mr Johnson
Mr Johnstone
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 Ryan
Mr Sheahan
Mr Stewart
Mr Wade
Mr F. J. Walker
Mr Whelan
Mr Wilde
Mr Wran
Tellers,
Mr Jones
Mr Quinn

Question so resolved in the negative.

Motion negatived.

[Mr Speaker left the chair at 1.38 p.m. The House resumed at 2.15 p.m.]

GRIEVANCE DEBATE

Mr SPEAKER: The question is, That grievances be noted.

BLUE MOUNTAINS RATES

Mr VINEY (Wakehurst) [2.15]: My grievance relates to a constituent of mine who recently came to my office and expressed his concern about certain matters. Because he is out of work I shall not mention his name. He informed me that a sheriff's officer arrived at his home to value his furniture with a view to selling it to satisfy a judgment for unpaid rates of the Council of the City of Blue Mountains. I appreciate that there may be circumstances when a council is entitled to recover rates by using the processes of law. I submit that this present instance is an iniquitous infringement of the person's rights.

In 1960 the person to whom I am referring purchased land at Blackheath which was then zoned urban. The land had been subdivided. It was in an unmade street but he bought it on its zoning. In 1967 the Blue Mountains city council, after discussions with the State Planning Authority, as it was then known, decided that it would rezone the land as non-urban class C, which made the land useless for any purpose. I spoke to the council's town planner and inquired what could be done with the land. He said that it could be used for agriculture. When I said that he must be joking he said that the council would not want it used for agricultural purposes anyway. The owner of the land has paid already over \$1,000 in rates.

The Valuer-General obviously appreciated that there was injustice as a result of the change of zoning and valued the land at \$50. However, the Blue Mountains city council, which had prevented the owner from using the land, announced in 1972 that he would have to pay the minimum rate of \$40, \$1 town improvement levy and \$2.50 for the minimum library rate—a total of \$43.50 on land valued at \$50. The owner got into arrears with his rates. He was served notice that if he did not pay the rates the land would be sold. The owner paid the outstanding rates as well as the sum of \$100 to have the land withdrawn from sale. Then in 1973 the Blue Mountains city council applied a minimum rate of \$48, \$1.05 town improvement levy and \$2.50 minimum library rate making a total of \$51.55 on land which the Valuer-General assessed to be worth \$50.

In 1974, when the land was still valued by the Valuer-General at \$50, the council levied a minimum rate of \$74 which together with \$1.05 town improvement levy and \$2.50 minimum library rate made a total bill of \$77.55. The owner said to the council that he did not want the land and asked the council to take it off his hands. It refused. Notwithstanding that the owner could not use the land as a result of the zoning conspiracy between the State Planning Authority and the Blue Mountains city council, the Valuer-General said that as inflation had occurred the value was to be increased to \$300. This attracted a minimum council rate of \$125, 90c town improvement levy and \$11.50 minimum library rate. Although the owner cannot live in the area the council still slugs him for the minimum library rate. Further, no garbage service or street lighting is provided.

The Local Government Act provides that if rates are unpaid for more than five years, under ordinance 602 the council may put the land up for auction. Procedures are laid down to permit council to do this. The Local Government Act goes further and provides by ordinance 606 that if the proceeds of sale are less than the outstanding rates, what has been recovered is regarded as full payment

of the debt and the whole of the indebtedness is waived. However, the Blue Mountains city council did not do that. Although it knew the consequence of its actions it took the owner of the land to court. I advised him to see a chamber magistrate. His advice to the owner was that he had better pay up; if he did not pay his rates the council would obtain another court order and probably sell his motor car. Further, if he did not pay the subsequent year's rates it could well obtain another court order and sell his house.

I protest strongly on behalf of my constituent. Clearly, the spirit of the Local Government Act is being ignored. Under ordinance 602 the council could have allowed the rates to accumulate, particularly when the owner said that he was in an impossible situation; that he could not use the land or give it away. If the council had allowed the rates to accrue for five years it could have sold the land or obtained the title to it and thereby extinguished the debt. This is a case of rank injustice. The court made an order and from my inquiries there is no way that it can be set aside. If the recent amendment to the Ombudsman Act were in force and local government matters were within his province I should have been pursuing my inquiries with him as a matter of urgency.

I have heard the honourable member for Blue Mountains refer to the rating problems with the Council of the City of Blue Mountains and of the need for town planning revision at Blackheath. Although the council has sued this man for one year's rates, the rates for 1975 and 1976 are still outstanding. The council might well take the owner to court in respect of these amounts. Once his furniture is gone they might then take his motor car and finally his house. The Government must take drastic action either by legislation or some other way to protect this unfortunate person. It is not the **only** instance. When endeavouring to speak to the Minister for Local Government I spoke to his under-secretary who intimated that in recent weeks a wealth of complaints have been pouring in concerning similar matters with the Blue Mountains city council. I ask the Minister to take up the matter with his colleague to see whether the Government can take some action to remedy the position.

PENSIONER HOUSING

Mr MAHER (Drummoyne) [2.20]: On 3rd April, 1975, I received an extremely polite letter from a Mr W. Howitt, a pensioner of Concord, who sought an opportunity to discuss with me what he described as some personal and **general** problems concerning housing and rents in the Drummoyne electorate and in the western suburbs generally. When I met Mr Howitt at my interviews at Concord I was most distressed to learn that this gentleman was at that time receiving \$30 a week pension and paying a rent of \$32 a week. When I inquired about his means he informed me that his family, who were married and living elsewhere, were making up the difference between his pension and his rent and literally keeping him.

The point that I am raising today is not that this man felt that he was being badly treated. For an average working man \$32 a week is not a burdensome rent but for a pensioner it is an impossibility. I immediately followed up Mr Howitt's Housing Commission application by going through the normal procedure that any member would to contact the commission. I received **polite** replies. I again started the machinery grinding slowly forward to have him placed in a Housing Commission pensioner unit. In July, 1975, several months later, this gentleman saw me again and expressed concern that an application was being made to increase his rent to \$35 a week. Although he had

no bitterness towards his landlord, quite understandably he was reluctant to take on this additional burden. I gave him free legal advice. I referred him to the Public Solicitor and did everything possible to have him placed in a home for aged persons.

As Mr Howitt had lived nearly all his life in Concord he wished to remain there and not go to a new suburb. He was not attracted by the high-rise units for aged people in inner city suburbs. My file indicates that Mr Howitt approached me again in September, 1975. At this time his distress was that his local doctor of long standing had informed him that in view of the Medibank controversy Mr Howitt would have to pay before he received any attention. Mr Howitt was most concerned and upset about this problem. He did not wish to break up his relationship with his local doctor but he did not have the money to comply with the doctor's requirement. His rent was being supplemented by his family and his sustenance was provided by his son who lives in Springwood and has his own family problems and burdens.

I did what I could for Mr Howitt. I hunted round to find doctors who might attend him and bulk bill. I heard nothing from him for a while. The next time he came to see me was in November last year when he was concerned about events in Canberra. I had not previously known his political views but I then learned that he was a Labor supporter. He handed me \$20 towards the Labor campaign in Lowe. This generous gift touched me tremendously. That was the amount that I myself had given to the Labor campaign. This man had very little money, yet he came forward with this gift. I shall never forget the occasion when he handed the money to me. The next time he saw me was in May of this year when he was offered Housing Commission accommodation in one of the Waterloo blocks. By this time his rent had gone up to \$36 a week. He was quite beside himself, not knowing how he could go on living. I did what I could. I approached the Housing Commission and tried to get him accommodation. He last saw me on 31st May when the landlord was trying to put the rent up to \$40, which was quite a reasonable rent for a flat in the Concord area, though it caused distress to a person like Mr Howitt who was living on a pension.

On this occasion I referred him to the Public Solicitor and gave him legal advice that any member would give to a tenant, telling him to go through the usual forms of seeking accommodation, keeping notes of what he looked at, what he did and where he had been. Unfortunately Mr Howitt had received poor legal advice in the past and had left a protected tenancy. However, he had no bitterness towards the solicitor who had given him this bad advice, or to his landlord. He merely wanted dignity and a place of his own in his old age. He wanted independence, and he wanted to remain in the area that he knew.

Mr Howitt was buried yesterday. His file at the Housing Commission will be closed. For the past two months his family have paid \$40 a week rent for his empty flat. His last wish was that the flat be kept on at all costs unless something happened to him. I do not want to invade the privacy of this family's bereavement but I have their approval to mention some matters in the House in the hope that other aged people can retire in dignity and remain in the areas where they have lived. Aged people should be fitted into the area they know. They should remain in a mixed community. They should not be taken in the twilight of their years to a strange suburb in some new area where, at an advanced age, they cannot easily fit into the community.

Walter Howitt was a poor man but he had all the great gifts of this life. He had a fine sense of humour, he was a decent person and he worked hard all his life. I ask the Minister to do what he can to ensure that additional aged persons' units

are erected in areas like East Concord and Mortlake. The local council does good work with a senior citizens home, but it is not big enough to meet the demand in that centre. I am sure that Walter Howitt has met his God for it was Our Lord who said, "Blessed are the poor in spirit: for theirs is the Kingdom of Heaven".

COAL LOADER FOR MOUNT THORLEY

Mr FISHER (Upper Hunter) [2.30]: I rise on a matter of considerable importance in my electorate. It has relation to the construction of a coal loader at the Mount Thorley terminal of the new rail spur line that is being constructed from Whittingham to Mount Thorley. The development of mining in the Upper Hunter electorate has been considerably accelerated in recent times, and obviously this has caused considerable disruption to the life of that community. Every care must be taken to prevent conflict between those engaged in mining and those engaged in other pursuits, particularly rural industries.

In September, 1974, the report of an environmental impact study was published by the Public Transport Commission in respect of construction of the spur line and the construction of terminal facilities for that spur line. The object was to ensure that these works would not have any undue adverse effect on the environment and surrounding farms in the area. The Minister for Mines at the time, Mr Wal Fife, the Deputy Chief Commissioner of the Public Transport Commission, Mr Trimmer, and I addressed a public meeting in Singleton that was attended by a large number of residents. The report disclosed that the terminal would store some 1 700 tons of coal in steel bins, which would be painted green to match the colour of that part of the Hunter Valley, and would be hidden by the topography, so that there would be no adverse effect on the environment. Trees were to be planted to reduce noise.

It is fair to say that the great majority of the local community were satisfied that everything possible would be done to protect the environment. Though it was expected that the terminal would have some adverse effects on the environment, it was expected by and large, as newspaper reports indicated, that the environment would be protected. Then there was a change of government. This Government holds itself out as a champion of the environment. It claims to have a mandate in this matter. For example, the platform of the Australian **Labor** Party includes a statement that the pre-eminence of mining as a form of land use is no longer justified on rational grounds or even economic grounds to any other use. It goes on to say that mining should be regarded as just another form of land use and whether it takes place on certain land is a matter for justification after considering every possible use of such land and whether all or any such uses are needed by the community and, if so, which. The **Labor** Party set up another environmental impact study on these rail terminal facilities and the details of this study were released a few weeks ago. On 6th September the *Singleton Argus* gave details of the current proposal.

The study indicates the current proposal to be for the bin storage of coal at this terminal. Some 40 000 tonnes of coal will be stored there as well as in open surge piles. The mining industry must be developed. It is important to the Hunter Valley and to the whole of Australia. However, the Government must make sure that there are adequate safeguards for the environment. Obviously many farmers in the area are concerned about the run-off from the surge piles, and the leachate of water percolating through them. They believe that this will cause pollution. The impact study refers to a system of drains and pumps being constructed. There is no guarantee that this will prevent leachate from polluting the streams, and it is certain that dust will blow from the surge piles over the surrounding dairies. That will have an adverse effect on them,

as will the increase in the volume of noise as a result of this activity. I am sure that the Minister for Health will be greatly concerned with that aspect. The Singleton water supply is drawn from the river and from wells adjacent to it downstream from the surge piles, and many farmers believe that that in itself will lead to pollution. A large number of irrigation plants are operated in that area.

Individual dairymen in the district know that their economic position will be affected adversely by the Government's decision to cut down on milk quotas. They are likely to suffer adversely also if proper safeguards are not taken to protect the environment. I hope that the Labor Government will do everything possible to make sure that the safeguards suggested in the original environment impact study are not removed.

PUBLISHERS HOLDINGS LIMITED

Mr RYAN (Hurstville) [2.40]: I raise a grievance of a constituent of mine, but first indicate some of the background of the matter. My constituent is one of a small group of shareholders who hold approximately 20 per cent of ordinary shares in Publishers Holdings Limited, which is a public company listed on the stock exchange. It is a subsidiary of Australian Consolidated Press Limited, which holds the other 80 per cent of shares. On 2nd July, 1976, a takeover offer of \$1.60 a share was made by Australian Consolidated Press Limited for the purchase of this minority shareholding. The offer was approved by the board of Publishers Holdings Limited. It is noteworthy that four of the seven directors of Publishers Holdings Limited, namely Kerry Packer, Henry Chester, Robert Henty, and Trevor Kennedy are also common directors of Australian Consolidated Press Limited.

The most recent balance sheet of Publishers Holdings Limited reveals that the net book value a share at June, 1975, was at least \$1.80. It reveals also that the fixed assets were not valued at their current market value, but were shown some at purchase value and some at the 1960 value. Under section 3H (18) of the stock exchange listing requirements where there is not a sufficient spread of shareholders a company may be delisted and a period of three months given after notice has been issued under section 3H (18) to rectify the situation. Seventy-five per cent of the minority shareholders have accepted the offer at this stage. Notice has now been given by the stock exchange that failure to rectify a lack of spread of shareholders will result in delisting.

The allegations made by my constituent are these. First, that she and other minority shareholders have been oppressed by the inadequacy of the offer made by Australian Consolidated Press Limited in so far as Publishers Holdings Limited will now be delisted, and any protection that might have been given by listing will be lost. The small remaining fragment of minority shareholders will then be left at the mercy of Australian Consolidated Press Limited if they do not accept the inadequate offer.

Second, my constituent alleges that apart from the oppression of the minority shareholders, the result will be the stripping of assets of a subsidiary public company by Australian Consolidated Press Limited. It appears that the takeover offer by Australian Consolidated Press Limited, as approved by Publishers Holdings Limited, complied with the minimum requirements of the Companies Act in relation to takeovers, but although lip service has been paid to those minimum requirements, the spirit of a stock exchange listing has not been preserved, and the result will be that a small fragment of minority shareholders in a public company now controlled by Australian Consolidated Press Limited will be left to wither on the vine. The alternatives are for them to accept a completely inadequate offer, or perhaps an even smaller offer when the takeover-offer period is completed, or to let their shares lose any value they now have. Of course, they have legal rights under section 186 of the Companies Act.

They can bring a suit for oppression, but that would be an expensive and unpredictable course of action, and should not be forced on any small group of minority shareholders at the mercy of a larger company.

I ask the Attorney-General whether the officers of his department will advise my constituents of their rights, if any, and how they can be protected. Can they be advised as to the best course of action to take to protect those rights? What steps can be taken to deal with the situation such as this where, in terms of control, a large company gobbles up a subsidiary company and then acquires approximately 80 per cent of its shares? That company made a totally inadequate offer—not even one that would be justified on the book value of the assets. It would certainly not be justified in terms of the current or real market value of the share assets backing. These things are happening under the thin, minimum requirements of the law. Minority shareholders, including my constituents, are being left to wither on the vine; they are being left to the mercy of a greedy public company in the form of Australian Consolidated Press Limited and its directors, four of whom are common to the board of Publishers Holdings Limited.

Mr F. J. WALKER (Georges River), Attorney-General [2.47]: I rise, not to take up the time of honourable members who should be able to take advantage of the time allotted for this debate, but because the honourable member for Hurstville has asked me to do. I realize that I am not dealing with a question without notice; this is grievance day and I received notice of the subject matter that the honourable member has just raised. I shall make only a few comments in the short time available to me and deal with the matters raised by the honourable member for Hurstville. First, I should like to say that there was a takeover offer, as alleged, by Australian Consolidated Press for all of the issued ordinary share capital which it did not hold in its subsidiary company, Publishers Holdings Limited, dated 2nd July, 1976. The part A statement required to be given by the offeror company to the offeree company pursuant to section 180C of the Companies Act, 1961, and containing the information required by part A of the tenth schedule of the Act, was lodged with the Corporate Affairs Commission and also dated 2nd July, 1976. The consideration as set out in clause 4 of the offer document was \$1.60 in cash for each share acquired by Australian Consolidated Press Limited in the offeree company pursuant to the takeover scheme. The ordinary share capital which the offeror did not own at the date of the part A statement represented approximately 20 per cent of the issued capital of the offeree company.

As to the book value of such shares being worth at least \$1.80, all I can say is that if the question relates to the book value of the shares at the date of the takeover, 2nd July, 1976, I am unable to answer the question. The most up-to-date information on the company's financial position which has been lodged with the Corporate Affairs Commission is the consolidated balance-sheet and profit and loss accounts of the company and its subsidiaries for the year ended 28th June, 1975. Those accounts were laid before the company's annual general meeting on the 21st November, 1975. The book value of shares as disclosed in those accounts was approximately \$1.80 per share. The accounts for the year ended 28th June, 1976, which would provide a more accurate figure for the book value of the shares at the date of the takeover offer, have not been laid before the company's annual general meeting. Under the provisions of the Companies Act the company has until the end of this year to hold its annual general meeting for 1976.

As to whether the real value of each share in terms of asset backing is vastly greater because of the failure to value the company's assets at their proper market value, the fact is that the assets of Publishers Holdings Limited have not been subject to recent valuation. This is disclosed in clause 6 of the part B statement dated 25th June 1976, issued by the directors in accordance with the requirements

of part VIb of the Companies Act and containing the information required by part B of the tenth schedule of the Act. This statement was circulated to all offeree shareholders with the offer document. The relevant part reads:

As shown in notes to the published accounts of Publishers Holdings Limited its freehold and leasehold properties have not been revalued for some years. The properties are all used in connection with its operations. In the opinion of the Directors a revaluation of the freehold properties would be in excess of book value but they believe that the extent of such excess would not be such as to materially affect the market value of the Company's stock units. Because of their nature and position the leasehold properties in the Kosciusko National Park cannot be meaningfully valued on a normal real estate appraisal basis.

The fourth issue is related to whether the directors of Publishers Holdings Limited have recommended the offer to its minority shareholders and that out of the seven directors of Publishers Holdings Limited four of them, in the persons of Kerry Packer, Henry Chester, Robert Henty, Trevor Kennedy, are also directors of Australian Consolidated Press. It is a fact that four of the seven directors of Publishers Holdings Limited are directors of Australian Consolidated Press Limited. However, these four directors withdrew from the meeting of directors of Publishers Holdings Limited at which the resolution to recommend the offer to the minority shareholders was passed, and they took no part in the discussion or vote thereon. The fact is disclosed in clause 1 of the part B statement produced by the directors of Publishers Holdings Limited and lodged with the Corporate Affairs Commission pursuant to section 180g of the Companies Act, 1961.

The fifth point is whether the minority shareholders are being oppressed and forced into accepting this inadequate offer because of the fact that if some do accept the company may then be delisted from the stock exchange under section 3H (18) of the stock exchange listing requirements, leaving those who do not sell without any protection and at the mercy of Australian Consolidated Press. If a company listed on the Sydney stock exchange fails to maintain a spread of shareholders which is sufficient, in the opinion of the exchange, those shares may be removed from the official list. Section 3H (18) of the listing requirements contains this provision, which also states that if a company receives a notice regarding its failure to maintain a sufficient spread it must notify its shareholders to this effect within seven days of the notice. Section 3H (18) gives the company three months from the date of the notice to rectify the situation. I understand that Publishers Holdings Limited has been given this three months notice and will almost certainly be delisted at the end of that period.

If, as a result of the takeover offer, the offeree company's shares are delisted it does not necessarily follow that the dissenting offerees will be left without any protection and be at the mercy of Australian Consolidated Press Limited. The directors of the offeree company will still be under a duty to act in the best interests of the company, as distinct from its holding company. Should a dissenting offeree be of the opinion that the affairs of the company are being conducted in a manner oppressive to one or more shareholders, including himself, he can seek relief under the relevant provisions of the Companies Act. Essentially, it is a matter for the remaining shareholders to determine, with the assistance of such advice as may be available to them, whether their interests will be better served by accepting the offer now made to them or, by rejecting it, continuing as members of a reduced group which is unable to dispose of its holdings through the ordinary market outlet. I shall make further inquiries into the matter and advise the honourable member for Hurstville of the position.

SOUTHERN RAIL SERVICES

Mr FISCHER (Sturt) [2.53]: At the outset, I should like to say that I welcome the advent of grievance day in this House. I believe that it will serve a useful part of the proceedings of this Chamber. It will enable honourable members to raise matters of particular import to them and to their electorates; it will even enable matters of a Statewide nature to be raised. The matter I wish to raise relates to transport, in particular the future and operation of the railway system in the southern part of the State, particularly the Sydney–Melbourne rail link. I thank the Minister for Transport and Minister for Highways for being present in the House. I took the opportunity of informing him, as a matter of courtesy, of the subject-matter that I intended to raise. I am concerned that we are reaching the stage where there will be a total collapse of the Sydney–Melbourne rail link in respect of its effective operation in competitive carriage of freight.

The Sydney–Melbourne rail corridor is the most important of its kind in Australia. Some six million people live at the ends of the corridor and indications are that the corridor, which is ostensibly the only one in Australia, will become more congested and more vital to transport. The Hume Highway and other roadways are being called on to carry more freight between Sydney and Melbourne, so that the Sydney–Melbourne rail link—the only direct rail link between these two cities—is carrying perhaps only one-third of the total amount of freight flowing between the cities. If action is not taken to reverse this trend soon impossible pressures will be created on the Hume Highway. Even if it were made a 4-lane highway for its whole length it could still not carry what would be required of it should the rail link collapse as an effective and competitive freight carrier.

Last year the Bureau of Transport Economics prepared an unusually readable and excellent report on the future of the Sydney–Melbourne rail link. The document, which was published in November, 1975, was tabled in federal Parliament early this year. I have studied it in detail and done a considerable amount of work on it in conjunction with the federal member for Hume, Mr Lusher. I have been in touch with the Minister for Transport and Minister for Highways who informed me that the report is under investigation. Indeed, the Public Transport Commission is implementing some of its recommendations.

The Sydney–Melbourne railway is a double track between Sydney and Junee. It lacks adequate refuge loops and modern signalling equipment on the single line between Junee and Albury. The rail link still has kerosene lamp signals, and crack express trains, such as the *Southern Aurora* and the *Spirit of Progress*, virtually play Russian roulette hurtling towards one another on the single line. I admit that there is proper safe working and I do not wish to reflect adversely on the safe working standards of the Public Transport Commission. The kerosene signals should be replaced by modern electric signals controlled centrally. Also, centralized traffic control should be introduced for the Junee–Albury section and thus improve safety and the ability of the Sydney–Melbourne rail link to compete effectively as a commercial carrier of freight. Already the Albury–Melbourne section is under centralized traffic control but it is a single line that lacks adequate passing loops.

Rail transport is not being done justice in its efforts to win freight carried between Sydney and Melbourne. The report of the Bureau of Transport Economics makes the following three recommendations:

First, there should be an increase in the operational train weight from an average gross weight of 800 tonnes to 1 100 tonnes, which would lead to better utilisation of motor power and track capacity.

Second, there should be an immediate introduction of CTC to the Junee-Albury section with a full electric signal system installed throughout, and in addition, all present loops between Bomen and Table Top should be extended to 915 metres to allow for the operation of the **1 100** tonne trains.

Third, six new crossing routes should be installed between Albury and Melbourne, with the first priority being for the Springhurst loop.

If these three **recommendations** were quickly implemented the railway would have a chance to respond on equal terms with road transport. The estimated commercial return to the railway for the investment of a relatively small amount of money is **30** per cent. I plead with the Minister for Transport and Minister for Highways to exercise his influence with the Government. I ask him not to blame the federal Government. Let him continue to negotiate with it for the upgrading of the State's main roads, but also do what he can to ensure that the railway upgrading also takes place so that the transportation of freight by rail will ease the tremendous pressures on the Hume Highway. The engineering requirements of the railways should be met before the 1980's are upon us. Unless this action is taken there will be increasing unemployment in the Public Transport Commission from the under-utilization of the Sydney-Melbourne rail link.

Related to the matters I have already raised is the current investigation on the proposed introduction of road-coach services in the southern and southwestern region of the State, which would involve the termination at Cootamundra of the Riverina daylight express. There is concern throughout many parts of my electorate and the rest of the Riverina about this proposal. I should not stand in the way of the introduction of road coaches on some branch lines. It would improve their passenger services. However, I seek an assurance that there will be proper consultation with all unions involved in respect of any proposals to cut back rail services in the southern and southwestern regions of the State. I refer particularly to the need to consult unions at Junee, Cootamundra and similar locations, as well as commercial entities such as chambers of commerce. For the reasons I have given I have raised the whole aspect of railway working in the southern district of the State. I ask the Minister to take the necessary action to bring about a revamping of the Sydney-Melbourne rail link and of the passenger services throughout the Riverina area.

Mr COX (Auburn), Minister for Transport and Minister for Highways [3.3]: In brief reply to the matters raised by the honourable member for Sturt, I refer first to the matter of trains terminating at Cootamundra. This matter is referred to in what has become the bible of the former Government in relation to public transport requirements in rural areas—the Swan report which came into operation in August, 1974. I support the concept of proper consultation on the matters that the honourable member has raised. The document to which he referred has never been in my possession. It has come to light in the Cootamundra area. I have issued instructions that any matters effecting a change in train operations must be presented to me before they are circulated in country areas. I am considering whether the Swan report should be tabled. If its recommendations were implemented, every branch line in New South Wales would be eliminated. Obviously its recommendations were the basis for action taken with branch lines throughout New South Wales. Certainly I have sufficient evidence to demonstrate this has been happening in country areas.

The Swan report was hidden away in the Public Transport Commission and was never presented to Parliament. The Public Transport Commission has been acting on its recommendations. I ask the honourable member for Sturt to inform his constituents that the proposals in that report never emanated from the **Labor** Government;

they came from the former Government. I have read the press reports concerning the Swan report and the fear that has been generated throughout country areas. The document has only now come into my hands. Having looked at it I can say that it has been the transport bible of the former Government.

Mr **Bruxner**: Until the Minister held it up in this Chamber I had never set eyes on it.

Mr **COX**: I can tell the honourable member for Tenterfield where I got that document. When I took over at the Ministry it was in a drawer and I saw it when I opened the drawer. The honourable member for Sturt referred also to the updating of facilities on the Sydney-Melbourne railway and to the recommendations contained in the report of the Bureau of Transport Economics. All those matters are presently under review by the Public Transport Commission. I have asked it to expedite its investigation because I am anxious to see a start to implementing the recommendations contained in the report. Irrespective of whether the federal Government comes to the party, I consider the recommendations worthwhile and I shall recommend to the Government that we make a start to implement them over the next three years.

COOTAMUNDRA SEWERAGE TREATMENT WORKS

Mr **SHEAHAN** (Burrinjuck) [3.5]: My grievance concerns the attitude of several officers of the Department of Public Works to the proposed augmentation of the sewerage treatment works conducted by the Cootamundra shire council. That council is the successor of the Cootamundra municipal council which formerly operated the works and amalgamated with Jindalee shire council on and from 1st April, 1975. I have previously outlined to the House some of the history of the matter and the involvement of Conkey & Sons Limited in it. I am sure the Minister is well informed of it, but he is an extremely busy man, and in his deliberations on this matter I want him to have the benefit of some of my observations on some of the significant events that have occurred.

Thanks to the Ministers's firmness and decisiveness, there is no doubt that the proposed augmentation works attract a subsidy, the council's priority to date from 24th May, 1973, in accordance with his ministerial direction given after meeting a council deputation on 23rd May, 1976. The council is, however, under a ministerial instruction given by the former Minister on 27th March, 1975, under section 396 (2) of the Local Government Act, to do the necessary works immediately. The council accepts that instruction and acknowledges the need for it. To simplify the situation, the council has proposed that it should immediately finance the whole of the necessary work itself on the basis of being reimbursed for the subsidy proportion of the present total cost when the project reaches the top of the priority list in approximately 1980. Although the principle of work now and pay later has been adopted by the department on other public works projects that have been undertaken, the Minister's officers have so far prevailed on him to reject the council's proposal. I refer him to his letter of 26th July. At the same time as the Minister has been considering this question, the Department of Decentralisation and Development has been investigating ways and means of assisting Conkey & Sons Limited in honouring its commitment to the works proposed to be done.

The Minister says that council's suggestion is tantamount to his advancing the priority of the scheme. That is simply not so. The council is offering to save the Government whatever amount the inflationary spiral will add to half the cost of the works between now and 1980. No money will be paid before the time the subsidy is due. By not allowing the whole job to be done on this basis, if the council is to abide

by the statutory notice—the **ultimatum** that the **former** Minister gave it—it will, by doing the work, exonerate the Government from its obligation to contribute to the **cost**.

The parliamentary Labor Party when in Opposition realized the difficulties that were being created by the seven-year delay. I shall not go into this aspect in detail, for the Minister is familiar with it. By the middle of August it was clear to me that the only way to resolve the problem once and for all was to hold a round-table conference attended by the four parties involved—the Department of Public Works, the Department of Decentralisation and Development, the Cootamundra shire council and Conkey & Sons Limited. This Minister and the Minister for Decentralisation and Development and Minister for Primary Industries concurred in the suggestion and the conference was held on 24th September. It was attended by a director of the Department of Decentralisation and Development, representatives of the council and the company, and Mr Ash and Mr Antell of the Department of Public Works. The attitude of the Department of Public Works officers to the council and the company was quite unfair and very inconsistent in my view.

Let me recapitulate some of the significant aspects of the history of this matter. First, **Conkeys** were connected with the scheme with departmental knowledge and approval in 1943. Second, the department accepted in 1953 that the scheme was overloaded **on** a **continual** basis. Third, the **department** gave the council good reports on its works right up to November, 1971. Fourth, the department was asked to involve itself in planning and financing of augmentation works in March, 1972, but did not **reply** in any detail until August, 1973. Fifth, the department failed to assist the council's consulting engineers for fourteen months until late 1974. Sixth, the department took ten months **from** July, 1975, to May, 1976, to follow up council's appointment of it as designer of its augmented works.

It is not the function of this Minister or his department to give assistance to **Conkey & Sons Limited** in the development of its operations or in the disposal of its trade wastes until the company has reduced its **pollutive** properties to approximately the level of domestic sewage. Without government help of the type enjoyed by municipal abattoirs, this company has doubled its work force in the past ten years and has planned for future employment-generating expansion. By disposing of the company's treated trade waste the council has helped it to develop, to the advantage of the shire and the community, and indeed of the rural areas of the State and New South Wales generally.

I should like to make the following specific criticisms of the attitude adopted by the officers. First, the Department of Public Works is anxious to segregate **Conkeys** from other users of the system. Why? The company pays rates; it pays also for the right to use the works under an enforceable contract with a responsible local government body. Second, the department seems to be saying that the company must come off the scheme and build its own works at any price. The department supported the company's connection to the scheme in 1943 and it cannot intervene in a private contractual arrangement between the council and the company as to the volume of effluent from the abattoir. Third, the officers also said that the department complained of the inadequacy of the system since 1959. What about the 1953 approval of overload? There were good reports on the works until late 1971.

Fourth, the officers charged the council with being indifferent, foolish or negligent in regard to the deterioration of the works. This council only came into being about the time that the notice was put on the works. Only one of the present councillors has been there since 1956, one since 1968 and one since 1971. **The** officers and a former president of the old shire took over the works only in April, 1975. Fifth,

the officers said that if council did some of the work now they would lift the order or recommend the lifting of the order. Those works would not be subsidized and the Government would escape its obligation to the people of Cootamundra. Sixth, the officers attacked the council for allowing **Conkeys** to update its outflow pump to a power equivalent to the pumping power of the works, thus enabling the company to shut the town out of the scheme. That is not true. The department approved the installation of a pump in anticipation of the whole augmentation. Further, the installation of the pump has caused no trouble.

Seventh, the officers want **Conkeys** to build its own works and to scrap expansion plans. It is remarkable when a government department wants to deter a company from employing an additional 100 people. Finally, the department talked of the health risk and pollution. Yet in October, 1962, the Department of Public Works approved of the former council allowing raw sewage to by-pass the works, virtually running it straight into the creek and on to the Murrumbidgee River.

Previously, in debate on the adjournment of the House not long ago, I outlined the history of this matter for the benefit of the Minister, who I know is concerned about it. I feel that officers of his department are giving him advice on the question of paying a subsidy in future years, but that this advice is tantamount to a double fine on the people of Cootamundra. The department is saying to them, on the one hand, that they must do this work because a direction has been given under the appropriate section of the Local Government Act, and on the other hand that unless they wait until 1981 to do the work, and unless they flout the department's direction, they will not be entitled to any subsidy that will be forthcoming for all other country works. I ask the Minister to give consideration to this matter.

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works, Minister for Ports and Minister for Housing [3.15]: The House must recognize that throughout New South Wales many country towns and cities are making requests for assistance with sewerage installations. The Department of Public Works has to establish a system of priorities. Since I have been administering that department I have received deputation after deputation from councils, led by the local member, whether he be a member of the Opposition or supporter of the Government, putting up a case why a particular municipality or shire should have preferential treatment in the allocation of subsidies.

I listened with keen interest to my parliamentary colleague, the honourable member for Burrinjuck, outline the problem being experienced in Cootamundra, but I would gently chide him when he attacks the Department of Public Works for any delay in this matter. The fact is that the Cootamundra council was tardy in submitting its application for a subsidy. I elevated Cootamundra's priority by some three years. However, I recognize that the sewerage problem in Cootamundra is a difficult one, and shall do everything possible to assist the honourable member for Burrinjuck and his constituents. At present the rectification of the problem at Cootamundra will cost \$850,000. A substantial government subsidy would be needed if the work were to be undertaken. Some work, which would be beneficial, could be done. It would involve an outlay of \$150,000. I am unwilling to adopt a system whereby the local council does the work and, when it becomes eligible for a subsidy, collects from the Government. That could lead to a situation in which councils legitimately could ask for special consideration, and the Government, in granting it, would be committing the State's money to 1981, or even beyond that.

Recognizing the particular plight of the people at Cootamundra, a situation for which the local council is as much responsible as the Department of Public Works, I am willing, if the local council will go ahead with the work proposed to be done at a cost of **\$150,000**, to provide an immediate special grant of **\$30,000**.

SOUTH HEAD DEVELOPME — ROSE BAY FLYING-BOAT BASE

Mr DOYLE (Vaucluse) [3.16]: I commend the Opposition for first suggesting a grievance debate, and I suppose I must commend the Government also for continuing with it. Any machinery by which private members may bring matters affecting their constituents before the House must be worthy of support. In a spirit of co-operation with the Chair I looked up the definition of the word grievance in a dictionary and found that it is something that causes distress, lament, sorrow or vexation. I am distressed, lamenting, sorrowful and vexed about a number of matters, and I presume that I am in order in raising them. As I read the new standing order, honourable members are not limited to one grievance. If they have time to deal with more than one matter, they may do so.

I am concerned about the stagnation of development at South Head, that lovely promontory in Sydney Harbour which provides views back towards the city. It is a most unusual place; one could say that it is unique. It cries out for inclusion in Sydney Harbour National Park, yet it stands there stagnating, apparently as a result of the inability of the Government to conclude an agreement with the Commonwealth. For some years negotiations were proceeding for the exchange of military lands for other lands. I had come to understand that the negotiations were concluded and I thought we **would** by **now** have reached the stage where the National Parks and Wildlife Service would have moved on to South Head and begun developing it for the people of Sydney. There is no sign of any such action. Some unsightly buildings have been demolished on South Head, but others, including so-called temporary buildings constructed during the war of thirty years ago, have remained. The navy has half demolished the radar tower, which stands on the edge of the cliff, completely visible to any craft entering the harbour. It is most unsightly. A 4 ft x 6 ft regimental notice at the gate to the area occupied by the army has been torn off, leaving a rusting frame. As I say, the whole area reeks of stagnation. It is littered with garbage; it is unattractive and neglected.

I should think that the reasons for establishing the army or the navy on South Head must go back to the time when it was harder to throw spears uphill than downhill. I cannot think of a sillier place for military defences. If ever we had the misfortune to be engaged in another world struggle, the only attention paid to Sydney would probably be by way of inter-continental ballistic missile programmed to land somewhere about the Sydney Harbour Bridge. The strategic defences of the whole of Sydney, including those on South Head, would be obliterated. Surely, militarily, there must be some argument for having our defences up behind Penrith somewhere. Spears have gone, so let us get the military off South Head and return the land to the people. My request is that the Minister for Lands ascertain the precise position as to the occupancy of South Head and, second, that he ask the National Parks and Wildlife Service to clean it up and then develop it. South Head is a potentially beautiful site and it should be used for the benefit of the people.

I represent a blue ribbon Liberal electorate. That has its disadvantages. I call it blue ribbon disease. When you are in government the Premier says: "You will be all right. We need not do anything for you". When you are in Opposition the Premier says: "We will never win that seat. We will do nothing there."

Mr Day: You had better change it to a swinging seat.

Mr DOYLE: If I had to choose between what I have and having a swinging seat, I should prefer things to stay as they are. I draw attention also to the redevelopment of the Rose Bay flying-boat base. Receiving monthly assurances from the Minister that something will be done is not good enough in respect of a harbour site like that

taken up by the flying-boat base. I have said before in this House that a most competent landscape architect, Mr John Fisher, who was appointed by the honourable member for Wollondilly, has produced a low-key, practical, and relatively cheap plan for redevelopment of the site. His plan matches passive and active recreations in sensible proportions. I headed a local committee that heard objections to the plan, and I can say honestly that at least 80 per cent of those objections have been resolved. On the committee we had representatives of the Woollahra Sailing Club, the Rose Bay RSL, the Boy Scouts Association; restaurants in the vicinity, boat owners, and a number of local residents from various parts of my electorate. I say emphatically that all of those bodies enthusiastically support the plan.

I was a member also of an inter-departmental committee for implementation of the plan. On that committee we had the deputy surveyor as chairman, the engineer from the Woollahra council, a representative of the Maritime Services Board, a representative of the Department of Sport and Recreation, and Mr John Fisher, the architect. The committee was moving steadily towards implementation of the Fisher recommendations. Another pertinent reason why development of the area should not be suspended is that financial assistance is available from other groups. Some twenty years ago Woollahra council was required to put aside \$12,000 for the reclamation of areas for which it was responsible. I imagine that that sum, invested at 5 per cent for twenty years would now be worth between \$20,000 and \$30,000. That sum is available for the reconstruction of a large concrete area between the hangars and the tennis court. The permissive occupancy of the Commonwealth required the Commonwealth on terminating the occupancy to return the area to its preoccupancy condition.

Demolition and removal of the hanger and other structures, and the uprooting of about an acre of concrete blocks, each about 18 inches thick, is needed. Also, to return the area to its former grassy condition a large number of offices will have to be demolished. The implementation committee was negotiating with the Commonwealth for a cash settlement in lieu of demolition of some of the hard-standing material, which it was thought would be a good base for gardens and lawns. In all, the plan may be considered not to be costly at \$600,000 excluding the construction of the youth centre. It is a low key development for re-establishing a beautiful area on this site.

Mr Crabtree: It was thought that it would cost \$12,000.

Mr DOYLE: The Commonwealth could be brought in to provide quite a large sum. If it were required to carry out the demolition, which was a term of its permissive occupancy, it would cost between \$150,000 to \$200,000. If we are to let the Commonwealth off the string, it should be done by way of a cash settlement. That was the position when the Government went out of office about five months ago, and as far as I am concerned, that is where we are today.

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

Mr CRABTREE (Kogarah), Minister for Lands [3.26]: I am sorry that the honourable member for Vaucluse read his speech because I do not think that he understands the situation in relation to these matters. The previous Government took away from my department the responsibility for Lyne Park and gave it to a group of individuals who, in my opinion, do not even have local support. Since I have been the responsible Minister I have ~~spoken~~ with ~~the honourable member~~ for Vaucluse, I have interviewed Mr Fisher and I have spoken to every person who has asked me for an interview. I found that the majority of these people were not in favour of what was known popularly as the Fisher plan.

Mr Doyle: You selected **your audience**.

Mr CRABTREE: I did not select my audience. In fact, many people wrote to the honourable member about the Fisher plan proposed for Lyne Park.

Mr Doyle: The area will be most attractive.

Mr CRABTREE: It will be attractive when I am finished with it. It was proposed that the area would be like a concrete jungle in which there would be provision for eighty-seven motor boat trailers, boats and motor vehicles. In addition even the ramps that were proposed to be used were declared unsafe by the Department of Civil Aviation. That is not in the report to which the honourable member for Vacluse referred but my officers found out about it. I inform the Woollahra municipal council that, despite the nonsensical report that I read in the press, we are making a sensible and reasoned approach to this matter. Mr Hunt, the engineer of the Woollahra council, even tried to advise the aldermen in relation to this matter. Let us forget the nonsense about this issue. Mr Fisher received more than \$20,000.

Mr Doyle: He deserved every penny of it.

Mr CRABTREE: The honourable member may think so, but all he produced for the money was a little book.

Mr SPEAKER: Order! The honourable member for Vacluse has already addressed the House. The Minister has the call.

Mr CRABTREE: Let there be no misunderstanding about this. While I am Minister for Lands I will accept the responsibility for my department. Even at this moment meaningful negotiations are being held with the federal authority. These negotiations are not being carried on by an *ad hoc* committee; they are being conducted by senior public servants and on a government-to-government basis.

Mr Doyle: With the deputy surveyor?

Mr CRABTREE: The deputy surveyor is considering the plan.

Mr Doyle: He was doing it before.

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

Mr CRABTREE: The honourable member knows that the deputy surveyor did not prepare the plan; the plan was prepared by Mr Fisher. The Government looks upon this as a serious matter. I have inspected this site and I have taken my officers to inspect it. Moreover, I have extended a hand of friendship to the Woollahra municipal council. The council engineer agrees that he should discuss the matter with us but some of the aldermen do not think that should be done. However, we intend to discuss the matter with the council. If the scheme is to cost \$600,000 we shall see that the money is well spent in the interests of the people. The honourable member for Vacluse knows that I have seen the youth committee, the boy scouts and representatives of certain other organizations in the area. We have approved of the plan already. The Woollahra Sailing Club has asked that the area covered by its lease be altered. I think that what the club has done is a practical move. I have seen Mr Lee, a representative of the boy scouts association, and he is happy with the situation. I have informed him that if he goes ahead the lease will be amended if necessary so that proper use may be made of the area having regard to the needs of the youth organization.

The people of Rose Bay—in fact all the people of the district—want to see the area used as a park. They do not want to see a parking area there with boat trailers distributed all over the place. As far as I am concerned this park will be returned to the people of Rose Bay. At the moment action is being taken in respect of the demolition of the old buildings in the area. Action of that kind was never taken when the Opposition was in office. Mr Fisher—or for that matter any member of the committee—had no right to negotiate on our behalf with the federal Government on how much money we would accept. This whole business highlights the abrogation of responsibility of a former Minister. As far as I am concerned, this Government will approach the federal Government; it will make the assessment and it will get as much compensation as is humanly possible for this project. As long as I am Minister I do not intend to allow an ad *hoc* committee to run amenities that the people need. I assure the Woollahra municipal council that the Government will work with it in the interests of the people of Rose Bay so that they will have a beautiful park and a lovely rest area. This will be of benefit not only to the constituents of the honourable member but also to any citizen who wishes to enjoy this beautiful area on the foreshores of Sydney Harbour.

HOLSWORTHY PRIMARY SCHOOL

Mr KEANE (Woronora) [3.33]: I am pleased to have the opportunity on this, the first grievance day, of being able to present a case to the Minister for Education in respect of an application made by the Holsworthy primary school, in the electorate of Woronora, to be placed on the list of disadvantaged schools. A large number of factors affect this school which I consider must be unique in this State. I propose now to outline the circumstances that make this school unique. This should provide a sufficient reason for approving the application by the Holsworthy primary school.

At the school 99.61 of the students are the children of army personnel. The remainder are children of teachers appointed to the school. As a result the school finds itself disadvantaged in that parents are disinclined to become too involved in parents and citizens' activities, mothers clubs, canteen committees and other interests because they consider that their children will not be at the school long enough to take advantage of funds raised by them. Many children are experiencing long or short-term absences of a father; many of them have been involved in a number of changes of school, both interstate and overseas. The extremely high rate of changeover of school population—it has been 44.5 per cent since the commencement of 1975—puts the school at a disadvantage in endeavouring to maintain essential but expendable items of equipment in working supply.

Many of the children come from larger than usual families. Almost **half** of the total enrolment have working mothers; and almost 50 per cent of these children go home to a house without supervision. Also, every family occupies rented premises. It is significant that 42.9 per cent of the students belong to families with four or more children, and that the proportion of fathers who are absent on courses or exercises generally averages 73 per cent. Most of the fathers from Holsworthy are members of the task force, which is constantly in a state of preparedness, and are thus required to participate in numerous exercises throughout the State—or indeed throughout Australia.

The House may be interested to know that invariably the children have attended a number of schools. So far as the present pupils are concerned, 28 per cent have attended only Holsworthy school, 38 per cent have attended other schools in New South Wales, 42 per cent have attended schools in other States and 20 per cent have

attended schools in other countries. Such disruption to schooling, changing of homes, adjustment to different curricula and the remaking of friendships for children under 12 years of age leaves many of them lost educationally and academically.

In 1975 a project sponsored by the Australian Department of Defence and Education was conducted by the faculty of education at Monash University. The project called "Educational Turbulence Among Servicemen's Children" made a number of suggestions for reducing the short-term effects of turbulence to a minimum. One of the suggestions was that consideration should be given to the provision of special grants to schools or districts likely to enrol significant numbers of mobile children. Other suggestions were: to provide access to up-to-date syllabus materials and textbooks relevant to major curriculum areas in other education systems so as to facilitate teachers' understanding of the background of children from other systems and to assist teachers in helping children to adjust to a new school context; and to develop diagnostic and remedial programmes in major curriculum areas to enable schools to use effectively remedial resources to identify and rectify any deficiencies in the child's background, experience or basic skills, and thus facilitate the child's transition to the normal school programme.

To sum up my case that because of the circumstances I have outlined the Holsworthy primary school should receive special treatment, I list its following needs: substantial funding to extend the school library, including extension of the services of the library clerical assistant; employment of resource teachers to effect withdrawal remedial teaching in reading and mathematics; funding to provide diagnostic and remedial programme materials; provision of more counselling services to assist staff in the adjustment of children to a new school; significant funding for art-craft material to stimulate enjoyment in leisure-time activities; and the provision of funding to allow children to participate more readily in inter-school visiting, excursions and cultural activities. I commend my case to the Minister for Education and I ask for his sympathetic consideration and his approval of the application.

Mr BEDFORD (Fairfield), Minister for Education [3.38]: The honourable member for Woronora has raised compelling arguments supporting his submission that the Holsworthy public school should be considered disadvantaged under the disadvantaged schools programme. Before giving the background to that programme I should like to pay tribute to the initiative of the Whitlam Government which introduced the scheme during its period in office. That Government's initiatives changed the direction and force of education in all States and enabled many schools to obtain the facilities referred to in the summary by the honourable member for Woronora. I am a little worried by the attitude of the present federal Government. It may relax the efforts and discourage the initiatives established in education which will long be remembered by all States.

I wish to refer the House to some of the background of the disadvantaged schools programme. The States Grants (Schools) Act, 1973, defined a disadvantaged school as one "the students of which, or a substantial proportion of the students at which, are members of a community, which, for social, economic, ethnic, geographic, cultural, lingual or any similar reason has a lower than average ability to take advantage of education facilities" and "which requires special facilities for the purpose of enabling the school to provide adequate educational opportunities for students at the school". On that criteria the school mentioned by the honourable member for Woronora clearly has a case.

Many or most schools will have some disadvantaged pupils. However, funding for pockets of disadvantaged pupils is not seen by federal authorities as being a permissible allocation of moneys under the disadvantaged schools programme. Following

the publishing in May, 1973, of the report "Schools in Australia" better known as the Karmel report, a committee was established by the Director-General to advise on procedures relating to disadvantaged schools in the New South Wales State system. Most of that committee's report was adopted and the resulting implementation of the disadvantaged schools programme in New South Wales is a direct result of its deliberations.

The 1973 Act and subsequent Acts required that the federal Minister approve a State's lists of disadvantaged schools. Financial provisions for this programme were made on the basis that for Australia as a whole 15 per cent of major urban enrolments and 10 per cent of non-major urban enrolments would receive supplementary grants. Most States submitted their lists of disadvantaged schools early in 1974 after receiving a newsletter from federal authorities which implied that ranking of schools and the degree of intensity of school programmes would rest with the respective systems. The list forwarded by the New South Wales Minister was compiled by regional directors after consultation with local authorities who provided on-the-spot assessment. In addition, guidelines compiled by the central committee were sent to regional directors to assist in the compilation of schools and attention was drawn to the Canberra computer list of schools ranked in order of disadvantage.

For New South Wales, enrolments in nominated schools totalled some 195 000 pupils, whereas total enrolments in New South Wales at that time were of the order of some 800 000. The federal Minister requested the States to revise their submitted lists pointing out that the funds were intended for a total enrolment of some 105 000 pupils in New South Wales. At the same time further information was supplied to the States about the procedures adopted by the Karmel committee including the different weighting given to city and rural pupils. All schools listed by New South Wales which did not fall reasonably within the computer's cut-off lists were to be excluded.

Approval for the list of disadvantaged schools in New South Wales was given by the federal Minister in mid-May, 1974. The various reports of the Schools Commission published since 1975 have recommended a continuation of the disadvantaged schools programme based on the same criteria adopted by the Karmel committee. Each report has stressed that a State's list of disadvantaged schools should not be substantially altered from any one year to the next. It must be emphasized that any alteration to the list would require a recommendation from the State Minister and approval by the federal Minister.

Committees have been formed in each educational region, most of these having teacher representation. In terms of the Commonwealth legislation eligible schools are invited to submit programmes to the appropriate committee. It is the initial responsibility of the school to determine its needs and procedures for overcrowding and alleviating problems associated with its particular disadvantage. A State disadvantaged schools committee has been established with representation from my department, regional committees, parents and citizens' associations and the Teachers Federation. This committee, with the assistance of funding from the Schools Commission, is conducting a State-wide survey associated with disadvantage. The State committee also makes recommendations on the division of funds among regions, with the division based on the incidence of disadvantage within each region.

Perhaps the most significant aspect of the disadvantaged programme is the method determined by the Schools Commission on funding. The intention that schools should not automatically be entitled to specific grants but should be required to submit a proposal framed according to specified conditions provides an opportunity for personal

Mr Bedford]

understanding of the programme by those closest to its operation. As the programme continues, the problems of schools on the fringe become increasingly obvious. Those schools in lower socio-economic environs but not on the declared list, and thus not eligible for supplementary funding, no doubt feel more disadvantaged than those on **the** list. As stated earlier, although most schools have some disadvantaged pupils, the federal Government does not intend to fund those pockets of disadvantage from **this** programme.

The honourable member for Woronora raised the question of a school where most of the children have fathers in the army. The school in question did not rank within the cut-off mark originally applied by the Karmel **committee** and, indeed, was far in excess of that cut-off figure. Surveys conducted by the regional committee have not led to any recommendation that this school be included on the declared list. Though the school did not apply for consideration as a disadvantaged school, its disadvantage in comparison with other schools did not warrant such a recommendation. There are innovation programme funds available through the **Schools** Commission and my department should any school wish to apply for consideration for such funding. **Counselling** services are already available to the school and my **understanding** is that the relationship between the school and the army is of the highest order. Although it is not in the best interests of the scheme to make alterations to the list at this stage, there is provision that the State Minister may do so in co-operation with his federal colleague.

CLEANLINESS OF BUSES—NON-URBAN RATING

Mr WEBSTER (Pittwater) [3.46]: I welcome the opportunity to take part in this grievance debate. It is becoming increasingly difficult to speak on matters directly affecting our electorates, and for that reason I welcome the grievance debate where one can speak without the normal restrictions. We all admit to a certain amount of licence prior to a general election. Before the last elections the people of New South Wales were subjected to a fair measure of licence in relation to transport. They were told that transport in New South Wales would dramatically improve, that **the** huge transport deficit of \$1 million a day would be reduced, and that fast and more efficient transport would be provided if Labor gained office. I think the people of New South Wales are looking more for reliability and comfort in transport. I want to raise a matter under the heading of comfort. It was not worth bringing the Minister into the House to hear it, but I hope someone will pass on the message to him.

I ride on buses in my electorate quite frequently. Years ago when a bus arrived at the terminus the driver, who normally had a break of five or ten minutes at the turn-around, would get a broom that he kept under the seat and sweep cigarette butts, orange peel and other rubbish out of the bus.

Mr McGowan: What are you talking about? That never happened when I worked on the trams.

Mr WEBSTER: I hope you will not raise a demarcation issue. That is the essence of my argument this afternoon. In the interests of the **Public** Transport Commission, let us do away with that attitude of demarcation disputes.

Mr McGowan: I will give you a broom and **you** can sweep out this Chamber when we are finished today.

Mr WEBSTER: I should not mind. If it would avoid discomfort and save a fair amount of money I would do it quite willingly. I ask the Minister for Transport to examine this aspect. I understand the problems involved with the unions in these matters. I am sure that demarcation disputes have gone too far in the Public Transport Commission and that members of the Motor Omnibus Employees Union might be willing to help the people in this simple way. The honourable member for Gosford might be interested in a recent seminar that was conducted under the auspices of the Institute of Cultural Affairs. Many interests were represented at the seminar. If they go to Gosford he will get done over by the group. Part of the programme at the seminar was the composition of a song about dirty buses. That is a fair commentary on the **condition** of buses. Having ridden on a bus some two or three stops **past** the terminal, I looked at the eyeballs of the driver and thought that surely it would not hurt if he carried a broom under the seat and used it during the break at the turn-around to clean the bus and make it more comfortable for people to ride in.

Mr McGowan: Rubbish.

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

Mr WEBSTER: That is exactly what it is—rubbish. The other matter I raise is of more substance. It costs people a lot of money and affects even members of Parliament. It concerns the variation in methods of rating, particularly in outlying areas of Sydney. I advocate a special non-urban rating. In my electorate one block of land attracts \$200,000 a year in land tax and rates. The owner of the property came forward in good faith with a proposal, and an interim development order was issued on it. He cannot move to sell, develop or execute an alternative proposal. It is unjust to subject an individual or a company to that sort of rip-off, to use a popular phrase. Take the ordinary dweller. I made representations on behalf of a lady who was paying more to the Government and the shire council in land tax and rates than she was earning. Her property out in the bush was bought in the depression when many people went out of town. She built a humble cottage on it. She is paying more in rates than she earns.

Mr F. J. Walker: How can she pay more than she earns?

Mr WEBSTER: She cannot. That is the problem. She is going further into hock. The Minister understands that. She had to be given some sort of relief. **That** is **an** example at the other end of the scale. The same **sort** of thing can apply to a **man** with three or four children to educate. There is no reason why people in difficult circumstances should be subjected to such a rip-off. I ask the Attorney-General to refer this matter to the Minister for Local **Government—**

Mr F. J. Walker: I will.

Mr WEBSTER: —with a view to ensuring that urgent consideration is given to the matter of non-urban rating specifically **to** help people who cannot subdivide land and cannot sell it because of government or local government restraints on it.

AUSTRALIAN JOCKEY CLUB

Mr MALLAM (Campbelltown) [3.56]: I am thrilled at getting a grievance debate in this Parliament and I must congratulate the members of the former Government who were responsible for introducing it.

Mr Einfeld: I got it.

Mr MALLAM: I thought it was someone wiser than they. According to the Auditor-General's Report, the biggest business in this State is the racing business, which has a turnover of \$741 million. No other business has a turnover like that. Broken Hill Proprietary Company Limited gets nowhere near that annually. The racing industry is run by a bunch of amateur aristocrats and blue-bloods. When one of them retires from the AJC committee, the other members appoint another blue-blood to the committee. There are about 3 000 members of the AJC, but they have little say in the running of the club. There are no representatives on the committee of the people who spend all the money in racing.

It is amazing to read in the annual report of the Australian Jockey Club who are the members of the AJC Committee. Mr J. B. Carr is the chairman and Mr B. R. Pelly the vice-chairman. That is Mr Blake Pelly who was the member for Wollondilly in this House a long time ago. The vice-chairman of the AJC is quite a strange character. He was chairman at one time. He came to this House for a brief period. Before that he had been aide-de-camp to His Excellency the Governor at Government House, and he married into the aristocracy.

Mr Blake Pelly came to Parliament to get some further background, and then we find that he became chairman of Riotinto Mining Company of Australia from 1956 to 1962. He was also handling the affairs of a company called Comalco Limited, the representatives of which went round the country handing out shares at par to parliamentarians. It is interesting to note how these people who run this exclusive club at Randwick operate. A reference to *Who's Who* in *Australia* shows that most members of the Australian Jockey Club committee give their recreation as racing. They are running the biggest business in the State, yet they say it is their recreation. I note also that they are all members of the very best clubs. Mr Blake Pelly gave a former Premier of New South Wales, Sir Robert Askin, 1 500 shares at par in Comalco. The honourable member for Wollondilly, when a Minister of the Crown, got 1000 shares at par in that company. The former member for Kirribilli got some, too. That is a form of bribery of politicians. Yet this is the crowd that is running racing today.

Recently I alleged in this House that the general manager of the AJC, Mr Cochrane, had been sacked without notice. Mr Glasgow, the secretary of the AJC, when interviewed by a reporter for the *Daily Mirror*, said at first that Mr Cochrane had been sacked, but then said, "Cochrane was not sacked. He resigned." The balance-sheet of the Australian Jockey Club for the past financial year discloses that it spent \$383,000 on repairs. I ask the Minister to find out exactly what the repairs were, and which contractors got the job. I think that would be a revelation. It is clear that a bunch of amateurs is running racing in this State. They treat people in the industry like serfs, and are still operating on the master-and-servant relationship.

What did the AJC do about the wife of jockey Ray Markey? Markey had a fall at Orange in November, 1975, and was injured. The AJC, under its workers' compensation scheme, had paid the Markeys a few hundred dollars out of the jockeys compensation fund and then it found that Mrs Markey was sewing some silks for jockeys. According to a story written by Bert Lillye, the AJC then took back everything it had paid the family with the exception of about \$16.

I received a letter today from well-intentioned temperance people complaining about the proposed licensing of casinos. I am asking the Government to place all racing under a gaming commission, and to take control away from a bunch of amateurs, a

bunch of blue-bloods who are running racing as a recreation. Blake Pelly's entry in *Who's Who* in Australia is interesting, for we know that when he was an aide-de-camp to the Governor he was described by one person as a chambermaid.

Mr Bruxner: We were talking this morning about smearing people. This is a travesty of grievance day.

Mr MALLAM: **This** is what grievance day is for.

Mr Bruxner: You would have to be the master of every dirty, rotten smear that you can dream up.

Mr MALLAM: What is the honourable member for Tenterfield complaining about? I am saying that the AJC smears people, as it did with the wife of jockey Ray Markey. Do not worry about that. The AJC still believes in the master-and-servant relationship. Racing is big business and the Government ought to have a say in it. Racing is conducted on government property, and it should be run with an acknowledgement of that fact. It should not be possible for one club member to appoint another, and that is what happens, in effect. They put a couple of legal eagles on the committee in an effort to make it respectable. I repeat, the Government should have a say in the running of this business, for the members of the committee, these people who are the chairmen and members of the boards of big companies, are using the AJC to further their own interests. If a racing commission were established to control racing in this State, not only honourable members but indeed every person who goes to the races or is interested in them would have some say in the way money was spent.

I have no doubt that the honourable member for Tenterfield will try to smear the Government when it proposes the licensing of casinos. He will have a lot to say about that; yet he says nothing about the way in which the biggest business in the State is conducted. The honourable member for Tenterfield did not care about the illegal gambling that went on in this State for eleven years under a Liberal-Country party government, even when he was a Minister of the Crown. He never opened his mouth about that. It took a Labor government to make the first prosecution in that respect. I have no doubt that the honourable gentleman will have a lot to say when the debate on the legalizing of casinos begins.

Mr Bruxner: How would you know?

Mr MALLAM: The honourable member for Tenterfield will piously be shedding crocodile tears.

Mr Bruxner: Why not take a point of order and say you can read my mind?

Mr MALLAM: **That** is what he will do. Racing should be conducted in such a way that the ordinary people have a say in its control. We do not want aristocrats and blue-bloods running a business that has a yearly turnover more than twice as big as that of the Public Transport Commission. The doors of this secret society must be opened and its proceedings brought into the light so that everybody will know what goes on.

DELAYS IN LEGAL TRANSACTIONS

Mr BROWN (Raleigh) [4.3]: Grievance day could have been a good thing had it not been for the sort of contribution we have just heard, which reduces the standard of debate. I bring to notice several matters concerning delays in legal transactions. I refer first to the matter of a transaction on behalf of K. M. Rayner of Comara, who

bought a property from Supple Brothers at Comara in 1973 and put the affairs in the hands of G. L. Elphick, a solicitor of Drurnnoyne. No matter what the Rayners did, they could not get satisfaction from Mr Elphick. Eventually they wrote to the Law Society, and on 28th April, 1976, the society acknowledged receipt of the letter, said that the contents were noted and then went on to say:

In the circumstances, if you remain dissatisfied with the manner in which the solicitor has dealt with your affairs, it is open to you to seek other legal advice and this is a course that you should consider.

When I heard of this reply I was horrified. I thought that the Law Society existed to help people when they were having trouble with solicitors. I wrote to the Law Society in the following terms:

Mr K. M. Rayner . . . has handed me your letter of 28th April, 1976 . . . I am somewhat amazed at the contents of your letter, particularly the second paragraph, where you say if Mr Rayner remains dissatisfied, he should seek other legal advice. Quite frankly, my impression is that the Law Society is set up to ensure that people do get satisfaction from their solicitor, and if cases such as this were followed up, there might be less trouble than we have experienced from the legal profession in recent years.

I think that Mr Rayner was quite entitled to complain about Mr Elphick, and I am now complaining because I have found it extremely difficult to contact him, and some three weeks ago he promised that he would then write to Mr Rayner, and as at today's date he has not done so.

That letter was dated 18th May, 1976. It brought an entirely different reply from the Law Society which, on 4th June, 1976, wrote this to me:

I acknowledge receipt of your letter of 18th May, 1976, for which I thank you.

Unfortunately, a misunderstanding appears to have arisen in connection with the Society's letter of the 28th April, 1976, to Mr Rayner as the Officer who had previously handled the matter was not available and the Officer who wrote the letter was not fully conversant with the nature of Mr Rayner's complaint.

You are quite right in what you say in your letter. This society at all times makes every effort to assist members of the public if problems arise in their relations with solicitors handling their affairs.

The letter goes on to say that the society had contacted Mr Elphick by telephone and he had promised to write to Mr Rayner to finalize the matter. The Law Society said there was no doubt that Mr Rayner was perfectly entitled to write to the society as he did, and it noted the trouble that I had had in contacting Mr Elphick.

Further correspondence followed my letter of 4th June, 1976. I contacted the legal people, and I am still following up the matter with the Law Society. On 1st September I received a letter from the society. However, having heard nothing further from that body I wrote another letter on 17th September, to which I have not yet had a reply. At lunchtime I telephoned the Rayners but I was unable to contact Mr Rayner who was working somewhere out on the property. However, I did speak to Mrs Rayner. These people are hoping that the matter will be cleared up within a few weeks. I am glad that I have had the opportunity to bring this matter to the attention of the Attorney-General.

I wish now to refer to a rather tragic letter that I received from a lady. It is dated 21st November, 1974, and begins in this way:

I am writing in the hope that you can help me to get my late husband's estate matters finalized. My husband, Robert Hill, passed away on 15th November, 1957—

That is seventeen years ago.

—~~at~~ our home, on Buccrabendinni Road, three miles from Bowraville, after a long illness. Since then, estate matters have been held by six solicitors —David Elvy, Bowraville—he left and passed the business to Bruce Simon . . .

Unfortunately he went out backwards; he was struck off the roll. This lady then went to another firm which handled the matter for a short time. However, that firm sold its business to Mr A. T. Culhane, a solicitor who also was struck off the roll. She then went to a firm of solicitors, M. McDonald and Company, which thought the whole business was a bit tough and suggested that she go to another solicitor. She then went to another solicitor, a Mr Cawood. I have a great deal of correspondence about this matter but I have been unable to get a satisfactory reply. I have written to the Law Society about Mr Cawood but I have not received any satisfaction from that organization about him. In her letter this lady wrote:

I was in Nambucca Heads at the end of August and waited a whole day to see Mr Cawood, but he did not keep the appointment. I am now in my 85th year and have my faculties and a good memory, but I have not had a cent of the money for my home and property which we worked hard for all my life.

I got in touch with this lady who is now 87 years of age. The home has now been sold but the only thing wrong with that is that as a result of the actions of those solicitors she has received no money. Though the home was sold for \$7,500 in January, 1973, the transaction is not yet complete. Mr Cawood has disappeared. The lady has now consulted a Mr Brian Vincent, who is the seventh solicitor to have handled this matter. She has informed me that this solicitor has finally got the main part of the work done. She has now written:

The money and transfer of our home is finalized and paid but a lot of loose ends—so they call it—are still to be finalized.

I am on to this fellow to see about those loose ends. I am most concerned about this whole matter. I should like to know whether there is anything that the Attorney-General can do about it. The other day in this House he said by way of an answer to a question that he was looking to things that are good for the legal profession. I should like him to look at what is good for the people of New South Wales. Though this lady, who is now aged 87 years—her husband has been dead for nineteen years—has been left this home, it may be that she will owe money when the matter is finalized.

Mr F. J. WALKER (Georges River), Attorney-General [4.9]: I should like to make a few brief comments. The matter concerning Mr Rayner has been brought to my attention and I certainly remember the facts concerning it. This case is a disgrace to the legal profession; that is the only comment one could make about it. Neither Mr Rayner nor the honourable member for Raleigh has received any satisfaction from the solicitors or from the Law Society, and no apology can be made for that situation. That situation is mild by comparison with the other matter that the

honourable member raised. The honourable member told the House about the estate of a person who died in 1957 but was still not finalized although seven different sets of solicitors, two of them had been struck off the roll, have handled it.

The whole business sounds more like a horror story than a factual account of something that has actually happened. Cases of this nature have caused me to include in my reference to the Law Reform Commission a term of reference relating to complaints against solicitors. My personal view is that there is a lot to be desired in that area. If the public is to have a better opinion of the legal profession, the profession will have to adjust its **affairs** so that genuine complaints—and there is no question about the genuineness of the complaints raised by the honourable member for Raleigh—are dealt with in a manner that is acceptable to the general public. Not only must the public get justice; it must also see that justice has been done. For that reason I trust that the Law Reform Commission will come up with some answers to deal with problems of this **kind**. I suppose there can be no satisfactory answer to the specific problems that the honourable member for Raleigh has raised. It is a disgrace and I **think** that all honest members of the legal profession would be appalled at the the story that has been unfolded to the House this afternoon.

TEACHING METHODS

Mr DARBY (Manly) [4.12]: In recent years, with increasing emphasis, the vogue of casual teaching has been imposed upon our education services. Nothing definite must be taught. A child should learn from experience, it is said, but never know anything by heart. Facts are despised; the idea is that a child should gain what are known as concepts. He should not learn to give himself a store of knowledge but should enter into some kind of group discussions. No child must learn the mathematical tables by rote, poetry by heart or dates of historical facts or geographical places. Nor should he learn anything that savours of a basic knowledge about anything. The psychological argument used to be that there could be no expression without impression, but that idea has now **been** abandoned.

A child is expected to express himself without the basic knowledge of facts and techniques which enable him to make a choice and a considered judgment. Achievement has gone by the board. Competition is despised; examinations of knowledge have been abandoned. The result has been that products of our schools do not know the fundamentals of calculation or simple English expression that are expected of children entering into the world of citizenship. They cannot add, they cannot multiply, they cannot calculate mentally and their knowledge of English is poor. When a challenge is issued—and I have made many such challenges—the responses are just as vague as the teaching methods. In addition, the responses are impertinent.

I have been told that times have changed and that it is not true that children are without basic skills. In vain have I asked that tests accepted as correct judgments of ability forty years ago should be reintroduced. But my immediate impetus for again drawing the attention of this House to the debilitating and destructive vogue of casual education is the New South Wales Department of Education school certificate reference test for 1976. Students are allowed two hours to complete the test, which is a history paper.

Mr SPEAKER: Order! It being fifteen minutes after 4 o'clock **p.m.**, the debate is interrupted pursuant to Standing Order 122A.

Question—That grievances be noted—resolved in the affirmative.

BILLS RETURNED

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

Acts Reprinting (Amendment) Bill
Administrative Changes Bill
Constitution (Ministers of the Crown) Amendment Bill
Department of Agriculture (Repeal) Bill
Federation of Parents and Citizens Associations of New South Wales
Incorporation Bill
Hunter District Water, Sewerage and Drainage (Rating) Amendment Bill
Interpretation (Amendment) Bill
Local Government (Rating) Amendment Bill
Metropolitan Water, Sewerage, and Drainage (Rating) Amendment Bill
Mines Rescue (Amendment) Bill
Ministers of the Crown (Amendment) Bill
Miscellaneous Acts (Inspectors) Amendment Bill
Miscellaneous Acts (Transport Legislation) Amendment Bill
Second-hand Dealers and Collectors (Amendment) Bill
Statute Law Revision Bill
Technical and Further Education (Amendment) Bill
Wheat Industry Stabilization (Amendment) Bill
Young Men's Christian Association of Sydney Incorporation (Amendment)
Bill
Youth and Community Services **Bill**

House adjourned, on motion by Mr F. J. Walker, at 4.17 p.m.
