

Legislative Assembly

Tuesday, 16th November, 1976

Bill Returned—Petitions—Questions without Notice—Health Commission Private Arbitrator (Personal Explanation)—Soccer Football Pools (Amendment) Bill (Int.)—Pay-roll Tax (Amendment) Bill (Int.)—Totalizator (Amendment) Bill (Int.)—Totalizator (Off-course Betting) Amendment Bill (Int.)—Miscellaneous Acts (Taxation) Repeal Bill (Int.)—Racing Taxation (Betting Tax) Amendment Bill (Int.)—Bookmakers (Taxation) Amendment Bill (Int.)—Lord Howe Island (Amendment) Bill (Int.)—Liquor (Further Amendment) Bill (Int.)—Assent to Bills—Energy Authority Bill (Corn.)—Gaming and Betting (Amendment) Bill (Int.)—Stamp Duties (Amendment) Bill (Int.)—Children (Equality of Status) Bill (second reading)—Energy Authority Bill (Message)—Adjournment (Nude Bathing Beaches).

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

Mr Speaker offered the Prayer.

BILL RETURNED

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

Energy Authority Bill

PETITIONS

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

Sunday Hotel Trading

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

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

Your Petitioners therefore humbly pray that **your** Honourable House:

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

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

Petitions, lodged by Mr Mason and Mr Sheehan, 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 operation of Casinos will **enlarge** this expenditure and will create further inroads upon the amount available to families for the conduct of their domestic life and will thus cause hardship to parents and children in the home and will also, as experience has shown, be an incentive to crimes of stealing, embezzlement and fraud in order to make up for moneys that have been lost through gambling or which are intended for gambling.

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

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

Petitions, lodged by Mr Mason and Mr Sheahan, received.

Pedestrian Bridge, Wiley Park

The Petition of certain citizens of the Lakemba Electorate respectfully sheweth that in view of the heavy volume of traffic on King Georges Road, Wiley Park an over-head bridge is urgently required to enable children attending schools in the vicinity to cross King Georges Road in safety.

Your petitioners therefore humbly pray that your Honourable House will take immediate action to have the bridge **across** King Georges Road, Wiley Park, built as soon as possible to safeguard the lives of the children attending Lakemba Public School and Wiley Park Girls High School.

Petition, lodged by Mr Durick, received.

Hurstville Planning Scheme

The Petition of citizens of New South Wales respectfully sheweth:

- (1) We believe that it is the responsibility of our Parliaments and of all Australian citizens, both young and old and wherever they live, to protect our National Estate, especially those features which contribute to our Life Support System and quality of life, such as forests, bushland, rivers, estuaries and coasts.
- (2) There is a major public controversy over Hurstville Municipal Council's proposal to destroy the natural **bushland** in the heads of **Gungah Bay**, Jew Fish Bay, Lime Kiln Bay and on the eastern bank of Salt Pan Creek by filling.
- (3) Council's proposals are embodied in the Hurstville Planning Scheme, placed on public exhibition on 5 July, **1976**. An example of its works can be seen in the current destruction of the western arm of Lime Kiln Bay with garbage filling.
- (4) Environmental damage from Council's proposals mean:
 - Destruction of extensive stands of mangroves which are irreplaceable fish and oyster breeding areas.
 - This break in the food chain results in the loss of food for insects and birds.
 - Loss of filtering effect of mangroves on water quality.
 - Increased pollution due to silt and leachate.
 - Removal of mangrove strip breaks the continuous line of water-front trees.
 - Destruction of other trees on shoreline due to loss of mangrove buffer.

And your Petitioners humbly pray that your Honourable House will at once in the public interest remove the proposals for estuarine filling from the planning scheme, inserting in lieu a requirement that the Hurstville Council retain the areas concerned as natural **bushland** and that the **bushland** including its mangrove stands be managed in accordance with public management plans.

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

Petition, lodged by Mr F. J. Walker, received.

Mining near Angourie

The Petition of certain businessmen in Yamba and Angourie respectfully sheweth:

That an application has been made by Cudgen R. Z. Limited to mine a large area of land around the Village of Angourie. Part of the area to be mined has been designated by the Minister for Lands as a Water Reserve.

As businessmen of this area, we depend for a large part on tourist trade. Many thousands of people come here each year to enjoy the unspoilt beauty of the region, to fish in unpolluted waters, and to see many types of wildlife enjoying the security and peace given to them.

The immediate benefits in terms of trade and income that would be **afforded** to us if mining commences could in no way compensate for the long term destruction of the area and harm to the Angourie Tourist Development Scheme.

Your **Petitioners** therefore humbly pray that your Honourable House will direct the relevant Ministers to refuse the application made by Cudgen R. Z. Limited to mine a large area of land around the village of **Angourie**.

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

Petition, lodged by Mr Singleton, received.

QUESTIONS WITHOUT NOTICE

DECENTRALIZATION PROJECT BY Mr AUSTIN HOLMES

Mr DAY: I wish to give a supplementary answer to three questions asked of me in the House recently. All of them concerned a proposal outlined by a Mr Austin Holmes to recondition old motor cars. I believe that some aspects of my reply have been given an inordinate amount of publicity and that the more important aspects have been overshadowed.

I stated in the House that I believed Mr Holmes's proposition was in the realm of turning lead into gold or getting milk out of plastic cows. Nothing that has happened since I made those statements has convinced me that these are not the facts and as a responsible Minister of the Crown, I believe I have a duty to tell the public that this is what I believe. However, much emphasis has also been put upon a statement I made in regard to Mr Holmes's health. The information I gave to the House in that regard was given voluntarily to the Government by Mr Holmes himself and when I related it to the House I believed it to be correct. It is now claimed by Mr Holmes that that information is incorrect.

I regret now that I gave that information to the House. I believe that further argument or debate in this place about the correctness or otherwise of that information can only be more damaging to Mr Holmes than any other person, including myself. For that reason, I am prepared to apologize if he disputes the statement I made here and I would hope that all honourable members would agree that it is better to confine any debate in this House to the realities of Mr Holmes's proposal and not to an argument about whether or not I made an error in quoting information about Mr Holmes's health. At the same time I wish to re-emphasize that at no time have I sought any information about Mr Holmes's health, other than that volunteered by Mr Holmes.

DECENTRALIZATION PROJECT BY Mr AUSTIN HOLMES

Mr PUNCH: I direct my question without notice to the Premier. Is it a fact that the president of the New South Wales branch of the Australian Medical Association has severely criticized the Minister for Decentralisation and Development and Minister for Primary Industries for disclosing under parliamentary privilege details of the medical history of a citizen of this State? Has he questioned whether, in view of his behaviour, the Minister should remain in office? As this invasion of privacy is an abrogation of a Minister's oath of office, and in view of the Minister's admission

today that he regretted the disclosure of this confidential information, will the Premier indicate whether he supports such disclosures? If not, will he act, or take appropriate action in caucus, to secure the resignation or dismissal of the Minister?

Mr WRAN: Let me make it clear that I do not support such disclosures. Let me make it clear also that the Leader of the Country Party is really paddling in muddy waters when he asks this question, in view of the clear and unequivocal expression of regret here today by the Minister for Decentralisation and Development and Minister for Primary Industries. His apology was no patronizing placebo.

Mr Fisher: What was that?

Mr WRAN: I shall explain it later. It was, however, a real expression of regret for what happened, no doubt, in the heat of discussion and debate in this Chamber. I should like to assure the Leader of the Country Party that I have no intention of raising in caucus or elsewhere the question of the Minister's resignation. Indeed, the Minister has brought a breath of fresh air to a department that was the province of the Country Party and in the past eleven years had fallen into a moribund condition.

[Interruption]

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

Mr WRAN: I have every confidence in the capacity of the Minister for Decentralisation and Development. Though I again express that it was regrettable that there was a reference to Mr Holmes's psychiatric treatment, nevertheless the Minister has more than vindicated that by being manly enough today to admit his error and to apologize to Mr Holmes. The only other matter is that it has never been suggested—apart from the president of the AMA relying upon the false information given in the House by the Leader of the Country Party—that the Minister had access to any medical records of the gentleman in question. It was made abundantly clear by the Minister that the information was proffered by the gentleman himself. That did not justify the use of the material but it does clear the air in relation to its source. It is to be hoped that the rather unhappy incident is now closed.

CUSTODY OF CHILDREN

Mr BRERETON: My question without notice is directed to the Attorney-General. Has his attention been invited to the plight of a divorced father seeking custody of his two children, one of whom is the ex-nuptial child of his former wife and both of whom were originally entrusted to her care? Is it correct that now the wife has died and the children have been removed by their aunt to another State, extreme jurisdictional difficulties are being experienced by this distraught parent and his legal advisers? What action is the Attorney-General taking to remedy this type of situation?

Mr F. J. WALKER: I thank the honourable member for Heffron for this question. Recently my attention has been drawn to this tragic case. In fact, I should point out that a disturbing number of cases are coming to notice in which similar difficulties are being experienced by litigants in relation to custody and property disputes in the wake of the High Court decision on a Family Law Act case, earlier this year. That decision has thrown into full relief the implications of the constitutional

division of power between the Commonwealth and State—implications that stand as an indictment of our legal system in this area of **fundamental social** importance. In this case an appalling obscurity surrounds the question as to which court or courts have jurisdiction. It is likely in fact that no single court will have jurisdiction over this **family**. Quite a number of courts could have jurisdiction in the matter.

On the face of things the Family Law Act **suggests** that the Family Court would **be** the appropriate forum to determine disposition of the child of the marriage. The involvement of the children's aunt makes that point uncertain, since **Russell's** case has excluded third parties from the **ambit** of the court. At the same time, section 61 (4) of the Commonwealth Act indicates that the **Family** Court has jurisdiction, and as a matter of common sense, one would think that it should—as that was the court that made the original order. Even if it has jurisdiction the court could still not make a decision on the basis of any overview of the family's needs—which I should have assumed was a primary justification for having a family court in the first place—as the ex-nuptial member of the family would constitutionally be subject to the State court administering State laws **involving** quite different principles and procedures.

To which court the father should address himself—that of **the** State to which the children have been removed or of the State in which they customarily reside—is another matter that is far from clear. There is no doubt in my mind that situations like these will continue to cause unnecessary distress and costs as long as those who are responsible for the administration of family law in this country refuse to face the root cause of the problem—the dual system of our family laws. I have made known my wish to put an end to the present fragmentation by referring power in a comprehensive way to the Commonwealth—a course by no means inconsistent with the State family court on which my federal counterpart seems so intent. So far my offer has fallen on the deaf ears of Opposition members and their federal cohorts, who are otherwise so vocal in their calls to preserve the family.

Mr Pickard: On a point of order. The statement that the Attorney-General is now making is related to the matter on the business paper. I submit that the question and the answer are foreshadowing debate that will take place and should be ruled out of order.

Mr SPEAKER: To which particular matter on the business paper is the honourable member referring?

Mr Pickard: The Children (Equality of Status) Bill.

Mr F. J. Walker: On the point of order. I am dealing with the Family Law Act, which is a matter of federal jurisdiction and as such could **never** be on the notice paper of this House. Anyway, I have concluded my answer.

Mr Webster: Further on the point of order. If the Attorney-General is discussing something that is not within the jurisdiction of this State I ask that you rule the question and answer out of order.

Mr SPEAKER: As the Clerk and I were discussing another matter I regret that I was not paying particular attention to the answer by the Attorney-General. However, I am concerned that the matter should be in order if it concerns this House. From the remarks of the Attorney-General when speaking to the point of order I took the matter to concern a federal jurisdiction which has some influence on the courts of New South Wales. Therefore **the** Attorney-General is in order.

Mr F. J. Walker: I have concluded my answer.

HEADMASTER OF GLENHAVEN PUBLIC SCHOOL

Mr CATERSON: I wish to direct my question without notice to the Minister for Education. Has the Minister yet considered the petition presented on 19th October to the House by my colleague the honourable member for Hornsby, from parents of children attending Glenhaven Public School, which is within The Hills electorate, and from other interested local citizens asking the Minister to exercise his ministerial discretion to retain the present headmaster of the school, who has been there only a few months? If the petition has been considered, will the Minister say whether he is able to accede to the request of the people of Glenhaven? If the petition has not yet been considered will the Minister intimate when an answer may be given?

Mr BEDFORD: The petition presented by the honourable member for Hornsby on 19th October has been considered by the Department of Education. Tomorrow I expect to receive a letter from the regional secretary for the area concerned. However, as the contents of the letter would be in reply to a matter raised by the honourable member for Hornsby I think it would be improper for me at this stage to indicate much about what will be in it. I should say that both the relieving principal who was put into Glenhaven public school and the parents at the time of the relieving appointment were fully aware that it would not be until the beginning of 1977 that a firm appointment of a principal at that school would be made.

It is not usual for the Minister to exercise his discretion in the appointment of principals or members of staff at any schools, either by way of appointment or transfer. Although that discretion exists, I do not think it proper for ministerial discretion to be used except in exceptional circumstances. In this case I do not consider the circumstances to be exceptional. No doubt the views of the people at Glenhaven about the relieving principal afford the department a great deal of pleasure. Obviously the citizens believe this relieving principal to be an excellent one. I assure the honourable member and the community that the principal who will be a firm appointment in 1977 will come from a body of excellent professional teachers available in New South Wales.

WORKERS' COMPENSATION PAYMENTS

Mr RAMSAY: I direct my question without notice to the Attorney-General. Is the Minister aware of the serious concern expressed by a number of workers in regard to workers' compensation payments? Is he aware, also, that these payments are reviewed only every two or three years? In view of the present level of wages, will the Minister consider amending the Workers' Compensation Act with a view to lifting payments to present-day values? Also, will he set up a tribunal or committee to review workers' compensation payments every six months?

Mr F. J. WALKER: I thank the honourable member for his question. The answer is, yes; I have received a number of representations in the past few weeks concerning the level of workers' compensation payments. Through my department and the Workers' Compensation Commission I have instituted a review of those payments. That will take some little time to complete, no doubt, but I shall expedite it. As for the honourable member's suggestion of establishing a tribunal, that is a matter of considerable interest and I shall examine the proposal.

ILLEGAL INDUSTRIAL STOPPAGES

Mr DARBY: I desire to ask the Attorney-General a question without notice. Is it a fact that there is no administrative provision for a person who is the third party in an illegal industrial stoppage to bring an action for damages against a person

identified as being responsible for the stoppage? Do many innocent people suffer serious financial loss because of strike action? Will the Minister sponsor legislation to permit a third party to claim damages from a person who has illegally refused to provide services or has organized the refusal of services and caused that third party financial loss?

Mr F. J. WALKER: That question should properly have been addressed to the Minister for Industrial Relations, Minister for Mines and Minister for Energy. Only one part of it touches upon my portfolio; that is whether I am aware of any legislative provision that allows a third party to institute, I assume, civil proceedings because of an illegal industrial stoppage. The standing orders forbid my giving advice of a legal nature in answer to a question. What the honourable member might be referring to is the common law decision in the case of *Rookes v. Barnard*, which provided a remedy by way of damages for a breach of the civil law relating to conspiracy to breach a contract. I have no plans along those lines; nor should I, for the matter properly falls within the jurisdiction of the Minister for Industrial Relations, Minister for Mines and Minister for Energy.

COAL LOADER FOR NEWCASTLE

Mr NEILLY: I should like to ask the Attorney-General a question without notice. During the term of office of the previous Government did I ask the Minister for Public Works a question as to who gave authority to a firm by the name of Gollins to construct a coal loader at Newcastle? Did I further ask how that coal loader was to be financed? Did I suggest that such a coal loader could not be built by Gollins because of the financial position of this company? Is it true that this company was doomed by a receiver appointed to manage its affairs to become a company in bankruptcy? Is it a fact that as a result a parent company took over the control of Gollins? In view of what is being circulated in financial columns and the implications being made against Ministers of the Crown, will the Minister order an inquiry into whether the grant of permission to this company was given on the grounds of certain financial considerations, or otherwise?

Mr F. J. WALKER: An inspector appointed by the former Attorney-General of this State is presently conducting an inquiry into the affairs of Gollins. It would be most improper for me at this time to comment further on the matter other than to say that when the information is in my hands I shall report to the House about it.

TRAFFIC SUPERVISORS FOR WAHROONGA AND WAITARA PUBLIC SCHOOLS

Mr PICKARD: I ask a question without notice of the Minister of Justice and Minister for Services. As a result of my representations, will the Minister give an assurance to the House and the people of my electorate that he will make an early appointment of traffic supervisors for Wahroonga and Waitara public schools in order to prevent further accidents to school children in my electorate?

Mr MULOCK: I suggest that this matter comes within the province of the Minister in charge of police, namely the Premier.

NEWCASTLE STATE DOCKYARD

Mr JONES: I direct a question without notice to the Premier. Has the Prime Minister announced that two Australian National Line 15 000-tonne bulk carriers ~~may~~ be built at Newcastle, with certain restrictions placed upon this State and the workers at the State dockyard? Have these conditions been fully explained by the Prime Minister to the Premier, and are they workable or prohibitive? When can the work force again meet and discuss with the Premier or his ministerial colleagues the handling of the dockyard problems?

Mr WRAN: It is public knowledge that the Prime Minister has been in touch **with** me **in** respect of the proposed construction of two ANL ships at the Newcastle shipyard. It is public knowledge, also, that the Prime Minister has suggested that a conference be held at an early and convenient time. Yesterday I saw the president of the ACTU, Mr Hawke, and discussed particularly with him in respect of the dockyard the mechanism that is necessary to prevent and settle industrial disputes within the dockyard. I shall be seeing Mr Hawke and representatives of the unions **in** the dockyard later this week. After that I intend to see the Prime Minister and **to** take advantage of the conference that he has offered.

WOLLONGONG CANNERY PROJECT

Mr MOORE: I address a question without notice to the Minister for Decentralisation and Development and Minister for Primary Industries. In view of the serious unemployment problem for women in the Wollongong area, will he inform the House when the Safco cannery project will go ahead? What assistance has been requested from the Government, and what assistance will be given?

Mr DAY: I am aware of the cannery proposal, which is under consideration by the Department of Decentralisation and Development. I do not have at my fingertips the particular information sought by the honourable member, but I shall give him some information on the matter later.

TOXOCARA CANIS

Mr RYAN: My question is directed to the Minister for Health. Is it a fact that a highly significant proportion of dogs in Sydney is consistently infected with a parasitic worm known as *toxocara canis*?

[Interruption]

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

Mr RYAN: Has this resulted in contamination of public parks and other places where children play? Are children at risk of being infected by this parasite when they are playing in these places? If they become infected, could it result in serious damage to their eyesight, **with** possibly the loss of sight? Will the Minister consult with his colleague the Minister for Local Government concerning the possibility of reducing this risk by requiring a veterinary clearance from infection by this worm when dogs are registered **under** the Local Government Act?

Mr STEWART: The honourable member for Hurstville was good enough about a fortnight ago to give me a copy of the *Shire and Municipal Record* of August, 1976, which contained an article on the parasitic worm *toxocara canis*. The article arose from

a study that had been carried out in Great Britain where a great number of dogs were found to be carriers of **this** parasite, which was transmitted to a number of children who had played in public parks. Apparently the parasite is present in the faeces of dogs, and soil tested in Great Britain revealed the presence of the parasite. I had a talk with the professor of the school of public health at the University of Sydney, Professor **Finke** of the Institute of Clinical Pathology at Lidcombe, and Dr **Bale** of the Royal Alexandra Hospital for Children. They say that this condition does occur in Australia, but at the moment it is not at all common. I was told that only four cases have been seen at the Royal Alexandra Hospital for Children in the past twenty years, but that earlier this year in Sydney a young man lost his eye as a result of the retina becoming infected by this parasitic worm.

I am aware of the concern of the honourable member for Hurstville in this matter and his feeling that we should take all possible action to prevent any contamination of children or adults in New South Wales by this parasitic worm. I undertake to approach the Minister for Local Government to see whether some sort of test or study can be carried out more fully in New South Wales. I shall take up the matter again with the honourable member and the House.

RAIL FREIGHTS

Mr **BOYD**: I ask the Minister for Transport and Minister for Highways a question without notice. In view of the Minister's statement to the House on 3rd November that the 20 per cent fare reduction programme led to increased revenue, will the Minister now apply the same principle to country rail freights to increase revenue and relieve this unnecessary unburden on rural industry?

Mr **COX**: It is true that I gave some figures which indicated that the 20 per cent fare reduction was bringing people back to public transport, particularly in country areas. It is true, also, that there was a 7 per cent increase in rail freights. It is further true that last year, under the former Government, freight rates were increased by 20 per cent--on one occasion by 5 per cent and in October last year by 15 per cent. The increase of 7 per cent announced by the present Government was a modest increase, bearing in mind that the consumer price index rose by a little over 12 per cent. When one takes into account that over the previous ten years bus fares have risen by 200 per cent and rail fares by 120 per cent, and also that during that period long-haul wheat charges increased by about 45 per cent and short-haul journeys by about 58 per cent, I think the increase in freight rates announced was very modest. Bearing those considerations in mind, the Government does not propose to reduce freight charges by 20 per cent.

MEDIBANK

Mr **AKISTER**: I ask the Minister for Health a question without notice. Did the Minister say last week that Mr **Andrew Rogers, Q.C.**, in determining sessional fees to be paid to visiting medical officers who treat patients in public hospitals, considered the fact that the doctors' private fees already had built into them an amount to compensate the doctors for treating public patients without fee? During the hearing did the Health Commission of New South Wales make any submission in this respect?

Mr **STEWART**: It is a fact that I said in this House last week that Mr **Andrew Rogers, Q.C.**, the arbitrator determining sessional fees to be paid to visiting medical officers in New South Wales, had given consideration to the fact that the schedule of fees to be paid to private doctors under the National Health Act had built into it a

loading to compensate the doctors for treating patients in the public sector for nothing. After Mr Rogers had considered the matter he reduced the amount that was offered by the Health Commission of New South Wales to visiting medical officers because, he said, there was a double payment already built into the **sessional** fees.

I did notice **an** allegation in this morning's press by a spokesman for the Australian Medical Association that the Robin Hood principle to which I referred last week was not referred to in evidence; that if such evidence were given, it was later refuted; and **that** no evidence on this matter was presented to the arbitrator by the Health Commission of New South Wales. I have here the determination of Mr Rogers. He referred in it to exhibit 56 presented by Dr Guyot, the treasurer of the New South Wales branch of the Australian Medical Association. The exhibit was presented in handwritten form, having been prepared prior to the hearing by the Australian Medical Association. In that exhibit it was said **that** the **1970** variations of the health scheme meant that many services previously carried out in an honorary capacity were now being performed for a fee on private patients.

The exhibit, as summarized by Mr Rogers, went on to say that, looking at the evolution of medical fees, it became clear that doctors accepted that they would be working a certain number of hours each week, with some of those hours being occupied in an honorary capacity in hospitals, some being spent in treating the indigent in their private practices—that is, those who were not able to pay part or any of their **fees**—and that for the remaining private patients whom the doctors would be charging there would be a residual bad debt rate. The exhibit went on to say that private medical fees were set at a level that would cover these expenses and leave a reasonable net average hourly earning rate taken over the entire hours that the **doctor** worked. Mr Rogers concluded his summary of exhibit 56 by saying, "The above has been referred to as the 'Robin Hood' principle".

The AMA is alleging that the Health Commission gave no evidence in this area. The **barrister** representing the Health Commission, obviously on instructions from the Government or the Minister for Health for New South Wales, asked the arbitrator to take no notice of and to give no consideration to the double standard of fees already present in the private **sector**, and asked him to disregard the evidence of Dr **Guyot** in establishing the rate to be set for the sessional fees. On page 11 of his determination Mr Rogers said:

In the course of the Arbitration, I drew attention to this serious and, to my mind, wholly unacceptable anomaly a number of **times** —

He was referring to the **inbuilt** loading in the private fees:

—**but** I was asked by **both** parties to disregard it for the purposes of my recommendations.

So, rather than the Health Commission giving evidence refuting **the** fact that there was a double fee in the private schedule of fees, the commission recognized the **fact** that this was so and asked the arbitrator to ignore it. This matter is important, for it shows obvious deceit and deception on behalf of the Australian Medical Association, whose representative said at the hearing, as the association had demanded of the former Government, that the present Government should abide by the determination of the arbitrator. The Australian Medical Association has now repudiated that undertaking and is endeavouring to mislead the public with regard to the evidence that was given to the arbitrator.

I commend Mr **Andrew** Rogers for his forthright **stance** during the hearing and his refusal to bow to the Australian Medical Association's claim to withdraw its evidence or to accede to the request of the Health Commission to ignore it. In fact,

Mr Stewart]

he remonstrated with the representative of the Health **Commission** who said that the **commission** was representing not only itself, as the administrator of health in New South Wales, but also the taxpaying public of **this State**, and he said ~~that~~ much more regard should be had **to** the **public** purse.

MOTOR VEHICLE AXLE LOADING

Mr VINEY: My question without notice is directed to the Minister for Transport and Minister for Highways. On Thursday last did the Minister, in reply to a question asked by me, indicate that the Victorian Government had not implemented certain recommendations made by NAASRA? Is the Minister aware that permits, effective from 4th November last, have been issued by the Victorian Government? Are Victorian trucking companies in possession of these permits operating under this new system?

Mr COX: In reply to a question that was asked of me with regard to the NAASRA recommendations I did say that at the last Australian Transport Advisory Council meeting all Ministers for Transport had agreed that this matter would be determined at the next meeting of ATAC to be held in February, 1977. When I gave my answer last week the information I had was that the Victorian Government was considering introducing the NAASRA recommendations though I was not certain that they would be implemented. The honourable member has now informed me that new regulations have in fact been implemented. That information in no way alters the opinion I hold, that the Ministers for Transport from all States agreed that the matter should be discussed in February next.

INTEREST RATES

Mr MALLAM: I desire to ask the Premier a question without notice. In view of the fact that the Fraser Government is hell-bent on increasing interest rates all round with a reckless disregard for the plight of farmers, small businessmen and homeowners, will the Premier give consideration to following the example set by the **Lang** Government during the great depression in 1931 when it introduced into this Parliament and passed the Interest Reduction Act?

Mr WRAN: The matter raised by the honourable member for Campbelltown relating to the high level of interest rates, worsened as they have been by the most recent of the stop-go strategies of the federal Treasurer, is exercising the minds of people both in city and country **areas**.

Mr Webster: Who started it?

Mr WRAN: It would not exercise the mind of the honourable member for Pittwater as it is doubtful that he has one to exercise. The latest increase, small as it may have been, has further dampened the **confidence** of all sections of the community in respect to the early recovery of the economy. Unquestionably, the increase in interest rates will make things all the more difficult for people in the country, already oppressed by great difficulties that have eventuated in recent times. It is destined also to make life intolerable for the small businessman and it must have a most serious effect upon the building construction industry which, since 1974 in New South Wales, has been experiencing one of the most severe slumps in modern history. Interest rate reduction goes to the root of fiscal planning. Though in 1931, when perhaps the relationships between the States and Canberra were somewhat more civilized and

problems were more capable of resolution than they are now, it may have been appropriate to legislate as Premier Lang did, in the present circumstances, laudable as the proposal might be, it is not within the financial capacity of the State to enter into this field.

RICHMOND VILLA

Mr ROZZOLI: My question without notice is directed to the Deputy Premier, Minister for Public Works, Minister for Ports and Minister for Housing. Is it a fact that the **fine** old colonial residence constructed from Hawkesbury sandstone and known as Richmond Villa, previously located in the Parliament House complex, was dismantled with a view to re-erection in Kent Street, Sydney? Is it fact that storage space for the demolished villa is not available at that site? Will the Minister advise the House how **soon** this reconstruction will be commenced?

Mr FERGUSON: The **government** building advisory committee, which will meet on Monday next, will make a decision with regard to the future of the demolished Richmond Villa. I shall convey details of that decision to the House as soon as possible.

FUEL STORAGE

Mr WEBSTER: My question without notice is directed to the Minister for Industrial Relations, Minister for Mines and Minister for Energy. Is it a fact that the Minister has publicly advocated the establishment of storage tanks to hold reserves of fuel for use in emergencies? Is the Minister aware that storages are strategically located throughout New South Wales but seldom used to full capacity? Is it true that these tanks are owned or leased by private retail distributors? Rather than incur great expense in establishing reserve tanks will the Minister, **as** a matter of urgency, confer **with** the unions, the oil companies and petrol retailers with a view to investigating the possibility of the **Government** funding, say, 20 per cent of petrol held in service station tanks so that that fuel may be used for essential services such as ambulances, home nursing organizations, meals on wheels, doctors and so on? Will the Minister seek assurances that tanks owned by service station proprietors are kept at 100 per cent of capacity if that is the wish of the operator?

Mr HILLS: Last week in this Parliament when speaking during the debate on a motion moved by the Leader of the Opposition concerning fuel supplies in New South Wales I intimated that the Government was giving serious consideration to installing fuel storage depots throughout the State. The Government proposes to take advice from the Energy Authority when it is appointed. It is hoped that the authority will be set up by the end of this week, though to some extent that depends upon the attitude adopted by the Opposition in another place. It is hoped that the Legislative Council will deal finally with the bill some time later today. At first glance the proposals **submitted** by the **honourable** member for Pittwater may appear to offer some relief in cases of emergency. However, surely it is obvious to the honourable member for Pittwater that, even if the tanks of **all** service stations throughout the State were topped up, when a run is made on petrol supplies by the general public through a shortage created by **some** reason or another, it would not be possible for service station proprietors to keep their tanks full.

The purpose of the Government's proposal is that in times of emergency it would have a reserve capacity to provide for essential services and particularly for people such as those whose situation was brought before the Parliament by the honourable member for **Barwon** in the debate last Thursday and about whom the Government

has a great deal of concern. The honourable member and the House can rest assured that the Government will be doing **everything** it can to build up reserves not only for essential services but also particularly for the government transport **instrumentalities** conducted by my colleague the Minister for Transport and Minister for Highways.

NEVADA PROMOTIONS AND DREAMLAND NATURISTS RESORT

Mr BARNIER: I direct my question without notice to the Minister Assisting the Premier. Will the Minister advise me whether there is any **association** between Nevada Promotions and Dreamland Naturists Resort? Can the Minister advise me of the nature of the promotions of these two business undertakings?

Mr HAIGH: There is an association between the two organizations mentioned by the honourable member for Blacktown. The proprietor of Nevada Promotions is also the principal of Dreamland Naturists Resort. This matter, which came to my attention last week, causes me a great deal of concern, as it does the Government. Nevada Promotions proposes to establish a pop festival on land in the Wauchope area and to raise a certain amount of money from this promotion. It is proposed to use this money for the purpose of taking an option on land at present zoned non-urban and then selling off interests in it to people on a tenant-in-common basis. This scheme smacks clearly of the same sort of odour that was experienced for many years during the time when a Liberal-Country party **government** was in office, when many people in this State were filched by snide land operators. **These** people were engaged in **the** operation of selling interests in land on a tenant-in-common basis.

I propose to illustrate the type of operation clearly so that people will be well-advised about it and warned against involving themselves in this **type** of purchase. The **operators** of these land deals acquire options over land that is **zoned** non-urban. No application is made to a council to have this land **rezoned** for urban purposes. These operators know full well that they would not be able to have such land **rezoned** for urban **purposes** or for the use that they are misleading people into believing it can be applied to. They then determine a plan **of** subdivision—on paper only. This plan is not submitted to the local council for approval; the operators know that it would not be approved. They then proceed promptly to sell off interests **in** the land on the basis of a tenant-in-common occupation, and a person acquiring an interest over **an** allotment in such a holding is a tenant-in-common.

To give honourable members an example of some past practices that have taken place in this connection, I propose to refer to a person named Roger **Gregory Matson** who, during 1974 and 1975, involved himself in two land development deals. In 1974, **Matson** promoted a residential development project at **Denman**, in New South Wales, which attracted **approximately** 200 subscriptions from the public, each of \$450—that is \$450 for an interest in each of these prescribed lots. However, the proposed subdivision did not eventuate and the purchase moneys collected—approximately \$130,000—were dissipated. Again, **in** 1975, **Matson** promoted a development scheme at Newton-Boyd, also in New South Wales. This land was **unofficially** subdivided into five-acre blocks and sold to 400 purchasers as a residential country club development. However, this **proposed** development did not eventuate and the purchase money collected—approximately \$200,000—was also dissipated.

I could go on giving the House a recitation of the sort of land deals that were actively engaged in in this State by snide land operators—and the period in which they were most relevant was during the time that the present Opposition was in office in this State. Complaints about this **type** of activity were made to that Government

aver many years, but at no time did it move to amend Acts of Parliament to prevent **this** sort of situation. The only action that was ever taken was after the event, when the person involved had dissipated the money obtained from innocent, land-hungry young people who were seeking to obtain an area of land on which to build their home. It was not until that had happened that the former Government would **think** about taking action through the fraud squad and move to prosecute the offenders. Moreover, I am not aware of any **case in which** a prosecution was **successful**.

I compliment the honourable **member** for Blacktown for his interest and **concern** in the matter. He has spoken to me about similar activities. Only by **his** bringing these matters to the attention of the Parliament can people be warned against this type of operation. The Government is so concerned about land dealings that the Premier has taken up the matter with a number of Ministers. At present a committee is investigating it. I am hopeful that the Minister for Lands **will** be able to report to the Parliament on proposals to amend legislation to stop the nefarious **practice**.

Mr Healey: On a matter of privilege. The newspaper, the *National Times*, on Sunday purported to publish an edited version of a debate **that took** place in the House last Thursday **on** the motion of the honourable member for Illawarra. As I have always understood it, *Hansard* does not exist as a document until it **comes** out as a printed **volume**—

Mr SPEAKER: Order! I am sorry to interrupt the honourable member **for** Davidson but the point of privilege should have been taken at the first appropriate time, and that was when the House sat today. It is not competent for the honourable member to raise the point of privilege now.

Mr Healey: The matter is dealt with in the standing orders. Points of privilege **may** be raised when there are no other matters before the House. As there is no business **before** the House, this is the first opportunity that I have had to raise the **matter**.

Mr SPEAKER: Order! The first opportunity the honourable member would have had was when the House first sat today. That would have been the appropriate time to raise privilege. I am aware of the matter that the honourable member for Davidson has in mind. I intend to give consideration to making a **prepared statement** on **the** matter tomorrow.

HEALTH COMMISSION PRIVATE ARBITRATOR

Personal Explanation

Mr Healey: I wish to make a personal explanation. If I understood the **Minister** for Health correctly, he implied that when I was Minister I had given instructions to the Health Commission in relation to matters heard before a private arbitrator. **I** assure the House that no **instructions** were given to the Health Commission **beyond** those that gave the Health Commission the power to set up the **tribunal** of the private arbitrator for the purpose of discussing **doctors'** fees. Certainly no instructions were given **to** the arbitrator himself. At no time did I speak to the arbitrator.

SOCCER FOOTBALL POOLS (AMENDMENT) BILL

Introduction

Mr RENSHAW (Castlereagh), Treasurer [3.13]: I move:

That leave be given to bring in a bill to amend section 17 of the Soccer Football Pools Act, 1975, to alter the name of the fund established under that section and to increase the amount of duty and additional duty payable to the credit of that fund.

This is a simple, straightforward measure. Its main purpose is to give effect to the Government's election undertaking to increase the proportion of the revenue derived from soccer football pools which is payable into the sports and recreation fund **from** one-half to two-thirds and to remove the present limit on such payments of \$3 million in a financial year. It is also proposed to make a minor change in the title of the fund by altering it to the sport and recreation fund. This will be consistent with the title of the Minister for Sport and Recreation who administers the fund and with the title of his department. The bill will ensure that additional funds are **avail-**able from the proceeds of soccer pools for the support and development of sporting and recreational facilities within the community. It will, I am sure, have the support of members on both sides of the House.

Mr COLEMAN (Fuller) [3.15]: The bill, as the Treasurer has stated, is a fairly simple one. **From** his description of it that would appear to be so. I do not expect that any objection will be taken to the bill from this side of the House. It increases the **proportion** of the levy on the **pools** payable to the fund. This will naturally reduce the **amount going** into consolidated revenue and, therefore, the price to be paid for **it will** be paid by the general **services** of the State. The sport **and** recreation fund is contributing tremendously to **sport** and recreation throughout the State. It is one of the more successful innovations of the former Government in recent times. No doubt honourable members on this side of the House will give general support to the **move**. A similar approach will apply to the lifting of the limit on the size of the fund of \$3 million. I foresee few objections to the bill, indeed some enthusiasm for it, from **this** side of the House. There is certainly no objection at **this** stage.

Motion agreed to.

Bill presented and read a first time.

PAY-ROLL TAX (AMENDMENT) BILL

Introduction

Mr RENSHAW (Castlereagh), Treasurer [3.17]: I move:

That leave be given to bring in a bill to amend the Pay-roll Tax Act, 1971, with respect to deductions from taxable wages liable to pay-roll tax.

The object of this bill is to give effect to the decision announced in my budget speech to raise the payroll tax general exemption and concessional scale by 15 per cent. Under the new provisions, employers with payrolls of up to \$48,000 per annum **will** be fully exempt from the tax. Above this level the exemption will reduce on the existing \$2 for \$3 basis and cease to apply where the annual payroll is \$120,000 or more. The concession is to apply from 1st January, 1977.

The opportunity is also being taken to extend the time in which refunds of **tax** may be applied for, to remove the need for certain members of a group to submit returns and to effect a number of machinery changes. Full details of these proposals will be given at the second-reading stage. The bill will help contain cost increases, especially for small businesses. I am sure it will have the support of the House.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [3.19]: From the outline given by the Treasurer I am sure that the House will be **disappointed** indeed at the miserable approach to payroll tax made by the Government. As I understood the Treasurer, all that he has offered by the measure is a lifting of the exemption rate, where payroll tax becomes payable, an extension of the **concessional** rate and some extension of time in respect of refunds. I recall quite well the budget debate which occurred in respect of this proposal. Honourable members will recall that several speakers pointed out that the extension of the exemptions being provided by the **Government** and reflected in this measure was far less than that which the Liberal Party offered in its policy speech prior to the State elections and far less than the Queensland **Government** introduced pursuant to its budget.

The **proposal** in the **bill** is virtually to lift the exemption limit by **15** per cent and to extend the concessional scale by the same percentage. In the most recent budget in Queensland the proposal, which was the same **as** the proposal **contained** in the policy speech by the Leader of the Opposition when Premier of New South Wales, was to extend the exemption by **50** per cent so that an annual **payroll** of **\$62,400** would be exempt. This would have allowed employers to employ an additional two employees. The **Government's** proposal by the bill means merely the **status quo** will apply. It offers employers no incentive to expand their enterprises and production or in any way to move out **of** the **economic** trough into which they have unfortunately fallen. I note also that there is no reference by the Treasurer to any further concessions which might have been considered by the Government to bring **some** confidence back to the private sector. No incentives have been given to induce the private sector to employ more labour.

I remind the House that in recent times the Commonwealth Government has announced a special youth employment training programme with a subsidy being offered of \$58 a week for young **people** aged between **15** and **19** years who have left school in the twelve months preceding the commencement of the programme. The scheme would apply to any person within that age bracket who had been registered for employment with the Commonwealth Employment Service for not less than a total of six months since leaving **school** and is currently registered with that service. This was a substantial move by the **Commonwealth** Government to offer incentives to employers to take young unemployed people into the work force and to pay a subsidy of \$58 a week. The Government in introducing the measure might well have looked at that scheme and also offered an incentive to employers by removing the liability for payroll tax in **respect** of people who are engaged under the Commonwealth **scheme**.

The proposal outlined at the **introductory** stage by the Treasurer is most disappointing. It offers no prospect at all of incentives being given to the private sector in New South Wales. **Further**, the budget speech by the Treasurer referred to concessions by way of a rebate of payroll **tax** for secondary industries which established in country locations. **As** I understand the Treasurer, **certainly** at this stage he has given no indication that the proposed amendment to the Pay-roll Tax **Act** covers in any way the question of providing a rebate of payroll tax for approved decentralized industries. It remains to be seen whether there are other aspects of **the** bill which have not been outlined by the Treasurer. **At** this stage one does not look forward to the measure with a great deal of anticipation. It is a pretty poor attempt by the Government to overcome the sorry state of our present economic condition in New South Wales.

The **Opposition** welcomes any concession or any exemption in payroll tax which **can** assist small **businesses**. So far **as** one can see at present, the concessions **and** exemptions offered by the bill will not bring any degree of **satisfaction** to the small business community of New South Wales. The **Opposition** will await the appearance of the bill before it **finally determines** its **attitude** to it. In **all** probability the **Opposition** will seek to move some amendments **within** the terms of the order of leave to give **some** greater encouragement to small businesses in the State and to make headway in reducing unemployment that is evident in the community.

Mr **FISCHER (Sturt)** [3.25]: I support strongly the **remarks** of the Deputy Leader of the Opposition. Naturally I welcome any measure to increase payroll tax exemptions. For many years I have been surprised that industrial organizations and other organizations interested in the economy have **not** as first priority directed their attention to payroll tax. **Nothing** is more counterproductive to maintaining employment in Australia than payroll tax **as** we know it today. I recognize that **all six States** must impose payroll tax **as part of** their budgeting. I **recognize** also that to an employer payroll tax represents a negative force when considering whether he will engage more employees, particularly in the build-up of business to Christmas. **An** employer knows that, if he is already over the exemption level, every time he puts on another employee he has to meet a good deal more payroll tax. I ask the Treasurer between now and the second reading of the bill to review payroll tax further because of its counter-productivity on employment in New South Wales, especially at a time when the State has an extremely high level of unemployment.

The second aspect I should like to raise is the differences in payroll tax applicable for **short** and long periods in Victoria, Queensland and New South Wales, particularly now that the tax is in the domain of State governments and State Treasurers. I understand that before these proposed concessions are brought into effect Victoria is in a more favourable position to New South Wales so far as payroll tax is concerned. If this were to continue for an extended length of time business would be driven north or south of the New South Wales borders. Further, it would act against the New South Wales economy and against greater employment in the State. Before the Treasurer proceeds with the second reading of the bill I ask that he look at the relativity that exists between payroll tax in New South Wales and that in Victoria and Queensland, and to ensure that what is proposed in New South Wales is in no way less than—and preferably is more than—what has been done in the other two States.

Motion agreed to.

Bill presented and read a first time.

TOTALIZATOR (AMENDMENT) BILL

Introduction

Mr **RENSHAW (Castlereagh)**, Treasurer [3.28]: I move:

That leave be given to bring in a bill to amend the Totalizator Act, 1916, **with** respect to the distribution of money paid into totalizators.

The object of the bill and a related bill to amend the Totalizator (Off-course Betting) Act is to make provision for the introduction in New **South** Wales of new forms of multiple selection totalizators, as and when appropriate. **Multiple** selection totalizators may be described as totalizators where **the** rules require an investor to select a combination of two or more contestants in an event or combination of events. For the purposes of the relevant legislation, the term does not include doubles, forecast,

quinella and reinvestment **totalizators** which are already provided for. I should like to make it clear that the Government has no plans to change the rates of **commission** which apply to **these** totalizators.

The new forms of multiple selection **totalizators** such as trifecta, trio and quadrella totes when introduced are expected, because of the additional information that has to be recorded on the tickets and the number of combinations to be collated, to involve considerably **higher** operating costs than for ordinary totalizators.

It is accordingly proposed that commission for these types of totalizator betting be at the rate of **17** per cent which is **1** per cent higher than that prescribed for doubles **totalizators** and is consistent with the **rates** charged in other States. In recognition of the higher costs involved, the share to be retained by the Totalizator Agency Board and race clubs will be **1** per cent higher than the rate now prescribed for other forms of totalizator betting. Commission received by the Government will be at the same rate as applies to doubles totalizators. To help contain operating costs, it is proposed to make the minimum bet on these totalizators \$1.

The bill contains the necessary amendments to the Totalizator Act, **1916**, which controls the operation of totalizators on a racecourse. In addition, the provisions of the Totalizator Act relating to commission and its distribution have been rewritten to overcome drafting difficulties. Other amendments of a minor, consequential or revisionary nature are also proposed. I shall deal with the provisions of the **bill** in more detail at the second-reading stage.

Mr COLEMAN (Fuller) [3.32]: The Opposition generally welcomes the introduction of the new forms of multiple selection totalizators, such as trifecta, trio and so on. It is regrettable that the commission should be as high as **17** per cent; the Treasurer has indicated that this is because of the additional costs in this form of totalizator compared with others. Pending the further details that the Treasurer will give at the second-reading stage, the Opposition raises no objection to the leave sought.

Motion agreed to.

Bill presented and read a first time.

TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT BILL

Introduction

Mr RENSHAW (Castlereagh), Treasurer [3.34]: I move:

That **leave** be given to bring in a bill to **amend** the Totalizator (**Off-course Betting**) Act, **1964**, for the purpose of providing for the distribution of amounts invested in totalizators conducted by the Totalizator Agency Board and of prescribing the minimum unit of investment with respect to investments made on multiple selection totalizators so conducted.

This is the related bill to which I referred when introducing the Totalizator (Amendment) Bill. The objects of the bill are to authorize commission at the rate of **17** per cent to be deducted for multiple selection totalizators conducted by the Totalizator Agency Board, to increase by **1** per cent the share of **commission** retained by the board from investments on this form of betting conducted by the board and to provide for a minimum bet of **\$1** off-course on these types of **totalizators**. Other amendments of a minor, **consequential** or revisionary nature are also proposed. Full details of the **various** provisions in the bill will be given at the **second-reading** stage.

Mr **COLEMAN** (Fuller) [3.35]: I have nothing to add to the remarks that I made in reference to the earlier bill. The leave sought is not opposed.

Motion agreed to.

Bill presented and read a first time.

MISCELLANEOUS ACTS (TAXATION) REPEAL BILL

Introduction

Mr **RENSHAW** (**Castlereagh**), Treasurer [3.36]: I move:

That leave be given to bring in a bill to repeal certain Acts that relate to taxation.

In my Budget Speech for 1976–77 I announced proposals to **abolish**, as from 1st January, 1977, the levy and the supplementary tax imposed on racing clubs and racing associations and also to reduce the rate of tax on bookmakers' turnover from 2 per cent to 1½ per cent from the same date. As a consequence of these changes and in accordance with principles laid down by the Law Reform Commission, it is also desirable to remove from the statute book certain Acts or provisions of Acts which have or will become obsolete.

Three bills have been drafted to give effect to these proposals. The **first** of these, which is the subject of the motion before the House, provides for the abolition of the levy and the supplementary tax **imposed** on racing clubs and racing associations. At present racing clubs and racing associations **are** required to pay a levy on all moneys received from any bookmaker for a licence or registration fee or for a permit to carry on his business. The rate of levy is 50 per cent in respect of the five major city clubs and 20 per cent for all other racing clubs. This levy was first introduced in 1917. In addition, since 1st January, 1975, racing clubs and racing associations have been required to pay a supplementary tax levied on their gross income after deducting income from admission charges, members' subscriptions, totalizator commission, amounts received **from** the Totalizator Agency Board, grants from the racecourse development fund and certain other minor items of **income**.

In reality the tax is imposed on approximately 20 to 25 per cent of clubs' gross revenue, the rates of tax now being 73 per cent for the five major city clubs, 5 per cent for provincial clubs and 3 per cent for country clubs. The bill also repeals other Acts relating to racing which are already obsolete or will become obsolete upon the abolition of the levy and the supplementary tax previously mentioned. Further **details** will be given on these measures at the second-reading stage.

Mr **COLEMAN** (Fuller) [3.38]: The Opposition looks forward with interest to further details of the measure. Any tax reduction or levy **reduction** is, of course, welcome, and conforms with the pattern set by the previous Government in most of its legislation. For example, last year the coalition Government halved, from 15 per cent to 7.5 per cent, supplementary tax received on income by metropolitan racing clubs. One could go into further detail but I think it is better to wait for the **second-reading** stage. Generally, the **Opposition** welcomes this measure.

Mr **JONES** (**Waratah**) [3.39]: I should like to make a few **comments** in respect of this bill. It will affect all aspects of the racing industry—galloping, trotting and dog racing. Over twelve months ago the previous Government went out of its way to do what it could to hamstring the industry by bringing down harsh legislation. The Government has lived up to its promises. It indicated to the industry what it intended to do

and it is doing just that. I hope that the Treasurer will bring this bill down in such a way that the racing ~~clubs—dog~~, trotting and galloping—will pass on the half of one per cent reduction.

This measure is necessary. The present thought around the race tracks, if I might put it that way, is ~~that~~ the racing clubs are looking at the situation of not passing on this taxation relief to ~~bookmakers~~. They will be acting ~~dishonestly~~ if they do not pass on relief from the half of one per cent increase that was imposed by previous legislation. This ~~Government~~ is playing its part by returning that percentage.

I do not know ~~whether~~, when the bill becomes law, it will be mandatory for clubs to pass on the half of one per cent ~~reduction~~ to the ~~bookmakers~~, who originally paid the increase of half of one per cent. This tax came from the pockets not of racing clubs but of bookmakers. I hope the legislation makes it mandatory for clubs to pass the benefit back to bookmakers. They have been paying the tax in the past, ~~and~~ they will be paying it until this legislation takes effect.

Motion agreed Q.

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

RACING TAXATION (BETTING TAX) AMENDMENT BILL

Introduction

Mr ~~RENSHAW~~ (Castlereagh), Treasurer [3.42]: 1 move:

That leave be given to bring in a bill to amend section 2 of the Racing Taxation (Betting Tax) ~~Act~~, 1952, to reduce ~~the~~ rate of tax on bets.

This bill is one of a series relating to racing ~~activities~~ which are necessary ~~to~~ give effect to the proposals contained in my budget speech. The ~~object~~ of the bill is to reduce from 2 per cent to $1\frac{1}{4}$ per cent the turnover tax payable by a bookmaker on bets placed with him on and after 1st January, 1977. Honourable members will recall that the rate of tax paid by bookmakers on all bets made with them was increased from 1 per cent to 2 per cent of turnover with effect from 1st January, 1976. This was one of the financial measures introduced by the previous Government in its Budget for the 1975–76 financial year.

The present Government undertook to review ~~this~~ harsh increase as part of its platform to assist the racing industry. In my recent budget speech I stated that the Government had found cause for concern about the impact of the doubling of the tax. I announced that, as part of the Budget, the rate of bookmakers' turnover tax would be reduced to $1\frac{1}{4}$ per cent as from 1st January next. The bill is designed to give effect to this undertaking.

Mr ~~COLEMAN~~ (Fuller) [3.43]: The Treasurer rightly referred to his own undertakings and those of his party. It is a matter of simple record that this also was an undertaking by the Opposition parties in their policy speeches before the elections earlier this year. The increase to which the Treasurer referred was brought in during an extraordinarily difficult period for State finances. The State was then reeling under the very heavy financial hand of the ~~Whitlam~~ Government. The former State Government announced that the increase would be for a trial period only, and that the matter would be reviewed at the end of that period. It was the subject of an inquiry by the committee of inquiry into State taxation. Arising from inquiries and reviews, the

Leader of the Opposition announced in his policy speech that, if his Government were re-elected, it would do what the Treasurer is now proposing to do. In those circumstances we can **only welcome** the measure. We do not oppose the leave sought.

Mr JONES (Waratah) [3.45]: I support the motion. The remarks of the honourable member for Fuller amaze me. He tried to blame the former **Prime Minister**, Mr **Whitlam**, and his federal Government for the former State Government's increase of this tax from 1st January, 1976. He implied that the former Government was so starved of funds by the **Whitlam** Government that it was compelled to **bring down** that taxation measure. The Fraser Government is now putting on pressure and pulling money **out** of the public sector, but this has not prevented the **Labor** Government of New South Wales from legislating for tax relief in this field. The suggestion that the **Whitlam** Government was responsible for the former State Government's paltry little piece of legislation is so much poppycock. **Most** people interested in the industry know the true situation. The fact is that the previous Government, which increased the tax, did not understand the industry.

One has only to look at racing in the country. City racing is doing all right, but country racing it not. The **Liberal-Country** party Opposition is now jumping on the bandwagon and supporting **Labor's** legislation. It is also trying to blame the former federal **Labor** Government for compelling the former New South Wales Government to increase the tax. This suggestion is not true. In the light of the amounts of money that the former State Government got from the **Whitlam** Government, it is **unconscionable** for the Opposition here to try to put the blame on the **Whitlam** Government for the increase in this tax, I commend the motion to honourable members. The increase in this tax from 1 per cent to 2 per cent was iniquitous. It imposed much **too** heavy demands upon the industry. I am glad that the Government has seen fit to eliminate that iniquitous increase imposed by the former Government.

Motion agreed to.

Bill presented and read a first time.

BOOKMAKERS (TAXATION) AMENDMENT BILL

Introduction

Mr RENSHAW (Castlereagh), Treasurer [3.48]: I move:

That leave be given to bring in a bill to amend the Bookmakers (Taxation) Act, 1917, to permit the Minister to forgo or **allow** time for the payment of any additional tax that may become payable under section 12 of that Act and to require racing clubs to furnish certain returns to the Minister.

This bill is the last of the series of three relating to racing activities to which I referred when introducing the Miscellaneous Acts (Taxation) Repeal Bill, 1976. The purpose of the bill is to make specific provision within the Act relating to bookmakers' **turnover** tax for the Minister to forgo, or allow time for the payment of, the additional liability incurred by a bookmaker if the turnover tax payable by him is not paid within the time allowed. Up to the present the Minister has relied on the provisions of other racing legislation which is to be repealed.

The bill proposes also to require a **racing club** to furnish to the Minister a return showing the names and addresses of **persons** who **carried** on business as bookmakers at a race meeting conducted by the racing club. This information is currently supplied

by racing clubs as part of the return furnished by them in respect of the **tax levy** imposed on their income from bookmakers' fees. With **the** repeal of the legislation imposing the levy it will be necessary in order to safeguard the revenue to make separate provision for the **continued** submission of a return of **the** persons who operate as bookmakers at a race meeting. Further details on the provisions of the bill **will be given** at the second-reading stage.

Mr COLEMAN (Fuller) [3.49]: Leave is not opposed.

Mr JONES (Waratah) [3.50]: Representations have been made to me by some country bookmakers, who **point** out that in times of postal strikes they have difficulty in submitting their return by the required time. I hope that the bill makes some **provision for these people**.

Mr Renshaw: That is covered, and they will be given reasonable opportunity.

Mr JONES: I thank the Treasurer for those remarks.

Motion agreed to.

Bill presented and read a first time.

LORD HOWE ISLAND (AMENDMENT) BILL

Introduction

Mr CRABTREE (Kogarah), Minister for Lands [3.52]: I move:

That leave be given to bring in a bill to amend the Lord Howe Island Act, 1953.

Over a period of two years the bill will place all existing resident islanders in the same position as persons who have or attain five years continuous residence. It provides also for the reconstruction of both the Lord Howe Island Board and the island committee to allow greater participation in those bodies by all persons who reside on the island. I am glad to say that the bill will ensure the preservation of the unique island environment, by providing for the preparation and implementation of a planning scheme to control future land use. The scheme, once enacted, will be binding **on** all persons including the Crown. Certain areas on the island have been recommended for protection. This will be done by **allowing** Crown lands to be dedicated as a reserve for the preservation of native flora and fauna. Once such a dedication is made it will be revocable only by an **Act**.

The bill extends the Lord Howe Island Board's exclusive rights over kentia palm seed to include also the seedlings and palm trees. Additionally, the bill contains certain administrative measures that have been sought by both the board and residents in the light of experience over the past **two** decades. I shall be happy to give further details at the second-reading stage.

Mr MORRIS (Maitland) [3.54]: This is a most important **bill**, and it is the **first** major reconstruction in relation to Lord Howe Island since the principal Act was dealt with by this Parliament in 1953. The importance of the measure is underlined by the fact that, of **all** the places of **sublime** beauty which **come** under the jurisdiction of the Parliament of New South Wales, probably the most scenic and serene is Lord Howe Island. Therefore, this Parliament must do all in its power to preserve the island, almost all of which is in its natural state. I believe that this bill will do that.

Some weeks ago I had the pleasure of being appointed as a **member** of the **Lord Howe Island Board**. I visited the island once last year and once when I was Minister for Lands. My colleague the honourable member for **Dubbo**, who was the Minister for Lands last year, will be leading for the Opposition at the second-reading stage of this measure, but I, too, hope to have something more to say then. Though I await with interest the second-reading stage, I believe that the measure will not be much different from the bill that the honourable member for **Dubbo** had before Cabinet last year. I am sure that members on both sides of this Chamber will be united in their **wish** to preserve the beautiful environment that exists **on** Lord Howe Island, and to **ensure** that the greater part of the island is made into a **most** beautiful **park** which will be absolutely inviolate from intrusion.

The islanders—the people who live there and have the necessary qualification—will be given additional representation on the Lord Howe Island Board. I compliment the Minister in bringing forward this legislation. I await the bill with great interest, and I shall have more to say at the second-reading stage.

Mr KEANE (Woronora) [3.55]: I also commend the Minister on the **bill**. Anyone who has had the pleasure of visiting Lord Howe Island would be aware of its unique geographical position and value to New South Wales. I have visited Lord Howe Island on many occasions, from right back to the days when the first flying boat trip was made there. That was many years ago, but even at that time publicity concerning the island's attraction was giving rise to problems that would obviously need rectification and attention from those responsible for the **administration** of the island.

Lord Howe Island is unique in position, population and problems. In these days when people are more aware of the need for conservation and protection of the **environment**, legislation is certainly needed to protect the beauties of Lord Howe Island. I am sure that is what the Minister has in mind. Also, the interests of the **islanders** and the residents have to be safeguarded. There is a distinction between islanders and residents, as far as those who call themselves islanders are concerned, but the interests of both parties must be protected. Indeed, I should like the legislation to provide for an amalgamation of the interests of these people. I was a little disturbed on my visit to Lord Howe Island to notice the strong **tendency** towards division between the two classes of people. I believe that any legislation not only should provide for an integration and amalgamation of the interests of these people but also should ensure **that** there is no division between them. I know that the honourable member for **Wollondilly** is interested in Lord Howe Island. He has **been** there **on** occasions.

Mr Lewis: My visit there was well publicized.

Mr KEANE: **Yes**. I think that was rather unfair, because the honourable member had a right to be there if he wanted to. Lord Howe Island is about the only place to get away from this game, I must admit. I know that the honourable member **has** a personal interest in Lord Howe Island and the preservation of its beauty. At one time plans were **being** made to make it a national park. I hope that any legislation dealing with the future of Lord Howe Island will protect its unique flora and **fauna**. I am sure that is what the Minister has in mind.

The problems that exist on the island do not lend themselves to easy solution because of the variety of interests of **the** people who live there. There is a **conflict** of interest between those who feel that the island should be preserved completely, and **those** that feel that complete **preservation** of the island will militate against the interests of persons who have long been resident there; and then there are those who feel that **there** should be commercial development of the island to cater for their commercial

interests because they have had the foresight and have shown the initiative to develop facilities for tourists. I hope that the legislation proposed to be introduced will take all of those factors into account.

The overriding factor that we must bear in mind is that whatever legislation is introduced, whatever is done by this Parliament, above all the glorious natural beauty of Lord Howe Island should be protected. I am sure that our attitude will not be the attitude of Mr **Bjelke-Peterson** to Fraser Island, which he sees only as an area to be exploited commercially.

Mr F. J. Walker: Raped.

Mr KEANE: As the Attorney-General interjects, raped for commercial purposes. I am sure that the attitude of this Parliament will be fundamentally different from that of Mr **Bjelke Petersen**, and that we shall do our best to protect and preserve the whole island. I commend to any honourable member **who** has not been there, the idea of making a visit to Lord Howe Island.

Mr **BruXner**: I have never been there in my life.

Mr KEANE: Obviously the education of the honourable member for Tenterfield has been sadly neglected. I am sure that his sweet temper might possibly be improved by a week or two on the island. Nevertheless, I **am** sure that what the Minister for Lands is proposing by way of legislation **will** definitely be in the best interests of the people of Lord Howe Island, and I **look** forward to the second-reading of the **bill**.

Mr LEWIS (**Wollondilly**) [4.2]: I thank the honourable member for Woronora for his reference to me and my interest in this most magnificent of islands. Like some other honourable members, I **have** had the **opportunity** of visiting most **tropical** islands in the world—the Bahamas, the Bermudas, Barbados, **Martinique** and the Virgin Islands among them, but none attracts me as much as Lord Howe Island. Perhaps I shall have to bow to the honourable member for Woronora, but I doubt whether he or any other member of this House has climbed Mount **Gowen** and looked at that rare bird, the wood hen. There are only about fourteen still left in the world. Three species of birds that inhabited the island are extinct as a result of **man's** depredations. Since the passage of the Lord Howe Island Act, 1953, **all** governments have been neglectful of the island, and when I say that, I include governments that had my **political** philosophy. I became conscious of this fact **some years** ago and tried to do something about it, but it was not until I became Premier in January, 1975, that the Lord Howe Island Board was transferred to the jurisdiction **of** the Department of Lands and action taken to consider the provisions of the Lord Howe Island Act.

I invite attention to four matters. I hope that the Minister for Lands will incorporate in the **proposed** legislation recommendations made by two former Ministers for Lands, the honourable member for **Dubbo** and the honourable member for **Maitland**. The first of them is the need to regularize **leases on** Lord **Howe** Island. The Chief Secretary in earlier days administered the Lord Howe Island Act but the Minister for **Lands** had to **authorize** all leases on the island. The board was then asked to consider whether a particular lease should be granted to a particular resident. That led to further investigation. I asked my officers at the time, one of whom I see in Mr Speaker's gallery at the moment, whether any planning had been done on the island. I persuaded the Minister for Local Government and head of **the** State Planning Authority, Mr P. H. Morton, that Mr Nigel **Ashton** should be allowed to prepare a plan for future development on the island. Mr Nigel **Ashton**, and prior to him, Mr Charles Cutler as he then was, did a magnificent job. It is open to residents to **argue** about or to disagree with Mr **Ashton's** views on the preservation of the island, but I support them.

The second matter to which I invite attention is whether residents on the island should be allowed to become islanders after a certain period of time. Even among members of my own party, to say nothing of the islanders themselves, there is argument whether the period should be three, four or five years. I prefer five years. Petitions have been going backwards and forwards, and the local island newspaper *Signal* has given publicity to this argument. A person may become an islander by inheritance or marriage, and the question now is whether the same right should be accorded to those who live on the island for a specified period. I hope the Minister will deal with this matter in detail at the second-reading stage for I know that it must be a matter of concern to him, just as it has been to his predecessors. Should a man who lives on the island for a month or two each year be entitled to become an islander after he has done that for three, four or five years, or should he have to live there for six or seven months a year? If he has to live there for only a month a year, the matter is laughable. Persons who go there for a month's holiday each year presumably would be able to buy or obtain a perpetual lease after five years. The legislation when introduced should define clearly what a resident is.

Another arguable point to be covered by the legislation, if I have listened carefully to my friends on both sides of the House, concerns the establishment of a national park on the island. In January, 1975, I had discussions with an island committee and with members of my Cabinet. A decision was made that there should be a national park on the island as well as a marine national park covering the lagoon where water skiing was destroying the natural life and the beauty of the area. Places like Ned's Beach ought to become a marine reserve. Everybody knows that the fish come there and can be fed easily. I know that the Minister has some problems in respect of dual control. I suggest to him that it would be easy in this legislation to provide for application to the island of the National Parks and Wildlife Act of 1967, as amended, so that a plan of management can be prepared and implemented by a ranger or chief ranger in charge of national parks for the area.

If there is to be only a marine reserve, or a nature reserve, and not a national park, the Parliament and this Government in particular will stand condemned, for the world recognizes national parks. If the legislative provision allowed only for a reserve, obviously it would not extend to it the same degree of perfection as would flow from the establishment there of a national park.

I suggest, therefore, that the legislation should deal with leases, planning and a national park on Lord Howe Island. I should like to say something at the second-reading stage about the running down under successive governments of the island board. All governments stand condemned for their record in that regard. They have not made sufficient money available for the proper maintenance of the island, which is isolated, and perhaps the new member representing the area will have something to say on that matter. For example, the superintendent's house is a disgrace. It should have been replaced many years ago. The former Government did not replace it and I hope the present Government will.

I hope the Government will implement the Ashton committee's report. The beauty of Lord Howe Island is being spoilt by the increasing use of motor vehicles on the island. I have no objection to limiting vehicular use to an official vehicle and one for each guest house, but I believe that the hiring of vehicles is unnecessary. Those honourable members who visited the island prior to the introduction of motor vehicles there would know what I mean. The Bermudas were spoilt by the introduction of motor vehicles in 1946. Prior to 1946 transport on the Bermudas was by horse, horse and sulky or pushbike. Motor vehicles, motor bikes and motor scooters have spoilt the beauty of Lord Howe Island. The island is only 8 miles long and $\frac{1}{4}$ of a mile wide

and the terrain does not present any real **difficulty** to cyclists or to people who use other forms of human locomotion. Motor contrivances are not necessary on the island. I hope that the Minister in his second-reading speech will provide answers to some of the matters I have raised. I have brought these points to the attention of successive Ministers for Lands and no doubt this Minister **will** not be the last to receive representations from me on this subject.

Mr SHEAHAN (Burrinjuck) [4.11]: The honourable member for Wollondilly has told us that there are many problems requiring to be **dealt** with by legislation in relation to Lord Howe Island. During this introductory debate several former Ministers for Lands have been present in the Chamber. The honourable member for Wollondilly said also that Lord Howe Island had been the victim of neglect by successive governments of all political persuasions since 1953. Last year, with some of my colleagues, I had the opportunity of visiting Lord Howe Island and I agree with what the honourable member for Wollondilly has said about neglect. It is a tribute to the new Minister for Lands that so soon after coming to office he has introduced legislation substantially different from that proposed by the previous **Government**. This measure **is** strongly supported by the member representing Lord Howe Island, the Minister for Industrial Relations, Minister for Mines and Minister for Energy, who within the Parliamentary **Labor** Party has indicated his extreme concern for the welfare of the island. Last year several members of our party visited Lord Howe Island, including the honourable member for Woronora, who represented the environment committee, and myself as the representative of the lands committee. We looked at the island and held discussions with local people about their problems. Unfortunately my visit involved a stay of only one night. The honourable member for Tenterfield has shown concern that we went there and interjected that he has never been there. I remind him that his former Leader, Sir Charles Cutler, was present on the island at the time of our visit. I pay tribute to the Minister for Industrial Relations, Minister for Mines and Minister for Energy for the interest he has shown in the island since he became **the first Labor** candidate for Lord Howe Island ever to gain **as** resounding a majority as he did at the 1976 elections. This island was appended to his electorate **following** a redistribution in 1973. I congratulate the Minister for Lands and the Minister for Industrial Relations, Minister for Mines and Minister for Energy for the part they have played in the preparation of **this** bill.

Motion agreed to.

Bill presented and read a first time.

LIQUOR (FURTHER AMENDMENT) BILL

Introduction

Mr MULOCK (Penrith), Minister of Justice and Minister for Services [4.14]:
I move:

That leave be given to bring in a bill to amend the Liquor Act, 1912.

A practice has developed among some liquor wholesalers whereby liquor is **supplied** to licensee retailers **with** the method of invoicing **the** liquor involving a separation of charges under the heads of liquor, delivery fee **and** service fee. The **aim** of this exercise by wholesalers is to reduce to a minimum, by nefarious methods, the amount payable by licensee retailers for the renewal of their licences. **This** bill is designed to clarify **what** **items** are to be taken into consideration by the **Licences** Reduction Board in

assessing amounts paid or payable for liquor upon which licence fees are based. The bill is designed also to streamline the procedures of the licensing court in handling applications for renewals of licences.

It is stressed that the alteration to procedure only applies to licences that have already been granted by the court and to which no objection has been taken to their renewal. Further, the measure will allow licensees, permit holders and holders of certificates of registration to pay their renewal fees by two instalments, instead of the present lump-sum payment. This bill will remove also the harsh and unconscionable provision of the Liquor Act which restricts registered clubs wishing to increase their membership to one application only to the licensing court. It will also update the considerations which the court must have regard to in considering such an application.

Other provisions of the bill are designed to allow clubs, if they so wish, to alter their rules to allow persons between the ages of 18 and 21 years to play poker machines and to allow persons within that age bracket to be nominated and seconded by other persons within the same age bracket. Further, the bill will empower the licensing court to impose conditions and provisions on the grant of spirit merchants' licences or permits held under section 57A or section 57C of the Act.

The licensing court will be empowered also to restore lapsed or expired certificates of registration and campus permits, in the same way as licences may be restored, thus removing an anomalous situation. The bill will also make amendments of a minor, ancillary or consequential nature. As honourable members can see, this measure is designed mainly to clarify and expedite procedural matters and to offer assistance to parts of the industry which are in dire straits. I commend the motion to the House.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [4.17]: On the face of what the Minister has said is encompassed in this bill, it would appear that the Opposition will find no objectionable features in it. Certainly there is a need to have the law clarified in respect of the payment of licence fees, particularly by retailers where wholesalers are invoicing liquor with a surcharge for delivery service. A doubt in this area has cost the State Government some revenue and is continuing to cost the State income. So long as the loophole exists and the law is left in doubt the State will continue to lose. On that basis the Opposition has no objection to the introduction of the measure.

The Opposition will not oppose the provision in the bill to permit of licence fees being paid in two instalments. Representations for this amendment to the law were made to me as Minister of Justice earlier this year and communications were entered into with Treasury officers to find ways and means whereby licence fees might be paid by instalments without denying the State some substantial proportion of revenue during any one financial year. Apparently a scheme has been satisfactorily worked out and the Treasury is satisfied. This measure forms part of the Budget. From what the Minister has said it would appear that the only matter of substance which relates to registered clubs is the proposal to permit persons between the age of 18 years and 21 years to play poker machines.

Mr Speaker, you would know—and the House would know—that the Registered Clubs Act passed through this Parliament earlier this year and that the provision which is now to be found in the Liquor Act was found in that Act. As the previous Government approved this proposal, I am surprised that action has not been taken before now either to proclaim the Registered Clubs Act or to amend the Liquor Act. The

Registered Clubs Act went a lot further than simply making this provision; it included a comprehensive charter that was designed to improve administration within clubs. I notice that the Minister of Justice and Minister for Services has been remarkably silent in respect of what he proposes in this respect. There is argument—and there has been for some time—between Government members and Opposition members as to some provisions of the Registered Clubs Act. However, by and large, I thought they could be identified as being about half a dozen major matters which could have been easily attended to by now.

The registered clubs movement has to put up with an antiquated Liquor Act which is full of bits and pieces, references and cross-references. I believe this makes it virtually impossible for the management of a registered club to have a clear idea of how the Liquor Act applies to those organizations.

In regard to the application of conditions to permits issued under section 57A and 57C, it will be necessary to see precisely what those conditions are and the parameters within which the court may impose conditions before the Opposition can make up its mind whether or not they are acceptable. Speaking generally, it would appear that the bill will have the support of the Opposition despite the disappointment, which I must express, that so far nothing has emerged which in any way assists the registered clubs movement to discharge its obligations within the law more effectively.

I certainly hope that it will not be long before the Government gets round to bringing forward what it sees to be the complete charter to enable clubs to be administered properly, to be adequately controlled and to improve the general standards within the registered clubs movement in this State. From time to time one has found excesses within the club movement. They have obtained only as a result of deficiencies in the law. The Registered Clubs Act, which I had the privilege of introducing into this House, went a long way towards providing a charter so that the club movement could operate more effectively. I hope that it will not be long before the Government gets round to dealing with the problems of clubs and the law in relation to them.

Motion agreed to.

Bill presented and read a first time.

ASSENT TO BILLS

Royal assent to the following bills reported:

Friendly Societies (Amendment) Bill
Prices Regulation (Amendment) Bill
Public Works and Other Acts (Interest Rates) Amendment Bill
Restraints of Trades Bill

ENERGY AUTHORITY BILL

In Committee

Consideration of Legislative Council's amendments.

*Schedule of the Amendments referred to in Legislative Council's
Message of 11 November, 1976*

- No. 1.—Page 5, Clause 7, line 1. *Omit "6" insert "7"*
- No. 2.—Page 5, Clause 7, line 12. *Omit "3" insert "4"*.
- No. 3.—Page 5, Clause 7, line 18. *Omit "industry; and" insert "and coal industry;"*.
- No. 4.—Page 5, Clause 7, line 20. *Omit "Wales." insert "Wales; and
(d) a person who has, in the opinion of the Minister, special knowledge of the nuclear energy industry."*
- No. 5.—Page 9, Clause 13, lines 10 to 13 inclusive. *Omit* all words on these lines, *insert*
 "(j) formulate proposals to assist with the provision by a gas producing, extracting or transporting undertaking, of a bulk supply of gas to a gas distributing undertaking including a scheme to enable that gas to be provided;"
- No. 6.—Page 9, Clause 13, lines 16 to 20 inclusive. *Omit* all words on these lines.
- No. 7.—Page 18, Clause 31, lines 21 and 22. *Omit* all words on these lines, *insert*
 "(3) A proclamation made under this section shall take effect from the making thereof or from a later date specified therein and shall unless sooner revoked continue in force for a period not exceeding 30 days from the date of its being made.
 (4) A proclamation made under this section may be revoked by a later proclamation."
- No. 8.—Page 18, Clause 32, line 24. *Omit* "unrevoked" *insert* "in force".
- No. 9.—Page 21, Clause 32, line 4. *After* "revoked", *insert* "or ceases to remain in force".

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for **Mines** and Minister for Energy [4.27]: I move:

That the **Committee** agree to the Legislative Council's amendments Nos 1 to 4.

Amendments Nos 1, 2, 3 and 4 are related and deal with the composition of the authority. These amendments broaden the membership of the **authority**. **Formerly** the authority had a person representing the gaseous fuel industry. It is now proposed that this person will represent both the gaseous fuel industry and the coal industry. There will also be a person on the authority who has, in the opinion of the Minister, special knowledge of the nuclear energy industry. In its **original** formulation of the composition of the authority the Government attempted to strike a reasonable balance.

The Government considered that the under-secretary for mines was a man more than capable of advising the Energy Authority on matters relating to the coal industry. He draws together the recognized knowledge and administrative ability in **mining** matters which that department has built up over the years on coal and metalliferous minerals. He has expert advisers—geologists, geophysicists, mining engineers, chemists and inspectors—associated with energy fuels generally. This is supported by a **large**

bank of knowledge on the coal resources available **within** the State. However, the Government does not oppose the **appointment** of a person with a special knowledge of that industry, though it regards that appointment as superfluous.

The nuclear power industry is in its infancy in this State. At present it is handled by the Australian Atomic Energy **Commission**. That commission has representatives in each State on **policy** and technical **committees** for any specific **projects**. It is inevitable that if a nuclear project is likely, the Commonwealth and State will ensure that there will be liaison in the closest possible terms. It was the Government's view that if nuclear energy became in this State of major **practicable** significance, consideration would then be given to amending the constitution of the authority. The Government sees the amendment made in the Legislative Council as unnecessary at this time but it does not oppose it.

Sir **ERIC WILLIS** (Earlwood), Leader of the Opposition [4.27]: I should like to say briefly **that** the Opposition supports the motion moved by the Minister but not for perhaps quite the same reasons. We think that the broadening of the membership of the authority is a move in the right **direction** and conforms more with the original intention that my Government had in mind when it planned the introduction of legislation to provide for the establishment of an energy authority. **Let** us be frank and factual about this: the original purpose for which **this** legislation was mooted was to establish an authority **to** research the long-term energy needs of this State and to plan what should be done to meet those needs. If we are **to** have such a body, it is obvious that it should be representative of all sections of the energy industry and contain people with highly specialized knowledge, particularly of some of **the** newer forms of energy, such as nuclear energy. We have no **complaint** about this type of provision.

I think that if the proposed authority gets down to the basic purpose for which it ought to exist, the additional appointments **will** be **most** valuable. It is most unfortunate—and I take this **opportunity** of saying this—that the Government has seen fit to introduce three unrelated matters into one bill. This part of the bill should have been left by itself. The parts relating to what I might call **the** nationalization of the gas industry and the proposed fuel industry and those relating to emergency powers were unrelated to the first part of the bill. I think we would all agree that what has been done is desirable and that the amendments inserted in the Legislative Council make it even better.

Mr **FREUDENSTEIN** (Young) [4.30]: I support the amendment agreed to by the Minister and inserted by the upper House. I believe that subclause (d) is a most desirable acquisition to the composition of the authority. I **ask** the Minister when considering appointments under clause 7 (2) (b) strongly to consider the appointment of a person with **knowledge** of the gaseous fuel industry. I do that because the Minister agreed originally in making amendments to the bill to take out the reference to the **coal** industry.

Motion agreed to.

Legislative Council's amendments Nos 1 to 4 agreed to.

Mr **HILLS** (**Phillip**), Minister for Industrial Relations, Minister for Mines and Minister for Energy [4.32]: I move:

That the Committee disagree to the **Legislative** Council's amendment No. 5.

The amendment omits **all** the words comprising clause 13 (2) (j) and inserts a different paragraph (j). In the form in which it was passed by the House, **subclause** (2) (j) was designed to achieve the supply of gas to **country** areas. The amendment

passed in the Legislative Council in effect deprives the authority of the right to ensure that people in **country** areas of the State have the benefits of the most essential provision in the **bill**, capable of giving them the gas they need. That essential provision was the power of direction by the authority, with the approval of the Minister, for a gas supplying authority to supply gas to a gas distributing authority in the State. When the same amendment as that adopted by the Legislative Council was moved in this Chamber by the honourable member for Young, he said it was to ensure that gas gets to country centres at a price that the consumer can **afford**.

The amendment ensures nothing. It merely contains provision for a government subsidy and the Government does not agree to it. I pointed out when the matter was before the Chamber previously that what the **proposition** sets out to do is provide for a government subsidy. On the other hand, it allows a body such as the Australian Gas Light Company to function in the most lucrative city areas without being responsible for providing **natural** gas to country towns. The original intention of the previous Government was that a condition for the granting of a licence to construct a pipeline **was** that the Australian Gas Light Company would provide natural gas to the various country towns. In effect, the amendment inserted by the Legislative Council, and supported by members of the Opposition in this Chamber, lets the Australian Gas Light Company off the hook completely. If the amendment is agreed to: in no way will the Energy Authority or the Government have any statutory provision to ensure that a gas supplying authority will make gas available to country towns.

Mr Maddison: How do you achieve that?

Mr HILLS: It will be achieved, in the first place, by a decision of the authority, with the approval of the Minister, to do it.

Sir Eric Willis: To do what?

Mr HILLS: To provide natural gas to country towns.

Sir Eric Willis: How?

Mr HILLS: By a decision in the first place being made by the authority, supported by the Minister, and the instruction going to, say, the Australian Gas Light Company. The next provision that has been excluded by the Legislative Council's amendment is the power of the authority to formulate proposals for compulsory acquisition of a gas distributing authority. Obviously, that would be the next step. It would have been necessary, after the formulation of those proposals, to submit them to the House in specific legislation. In view of the fact that the Legislative Council has excluded the provision of subclause (1), which covered formulating proposals for acquisition, and in view of the insistence of the Government on a restatement of paragraph (j), as it appeared in the measure when it left this Chamber, I should have liked to be able to insert in the bill some form of penalty, say, a recurring penalty of \$1,000 a day if the company failed to carry out the instruction. Unfortunately, that is not possible as the bill stands at present. In the form that the bill has been returned to the Committee, such an amendment could not be included.

Mr Webster: The Minister would get no joy from that.

Mr HILLS: I get no joy out of a company not carrying out undertakings that it gave to the previous administration. The honourable member for Young made it quite clear at both the second-reading and Committee stages that his view as the former Minister for Mines and Minister for Energy was that the company had reneged on **its undertakings**. In fact, the honourable member tried to suggest that the Government could invoke provisions in the Pipelines Act and refuse the company permission to

operate a pipeline for which approval had been given by his predecessor, the Hon. W. C. Fife. The Government considers the original paragraph (j) of clause 13 (2), as the **bill** left this House, is absolutely essential. It would give power to the authority, through the Minister to say officially to the Australian Gas Light Company that it must connect gas to Bathurst, Orange, Lithgow or whatever the case may be. It would be the responsibility of the Government to decide what action it would take if the Australian Gas Light Company refused such an order provided by legislation of the Parliament. That is why paragraph (j) is so important.

If subclause (2) (j) is taken out of the bill, obviously the Australian Gas Light Company could say that the Parliament is not willing to make provision in legislation whereby the Energy Authority, with the approval of the Minister, can direct it to live **up** to its undertaking. I say quite emphatically that if the provision is taken out of the measure, the Government will feel that it has complied with the undertaking given by the Premier when he was Leader of the Opposition before the general elections and that the Opposition does not want the Government to have the power to tell the **Australian** Gas Light Company that it must take this action. I say that emphatically, representing the Government. That will be the position and exactly how the Government will feel about it.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [4.39]: Now we have heard everything. Let us look at the matter in perspective. Just before the last general elections, only six months ago, the present Premier gave an undertaking to do two things, the second being the alternative to the first. The first thing he undertook to do was to require the Australian Gas Light Company to supply gas to the central western **towns**. If the company did not comply, the Government would do it.

Mr Hills: Who said that?

Sir ERIC WILLIS: The Minister should read the policy speech of his leader. What the Minister is now saying is: "We want the power to require them to do it but we are not going to say that is what we want. We are not going to put in the bill that we refer to the Australian Gas Light Company. We do not want to say we are referring to this town, that town or any other town. We want a power that is absolutely unlimited." It could be to require a gas company in Newcastle to supply gas to Mendindee. There is no limit on this provision. The Government might want to require an oil company that produces liquified petroleum gas to supply it to some distant part of the State. Then the Minister could say, "If you do not play the game according to my rules, I shall take my bat and go home." The Government claims that it will not feel obligated to carry out the second part of its undertaking at the recent elections, which was that if the Australian Gas Light Company did not provide gas to the central western towns, a **Labor** government would do so.

It is about time that this Government stood up and said just what it stands for, clearly, publicly and frankly, instead of trying to hide behind this legislation that has been before the Parliament over the past couple of weeks. One day the Government says it will rush the measure **through**; the next day it says there is no hurry whatever. One day it refers to the emergency powers and the next to the cost to country centres; and on yet another day to the long-term research of energy needs in the State. The Government is never quite sure what the whole thing is about, and the public is gloriously confused.

A few minutes ago the Minister said that the purpose of the amendment he wants reinserted in the bill—the one that he successfully moved in Committee **earlier**—was to ensure the supply of gas to country areas. Where does it say country areas in the clause? Does the word country appear anywhere in it? Is there any suggestion that

gas is going to this town or that? There are no such suggestions. Nowhere is there any reference to country areas. It is nonsense to say that this measure is the means whereby the Government will fulfil its election undertakings. The Minister said that he does not want this power himself. He is not game to ask Parliament for it. He wants to hide behind half a dozen men appointed by **this** Parliament so that he can say: "**I** am **not** directing this or that company. It is the Energy Authority that is doing the directing." Why does he not have the courage of **his** convictions and say that he or his Government wants this dictatorial power? Why does the Minister take this snide, sinister, **socialistic** attitude?

The Minister says also that this power will be there for the purpose of directing the Australian Gas Light **Company**. If it is only to **direct** that company, and is not required for any other purpose, why does the bill not mention the Australian Gas Light Company? There is no reference to the company in the bill. It is obviously not intended for the **Australian** Gas Light Company alone. The bill is a subterfuge to sneak through socialistic legislation and the Minister makes the threat: "If you do not pass the measure, if you do not agree with the way we want to do things, the people in these towns represented by members of the Opposition will not get gas and it will be all your fault." What a silly attitude. How silly does the Minister think we are?

The Government should bring forward a measure called the country gas laterals pipelines bill, or something of that nature, which clearly sets out in a schedule to which towns the pipeline will be built, how the work will be paid for, the price of the gas and things of that nature. A government that acted properly would do that, instead of hiding behind the Energy Authority and saying, "This is what the bill means, even if it does not say so." The Minister said that the Opposition would be letting the Australian Gas Light Company off the hook if it did not agree with his amendment.

Mr Hills: It is not the first time.

Sir ERIC WILLIS: One would think it was a tiny hook of the kind that catch goldfish. Instead, it is an atom bomb that will kill every fish in the Pacific Ocean. The Minister retorts: "But one of the fish we catch will be the Australian Gas Light Company." To him it does not matter what happens to all the other fish, if I may continue the simile. There is unlimited power under what the Minister is proposing for the Government, hiding behind the Energy Authority, to direct any gas company or any gas undertaking—even a municipal one—or any other body that produces gas, such as Commonwealth Industrial Gases or some of the oil companies. Any one of those organizations could be directed to supply gas, whether or not it was economic to do so, on terms and conditions that the organization might not want, to any parts of New South Wales. Of course, that is far more power than is necessary.

The Minister said that if we were to agree to the clause in its original form all the authority would have done would be to require the distribution of gas or provision of gas and to formulate plans accordingly. When the plans had been formulated the authority would have to come back to the Government and say, "Put a bill before the House to enable the authority to put this proposal into operation." That is exactly what the Opposition wants. We are saying—and the upper House has fortunately put it into words by its amendment—that the power of the authority should be to formulate particular proposals so that, having done so, if the Government wants to do something about them it can come back to Parliament with a specific measure setting out what it intends to do, who will pay for it, how the laterals will be constructed, by whom and so on.

The Minister revealed his dictatorial tendencies when he said what he would really like to do is have inserted in the bill provision for a penalty of \$1,000 a day on any gas undertaking that did not obey his dictates. That demonstrates exactly the

reason why the Opposition is opposed to what he is now suggesting. It is revealed quite clearly through the words of the Minister that the Government wants dictatorial, socialistic powers to bring about a sinister piece of socialism, without any reference to Parliament and without mentioning in the bill the name of the organization that it intends to nationalize. The Minister said that the purpose of his original amendment was to require the gas company to provide the gas. What does that mean? What does to provide mean? Does it mean to build a lateral pipeline? Does it mean to fill tankers and run them over the roads to where they are directed to go? Does it mean construction of some sort of gas works? What does to provide mean? The phrase is so wide and loose that no one could possibly accept it.

Does the Minister want these dictatorial powers so that he can hide behind the Energy Authority in directing the Australian Gas Light Company to provide gas to, let us say, Newcastle at well below cost? We do not know. The Minister has not told the Parliament. Will he let them supply it to Newcastle at the cost of an additional pipeline? He has not said so. Why will the Minister not say so? He does not want to. He wants to hide behind the Energy Authority, which is to introduce this sinister, back-door socialism per medium of the provision that he wants reinserted in the bill.

The Government should have the courage of its convictions, and bring forward a specific bill to provide gas for the places for which it said it **could** provide gas. I suggest, for example, that in some places in the rural areas—in some places between Sydney and Newcastle—people voted **Labor** at the last elections because **they** were given a solemn undertaking by a man, whom they were told they could trust implicitly, that the gas would be provided. But he did not say, "We are going to make someone else provide it". He said, "We will provide it". Why does **the** Government not provide it **out** of government **funds**?

Mr Hills: Is that what you want?

Sir ERIC WILLIS: No, you not I made the promise. I was **too** honest, and I refused to compete with **the** dishonest undertakings that were given by the present Premier last April. He went into the **country** areas and said, "I will provide you with gas in 1977". I should like to wager a dollar or two with anyone who cares to take me on that there will be no gas in any of these areas in 1977. It will not be there because the Government does not have the resources or the power to put it there.

I shall return to the original proposal. The provision that the **Minister** seeks to put back in the measure would give him power to require an undertaking to provide gas. **How** would he require an undertaking to do that? What is the penalty if it does not do what he says? Nothing. The bill is a lot of hocus-pocus, which the Government will use as a means of introducing a compulsory form—or a pretence of a compulsory form—of providing gas to these areas. When **that** does not work, the Government will use the other powers—of acquisition, resumption or socialization of some kind—by the backdoor, hiding behind the skirts of the new authority to be established.

If the Government comes forward with a specific measure to provide gas for any part of the State, the Opposition would be happy to give it every possible support. But if the **Government** says, "We want a dictatorial power to be able to direct anyone to do anything", it is asking for far more than any government has a right to ask, and far more, I hope, than the Legislative Council would be willing to agree to.

Mr FREUDENSTEIN (Young) [4.52]: **As** I said at the **second-reading** stage, and also when the measure was previously before the Committee, this particular clause will do nothing towards putting natural gas into rural towns. With all the debate that has gone on since then, I still believe firmly in my original statement. As the Minister is insisting that his original paragraph be reinserted in the clause, that indicates that he

is playing politics—and not politics that his own party feels he is playing. He thinks he will trick us into voting against this provision. I think we can sell that one in our own **areas**—

Mr Hills: Why don't you give us a chance?

Mr FREUDENSTEIN: I shall speak about that later. The reason he wants this provision restored is that he does not want the emergency powers of the measure in his hands by tomorrow. He **will** run away from those emergency powers **as fast as** he can. He is not game to knock back all the amendments of the upper House because the press would be on to him. So he has decided to take his stand on this innocuous provision which would not give gas to the country areas in any event. He wants to use it **as** an excuse so that he can blame the Opposition when he does not get his emergency powers.

As I told the Minister previously, if he presents the emergency powers in a separate measure, I will sit all night to get them into his hands. This clause as it stands means nothing. It provides that the authority may require, with the approval of the Minister, a gas producing, extracting or transporting **undertaking** to provide a bulk supply of gas to a gas distributing **undertaking**. Suppose that the Minister went to the Australian Gas Light Company tomorrow and said, "Put natural gas into Bathurst or Wagga Wagga" and suppose it replied: "Go to hell. We will have nothing to do with that." As the bill now stands, there is no way in which the Government could make the company do it. There is no penalty—not even a fine—that could be imposed on the Australian Gas Light Company to make it obey. What we are listening to is political eyewash. The Australian Gas Light Company could tell the Government to shoot through.

Mr Quinn: You know that is not true.

Mr FREUDENSTEIN: It is true. The Minister just admitted it. At this stage I am voting against the Minister's motion, but not because it will place any requirement upon a gas company—there is no fine if it refuses to obey. The Country Party is voting against the reinsertion of the Minister's amendment because it embodies the principle of socialisation, that a government can require a company to act in a manner that could prejudice the rights and privileges of its shareholders and take away their **rights** to run their own company. That is the only reason why we shall vote against this **proposal**—not that we believe it has any real effect whatsoever.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [4.55]: We have heard from the honourable member for Young the **most** amazing statement I have ever heard in my life. He said that his objection to the reinsertion of the provision and to the Government's attitude in this matter is that it would prejudice the rights of a private company. Yet he knows that the former **Government** said to the Australian Gas Light Company, "We will not issue you with a licence to construct a pipeline unless you give an undertaking to us as a government to build the laterals."

Mr Freudenstein: I did not mention the Australian Gas Light Company.

Mr HILLS: That is what **you** said to the Australian Gas Light **Company**; there is absolutely no doubt about it. It is beyond me how you can go back to the people in the country and try to excuse yourself and your colleagues in the Legislative Council for voting against this clause on the grounds that it would prejudice the Australian Gas Light Company. You were willing in this Chamber the other evening to use the provisions of the Pipelines Act **as** a subterfuge. Your predecessor, the

Hon. W. C. Fife, the former member for Wagga Wagga, failed when he issued the licence for the 32 miles to write into the agreement a condition that the Australian Gas Light Company would have to build the laterals. Now you come up **with** the bright idea that, despite the fact that the company has spent hundreds of thousands of dollars—and probably more—on building the line from **Wilton** to Sydney, I, as the Minister, should refuse to issue the **company** with a licence on the grounds that the pipeline is not safe—even though it is safe. That is what you put in this Parliament the other night—that I **should** refuse to issue a licence on the grounds that it is not safe, although it is so.

Mr Freudenstein: If you have the right.

Mr HILLS: That is what the honourable member for Young put before the Parliament the other night, and he was supported by the honourable member for Wagga Wagga. Would I not be prejudicing the rights of the Australian Gas Light Company in its efforts to bring natural gas into this city if I did what he proposed? Of course I would. I said that this Government would not adopt such a stupid course. Because the former Government had given the company approval to build the pipeline, it spent a considerable amount of money, and now the former Minister says that I should not issue a certificate to say that it is safe even though I know it is safe. That would be the worst type of action that any responsible government could take. A licence has been issued, and the company received it in good faith on the understanding that if the pipeline satisfied all tests and was safe, the company would get approval to use it.

If anyone is talking about prejudicing the rights of private companies, surely the proposal made by the honourable member for Young would be doing that. I say again that this Government considers that paragraph (j) of clause 13 (2) in the form we suggest is vital to providing natural gas for the people in the country, and also the people in Newcastle. The Leader of the Opposition mentioned that city. Of course, it was also a part of the deal that the Australian Gas Light Company would supply the Newcastle gas company with a pipeline. It has already purchased, I think, all the pipes needed for the construction of that line, but it has not proceeded with the construction.

After I became Minister for Mines and Minister for Energy, as I walked into the office for the first time the former Minister, the honourable member for Young said—and I am sure I can quote his words exactly—"The most serious problem you have is ensuring that the natural gas pipeline gets to the country. That is your biggest problem, natural gas." He admitted that. Now, with the support of his colleagues in this Chamber and in another place, he is attempting to prevent the Government from ensuring that obligations of the Australian Gas Light Company contained in its agreement entered into with the former Government are fulfilled. This Government intends to see that those obligations are met.

The former Government let AGL off the hook. Now, in Opposition, it would let AGL off the hook again by removing this provision from the legislation. The responsibility will rest squarely upon the shoulders of the Opposition. When the opportunity arises people in country areas will be told exactly what the position is. If country areas do not get natural gas the members of the Liberal-Country party coalition will be wholly responsible for that situation; first, for not keeping AGL to its obligations and second, for excluding or removing this provision.

Mr FREUDENSTEIN (Young) [5.2]: The Minister has endeavoured to blame the former Government for letting AGL off the hook. The person who let AGL off the hook was none other than the Hon. R. F. X. Connor, the Minister in the

Whitlam Government who tried to nationalize the pipeline from Moomba. The Minister for Industrial Relations, Minister for Mines and Minister for Energy said in an earlier debate that I had referred to section 25 (1) of the Pipelines Act, entitled "Consent to commencement or resumption of pipeline operations". Subsection (3) of that clause reads:

The Minister may, by instrument in writing, served upon a licensee, from time to time vary any conditions subject to which a consent under subsection (1) was given to that licensee or attach additional conditions to such a consent.

The Minister already has power to insist that AGL convey gas to rural areas. I believe he is not fair *dinkum*. He will not take action under section 25 of the Pipelines Act and he is attempting to include in this measure a clause that will not be effective. The Minister is protecting not only the Australian Gas Light Company but also gas consumers in this city of Sydney from having to pay a little extra to provide gas to country areas. The Minister suggests that the Opposition is to blame but in fact he is attempting to maintain in the bill a clause that will do nothing.

Mr WEBSTER (Pittwater) [5.5]: I propose to take a totally different view from that taken by other members with regard to providing gas to areas such as Bathurst, Orange and Lithgow. The most telling comment that has been made this afternoon was by the Leader of the Opposition who asked the Minister what he would do, having said to AGL that the Government requires it to produce this gas according to the Government's dictums, should the company refuse? I ask the Minister again; what will he do?

Mr Keane: **What** does he want the Government to do, gaol them?

Mr WEBSTER: The Premier has said that the Government will provide natural gas. One of the unfortunate facets of providing gas to centres such as Bathurst, Lithgow, Orange and Wagga Wagga has been that political promises have been made by members of this and other Parliaments. These promises have led country people to anticipate and expect the arrival of natural gas. If fault is to be laid at the feet of the previous Government it is that back in 1971, prior to the interference by the Hon. R. F. X. Connor, it required AGL *to* agree to build laterals concurrently with the establishment of the city service. The best advice the Government could have been given at that time was that, based on experience throughout the world, this was the wrong thing to do. It would have been much better to establish a service in the major city, as happened in Victoria. Having achieved that the laterals **could** then be built. However, in 1971 the former Government refused to accept that advice and told AGL that it required the company to build the laterals concurrently with the principal service. We know how far the former Government got using that word, require. The new Government wants to perpetuate that situation. The Minister, in the honesty of his own mind, knows there is nothing he can do about it.

What frightens me is the consequences that might follow the actions of this Government. This is only the beginning. One wonders whether the Minister is aware that AGL has made an offer to some gas companies, notably Wagga Wagga, and I believe Bathurst too, that they can have gas in their area at the Gidgealpa price without any transmission costs imposed and that the rest of the operation will be left to the local authority to arrange. The Minister frowns, but that information is factual. The company has offered to supply gas at the Gidgealpa price without transmission cost to try to get this off the ground.

Mr Hills: Is the honourable member saying that AGL will not charge a transmission cost?

Mr WEBSTER: That is so. It is willing to supply at the Gidgealpa **price**. It would seem that something might be achieved if there were proper **communication**. At present the parties are not even talking to each other. If representatives of AGL, Moomba, **Bathurst**, Change, Wagga Wagga, South Australia and Victoria could sit down with the Minister, the provision of gas to country centres in New South Wales might be achieved. During his second-reading speech the Minister said there is no chance of gas flowing to **country** centres in 1977. In fact, he would not even **suggest** a date. This sort of **legislation** is merely **manifesting** the political interference which perhaps started in New South Wales but was certainly accelerated and accentuated by the intrusion of the Hon. R. F. X. **Connor** during the 1972–74 **Whitlam** era.

The Opposition must hold its ground in opposing paragraph (1) which has been removed by the upper House. The Minister has said that if he requires the company to provide gas and it **does** not, he wants to have a means to enable him to move in and take over. If the Government reaches the takeover stage we shall see a repeat of the pipeline authority situation, where the attitude is merely that this is just another Government job. That attitude will be adopted by **consultants, contractors** and trade unionists. The pipeline is not yet finished; its completion is not even in sight. Gas was expected to be available in Sydney this month but there is no chance of that at **all**. The people at **Moomba** have said there is no hope of its being available in Sydney before 1st January next. When will New South Wales get natural gas? The answer to this important question lies in the hands of the trade unionists who are enjoying the benefit of **one** of the most favourable sweetheart agreements ever devised. This is a direct result of the attitude that the pipeline construction is only another Government job.

At **Tibooburra** the men walked off the job for a week because only three brands of yoghurt instead of the agreed five brands were available at the canteen. The top welder on the pipeline job was sent on an enforced holiday for five weeks **as** they feared he would finish the job too quickly. Recently the bus that takes the men to work was, through wet weather, forced to stop half a mile short of the job. The workmen were asked to travel the remainder of the journey in a utility. They agreed to travel in it, but not on it. It took four hours to convey the workers to the job and four hours to bring them back again. In other words, little effective work was done on that day. That is the sort of thing that develops with political interference. An opportunity is created and everyone gets in for his chop. I am sick to death of this sort of thing **and** I believe the people of Bathurst and Orange are sick of it, too. I should much rather see a positive plan emerge from reasonable consultation between the parties than have on the statute books of New South Wales legislation which amount to nothing more than flagrant, open-ended **socialization**.

Sir **ERIC WILLIS** (Earlwood), Leader of the **Opposition** [5.10]: I wish to refer to a couple of matters the Minister mentioned when he spoke for the second time on this point. The honourable member for Young has referred to the **first** matter I want to mention. That is that the Minister keeps insisting that the former Government said that the Australian Gas Light Company could build the pipeline only if it built the laterals and later excused the **company** from that obligation. I do not know how many times the Minister has to be told, but we were elbowed out of the whole business, as he well knows, by his close friend and colleague Mr **Connor**, who insisted that the Commonwealth Government under some socialistic legislation establish a pipelines authority to build the pipeline so that instead of the Australian Gas Light Company building the pipeline, it was to be built by an agency of the Commonwealth Government. Therefore the agreement between the New South Wales Government and the Australian Gas Light Company was at an end. Any undertakings were purely **of** a moral nature thereafter.

The second point is that—and the Minister has glossed over this gloriously—he talks all the time **about** providing gas to these country towns. He has not once mentioned where the \$75 million or \$80 million is going to come from. Apparently it is to come out of thin air. As I am sure we all know, these things do not materialize in that way. When the laterals were first talked **about** they were a fraction of their present cost. Today the country laterals would cost, I am told, between \$30 million and \$40 million and the one from the metropolitan area to Newcastle would cost a similar sum—all told about \$75 million. It is essential that we know who is to pay for it. In my second-reading speech I predicted that the Government planned to do what the Victorian Government had already done—that is to add a 4 per cent tax to the cost of gas and electricity in the State, and this would mean that the load or burden of paying for this would be spread over the users of gas and electricity throughout the whole of New South Wales.

I have read in the press that if the cost of laterals is to be added to the cost of gas in the metropolitan area it will mean an extra \$14 or \$15 per annum to the users of **gas**. I think it behoves the Government to say where it will get the money or where it expects the Australian Gas Light Company to get the money. Who is to pay for it? By what means are these things to be done? It is all right to say that the gas will be provided to country areas. Unless the details are spelt out, those words mean no more than the breath used to utter the words.

The final point I wish to make is that I said earlier that the Premier had promised gas to the country towns and if the Australian Gas Light Company did not provide it the Labor Government would. The Minister snorted his disagreement with that remark. I have in my hand here a copy of the rural policy speech delivered on 13th April at Griffith by the Labor Leader of the Opposition who is now the Premier. Under the heading "Natural Gas" there is a whole foolscap page. It goes on to say that the Australian Gas Light Company should have been made to provide gas to the various country towns, all of which are enumerated, and denounces the former Liberal-Country party Government. Then we come to the important paragraph, which is in these terms:

In our coming to office on May 1, the Australian Gas Light Company will be required to give an **unequivocal** assurance that the laterals will be constructed without delay on reasonable and equitable terms.

I pause there to ask where are the reasonable and equitable terms mentioned in this **piece** of legislation? Where is the Australian Gas Light Company mentioned in the bill? **There** is **no** reference to the terms equitable or otherwise. There is no reference to the Australian Gas Light Company. It is just a broad statement that could apply to anybody. I continue with **my** quote:

Should A.G.L. continue to refuse to carry out its obligations and **undertakings**—

He must have anticipated that that was a possibility because at that time **there** was **no** law that obligated the company to build the laterals. Then he went on:

—**we** would have no alternative other than to act to protect the interests **not** only of the people in the **country** side, but all the people of New South **Wales**. **We** would have to do what the Liberals in Victoria have **done**. An **Authority similar** to that established by the Liberal Government in Victoria would be set up—

and listen to these words —

to distribute natural gas in New South Wales. It would be especially charged to make gas available to country New South Wales.

Why do we not get a bill which says this is a country gas distribution authority bill which indicates quite clearly its purpose is to provide gas to country towns? The Government does not do that.

The bill is couched in the broadest, vaguest, most generalized terms, whereby anybody in the State could be told to supply gas to anyone else. The Minister claims that the measure refers only to the Australian Gas Light Company and only in respect of certain restricted towns. I repeat; why does it not specify those particularities if that is all it is intended to cover? The Minister has an obligation to intimate to us why he wants this enormous, unlimited power, when he has only this specific purpose in mind. He ought to tell us who is to pay for it if he gets his way with this amendment.

Question—That the amendment be disagreed to—put.

The Committee divided.

Ayes, 50

Mr Akister
Mr **Bannon**
Mr **Barnier**
Mr Bedford
Mr Booth
Mr Brereton
Mr **Cleary**
Mr R. J. Clough
Mr Cox
Mr **Crabtree**
Mr Day
Mr Degen
Mr **Einfeld**
Mr Face
Mr **Ferguson**
Mr Flaherty
Mr Gordon

Mr Haigh
Mr **Hatton**
Mr Hills
Mr Hunter
Mr **Jackson**
Mr Jensen
Mr **Johnson**
Mr **Johnstone**
Mr Jones
Mr Keane
Mr **Kearns**
Mr L. B. **Kelly**
Mr **McGowan**
Mr Maher
Mr **Mallam**
Mr **Mulock**
Mr **Neilly**

Mr Pacidlo
Mr Petersen
Mr **Quinn**
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 Durick
Mr O'Connell

Noes, 47

Mr **Arblaster**
Mr **Barraclough**
Mr Boyd
Mr Brewer
Mr Brown
Mr **Bruxner**
Mr **Cameron**
Mr **Caterson**
Mr **Coleman**
Mr **Cowan**
Mr Darby
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
Mrs **Meillon**
Mr **Moore**
Mr Moms
Mr Murray
Mr Mutton
Mr Park

Mr Pickard
Mr Punch
Mr Rofe
Mr **Rozzoli**
Mr **Schipp**
Mr Singleton
Mr Taylor
Mr Viney
Mr N. D. Walker
Mr Webster
Mr West
Sir **Eric Willis**
Mr Wotton
Tellers,
Mr Dowd
Mr Osborne

Question so resolved in the affirmative.

Motion agreed to.

Legislative Council's amendment disagreed to.

The Legislative Assembly having had under consideration the Legislative Council's Message, dated 11 November, 1976, requesting its concurrence in certain amendments made by the Council in the Energy Authority Bill, acquaints the Legislative Council as follows—

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [5.25]: I move:

That the **Committee** agree to the Legislative Council's amendment No. 6.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [5.26]: I congratulate and compliment the Minister on the wise **attitude** he has adopted. This was something that the Opposition wanted him to do when the bill was previously before the Committee. The Opposition believes it to be quite improper that an authority should be established with a number of functions and responsibilities, one of which is to prepare plans for compulsory acquisition. It is proper that this **part** of the legislation should be withdrawn. I compliment the Minister on his **unsocialistic** attitude.

Motion agreed to.

Legislative Council's amendment agreed to.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [5.27]: I move:

That the Legislative Council's amendment No. 7 be amended by inserting in proposed new subclause (4) after the words "may be" the words "amended, varied or".

The purpose of this amendment is to re-insert the normal procedures in these circumstances. Obviously if there is a need to make a change in the original proclamation it would be necessary to revoke the proclamation and to issue a new one. Obviously it should be possible to amend or to vary a proclamation in that way.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [5.28]: Quite obviously the Opposition will concur in the amendment moved by the Minister. It places further beyond doubt the purpose of the upper House amendment. I take the opportunity to indicate that this part of the legislation which deals with emergency provisions is really unrelated to the rest of the bill and ought to have been covered by a separate piece of legislation. Last Monday I made it quite clear by public announcement that the Opposition would have liked to have seen the emergency provisions taken out of the bill, made a separate piece of legislation, expanded and put through both Houses of Parliament last week. The Government would have had all the emergency powers it needed for the current petrol shortage without having to rush around in something like a flap, as it is now doing. I put on record that the Opposition does **not** in any way want to delay the passage of these emergency provisions. It wants the Government to have these powers and to have them **as** soon **as** possible.

I wish that the Government would have accepted all the upper House amendments without any argument. The Government would have had the powers all the more quickly had it done so. I have a sneaking suspicion that the Minister does not really want the powers all that much at the present time. They might be just a little provocative. I should like to mention that back in 1973 at the time of the general election when such powers were proposed by the leader of the party of which I am a member, the Leader of the **Opposition** at that time, the honourable member for Phillip,

was quoted in the *Sydney Morning Herald* of 6th November as saying, in reference to Sir Robert **Askin's** proposal to have emergency powers such as **these**:

I think the trade-union movement officials are aware of **the** dangers inherent in the proposal. I **think also**, the Premier has realised his announcement was a stupid political blunder and has backfired on him. **If** he does attempt to even expand or expound his proposition further, it is going to react on him politically very seriously. Governments have fallen on this issue.

Is it not amazing that when the **Labor** Party is in opposition and the Liberals propose emergency powers they are discredited as being **Hitlerish** and dictatorial in the extreme, but when the socialists get into Government and want similar emergency powers they claim that the **powers** are reasonable, and it is proper that they should be given to a government? The Opposition, in agreeing entirely with the amendment wishes the Minister well with his emergency powers. I hope that when the Minister gets those powers he will exercise them promptly in the interests of the **petrol** users of the State.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [5.30]: I want to correct an impression that the Leader of the Opposition might have left with honourable members. These proposals are quite different from those that were proposed by Sir Robert Askin when he was Premier. They were being directed specifically at the trade-union movement, but these proposals are exactly the same as those provided in the Gas and Electricity Act, which has been in existence since **1935**.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [5.31]: I cannot let that remark go without replying, lest there be some misunderstanding. In **1973** the Minister, who was then the Leader of the Opposition, assumed, though he had no real basis for it, that the powers would be the powers in the Emergency Powers Act, **1949**. That is what he thought Sir Robert Askin was intending to enact. If he cares to read the wording of that proposal he will **find** that, word for word, it is the same **as** the wording in the emergency powers provision in part VI of the bill. I am not arguing about the matter; I am simply saying that what the Minister criticized my colleagues and me for suggesting we might be about to do in **1973**, he is now **doing** with great gusto. I am simply commending him for it, while pointing out, with a smile, that it is a funny thing that when socialists do it, it is all right, and when Liberals do it, it is wrong.

Motion agreed to.

Amendment of Legislative Council's amendment agreed to.

Legislative Council's amendment as amended agreed to.

Motion (by Mr Hills) agreed to:

That the Committee agree to the Legislative Council's amendments Nos 8 and **9**.

Legislative Council's amendments agreed to.

Adoption of Report

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

Message

Motion (by Mr Hills) agreed to:

That the following message be sent to the Legislative Council:

Amendment No. 5—disagrees with the amendment:

(j) formulate proposals to assist with the provision by a gas producing, extracting or transporting undertaking, of a bulk supply of gas to a gas distributing undertaking including a scheme to enable that gas to be provided;

because its practical effect is to deprive the Government of the power, through the Energy Authority, of ensuring a supply of natural gas to certain country areas of New South Wales.

Amendment No. 7—agrees to the amendment:

(3) A proclamation made under this section shall take effect from the making thereof or from a later date specified therein and shall unless sooner revoked continue in force for a period not exceeding 30 days from the date of its being made.

(4) A proclamation made under this section may be revoked by a later proclamation.

but proposes to amend it by inserting in subclause (4) after the words "may be" the words "amended, varied or" so as to enable the scope of an emergency Proclamation to be subsequently limited or varied in relation to the energy or energy resources covered by it.

Agrees to the other amendments made by the Legislative Council in the bill.

And the Assembly requests the concurrence of the Legislative Council in its disagreement from and amendment upon the Council's amendments in the bill.

GAMING AND BETTING (AMENDMENT) BILL

Introduction

Mr MULOCK (Penrith), Minister of Justice and Minister for Services [5.35]:
I move:

That leave be given to bring in a bill to amend the Gaming and Betting Act, 1912, in relation to certain persons between the ages of 18 and 21 years in clubs registered under Division 4 of Part IIIA of that Act.

This measure follows on and is ancillary to the Liquor (Amendment) Bill that was introduced earlier this afternoon. This is a necessary amendment that follows from the principles enunciated when I introduced that bill. As there are some clubs that are licensed to operate poker machines under the Gaming and Betting Act but are not registered under the Liquor Act, it is considered that the Gaming and Betting Act should be amended so that it will accord with the Liquor Act in relation to the status of persons between the ages of 18 and 21 years. I commend the motion to the House.

Mr MADDISON (Ku-ring-gai) [5.36]: If the bill is as simple as was outlined by the Minister, the Opposition will not be disagreeing with it.

Motion agreed to.

Bill presented and read a first time.

STAMP DUTIES (AMENDMENT) BILL

Introduction

Mr F. J. WALKER (Georges River), Attorney-General, on behalf of Mr Renshaw [5.37]: I move:

That leave be given to bring in a bill to amend the Stamp Duties Act, 1920, with respect to death duties.

In accordance with the proposals announced by the Treasurer in his budget speech, the bill provides for the total exemption from death duty of all property left to the surviving spouse of a deceased person. This includes property passing under the laws of intestacy. Where an estate includes notional property, such as gifts to a spouse within three years of death, the same concessions will apply. This means that in respect of every estate duty will be assessed only in respect of property that passes to persons other than the spouse of the deceased. The exemption is to apply from the date of the Governor's assent, in accordance with the longstanding practice adopted in this State by successive governments. At the same time the bill provides for extensive amendments to close a number of serious loopholes in the principal Act. The objective is to ensure equity in the application of death duty.

The amendments in this area are essentially directed to the company devices which are known to be in widespread use. Comprehensive provisions have been found to be necessary. These include the redrafting of the existing definition of disposition of property and wide-ranging definitions of controlled **company**, associate and associated operations. There are many ancillary definitions. The aim is to remove the veil **from** controlled company operations and apply the existing provisions as though **an** individual, and not the company, was involved. This, of course, is the practical, if not the legal, situation.

The bill has regard to provisions in taxing laws of the **Commonwealth** and some other States, and to the deficiencies in these which have been exploited by lawyers, accountants and **others**. In addition to these amendments, the bill contains provisions to overcome the lack of specific power to trace property which has been substituted, and so on, for other property the subject of a gift. At the same time the opportunity is being taken to modify the operation of section 102 (2) (d) in relation to bona fide possession and enjoyment of certain gifted property. As I have said, the bill is a comprehensive one and I shall explain its operations in detail at the **second**-reading stage. **All** I wish to add now is that the measure was foreshadowed in the Government's policy speech and **the** bill is an integral **part** of the Budget. I commend the motion to the House.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [5.40]: The **Opposition welcomes** the provisions **contained** in the bill relating to **the** abolition of death duties on estates passing between spouses. **Certainly**, there has been no disagreement between the Government **party** and the **Opposition** parties in **respect** of **this** matter, for they **all** made it clear at **the** last elections that they were in favour of **this** long-overdue exemption in the field of death duties. I **was** interested to hear the Attorney-General say that, in accordance with the longstanding custom with death duty legislation in 'this State, it would be possible to grant the exemption **only** as from the date **of** assent to the bill. That may well **be** the case, but it does not seem to me that that argument, in itself, **justifies** any delay in bringing about **this** exemption. Indeed, in other **States** where this exemption has applied it has been ante-dated. Had **the** Government any real **heart** in **this** proposal, **it would** have been able to **fix** a date **earlier than the date of** assent.

From what the Attorney-General has said, it seems that the other matter of some complexity is the closing of loopholes in the death duty field. Certainly it is true that every time death duty laws are changed, lawyers, accountants and others have been able to find schemes to avoid the incidence of the duty; this would **not** be peculiar to this State, for it has happened in every other place that has revenue laws. This applies not only in the field of death duties but also in the fields of federal estate duty and even income tax. What seems to me to be rather strange is that a great deal of effort and time has obviously been spent in trying to close these loopholes. I say that deliberately because once these loopholes are closed I am sure others will appear. The Queensland Government has moved for the entire abolition of death duties.

Mr Ryan: They have not brought it down yet.

Mr MADDISON: The Queensland Government has introduced the legislation to abolish death duties in all respects. We learn from reports **coming** from Queensland that this has **meant** a boost in real estate investment there; it has meant that people in other parts of Australia, particularly New South Wales, are looking to Queensland as a place where, early in the new year, there will be a complete abolition of death duties. It seems to me that once one State moves for the abolition of death duties, it is almost inevitable that the other States will be unable to resist a similar move.

If the proposals contained in the bill are as complex as in other death duties legislation, I query whether at this point in Australia's history, and with the move taking place in Queensland, it is an exercise that we should undertake. One should not reflect on schemes obviously designed to avoid the incidence of death duty, as if there is something snide or improper about many of **them**. They have been in vogue for many years. Some of **them**—probably **most** of the more important ones—have been contested in the courts and have been found to be **within the** law. They provide many substantial benefits to beneficiaries.

I shall find it **difficult** to cope with this measure if the second reading is forced **on** the Opposition within the next twenty-four hours. I remember that when I was on the other side of the House and the Attorney-General was on this side, he was somewhat horrified at the speed at which it appeared that legislation was introduced and then proceeded to the second-reading stage. On those occasions he **made** great protests. I have a horrible feeling that the bill is being introduced this afternoon and perhaps will proceed to the second-reading stage tomorrow. In so far **as** it is designed to **close loopholes**, it will affect quite a number of people in this State and it behoves the Government to give the Opposition a reasonable **time** in which to consider the complexities that will undoubtedly be found in the measure. The Attorney-General should see his way clear to give us until at least Tuesday to look at the measure over the weekend, to take some specialist advice from both lawyers and accountants, and to learn precisely the effects of its provisions and whether the bill is as effective as it purports to be. In respect of any aspect other **than** the abolition of death duties on estates passing between spouses, I cannot say that the Opposition will necessarily **support** the bill. However, it could well be that when we have had a chance to study the bill in detail we shall be able to indicate our attitude quite clearly.

Motion agreed to.

Bill presented and read a first time.

CHILDREN (EQUALITY OF STATUS) BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [5.47]: I move:

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

This legislation may be seen to be the culmination of the centuries-long struggle of the ex-nuptial child to gain the same rights and recognition under the law as the child born to married persons. In an historical sense, it is only recently that the iniquitous legal rules that effected a virtual social ostracism of the ex-nuptial began to be eroded. Even these hesitant beginnings—the Poor Laws of the time of Elizabeth I—were the fruits not of concern for the child, but of solicitude for the finances of the parish and of an uncharitable quest for punishment of the parents of the children who constituted an "evil example and encouragement of lewd life". That was the expressed aim of the Act of 1576, which imposed a duty of support on the parents of the ex-nuptial child. In similar vein was the 1609 statute, which imposed a mandatory prison sentence on the mother of a bastard child who became a charge of the parish funds. The severity of this law led to the murder of many children by their mothers, who were unable to support them and feared these sanctions.

It was only in 1723 that a duty of support was placed on the father, and only in 1844 that maintenance payments by the father were required to be made to the mother, rather than to the parish. The form of these precursors to the modern maintenance legislation reveals a most significant fact about the socio-legal position of the ex-nuptial child up until the last century. He truly was *filius nullius*, the son of nobody. He had no right to be supported by his mother or father, and they lacked any corresponding legal rights to his custody. He was, in fact, nameless, for he had no legal entitlement to the name of either parent; and only by custom was he known by and baptised under the name of his mother.

Unless his mother chose to care for him, he was simply cast on the mercy of the parish, and it may be fairly assumed that the financial burden he represented to the more fortunate and affluent served only to increase their distaste for him. This state of affairs was in large measure a legacy of the particular character of feudal institutions brought to England by the Normans. Under that social and economic system, the bastard child simply had no place. Rights and obligations in every sphere were dependent on a rigid scheme centering on blood relation, and that meant legitimate blood relation.

A key factor in the early continuance of discrimination against the ex-nuptial was the tenure system, by which all land was held from the king and in turn from one's lord in a hierarchical framework. If a person who held land died without blood relation, or if the blood became attainted, his property would pass back or escheat to the lord from whom he originally held it. The bastard, of course, had such attainted blood, and it was for this reason that in 1236 at the famed Council of Merton the barons, thirsting for increased temporal riches, refused to change the laws of England to enable children to be legitimated by the subsequent marriage of their parents. This refusal by the secular wealthy came in the face of the practice of the ecclesiastical courts to recognize such legitimation in mitigation of the harsh injustices suffered by these children, and was contrary to the desire of the church whose bishops initiated the move for reform. That defect took more than six centuries to remedy.

One can see, therefore, that the succession laws which this bill will at last overturn have survived, almost intact, for centuries the social institutions that were their *raison d'etre*. However, it is clearly not their anachronistic character alone which demands their removal, but the very values which underlie them and which must surely be offensive to a society that professes adherence to the principles of the equality and dignity of man. It is these principles that are the cornerstone of a humane and just society. Laws that punish the innocent for the accident of their birth can have no place in such a society.

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It has been said that there are no illegitimate children, only illegitimate parents; and there is an obvious and profound truth in that observation. It has been urged that our desire to see justice done for these children should not deaden our sensitivity to the need to preserve the sanctity of marriage. I could not agree more. I should deplore, as I know all honourable members should deplore, anything which imperils stable family life, which might be regarded as the basis of a healthy society. No one is more anxious than I am that competing values should always be aired and weighed in the passage of legislation and I know that in this respect more than usual public scrutiny has been given to the provisions of this bill. But what are the so-called competing values urged here? They are essentially the righting of injustice for children who have done no wrong and the preservation of the integrity of marriage, with a concomitant desire to protect children.

I cannot believe that any moral or sociological precept requires that so fundamental an institution as marriage must, to survive, exact its legal pound of flesh from innocent children who so often by the circumstances of their birth are already denied the good fortune of a stable home environment with two parents. Nor should the extent of the injustice be underestimated. Figures supplied by the Commonwealth bureau of statistics show that in New South Wales, as in all other Australian States, there has been a steady rise in ex-nuptial births seen as a percentage of total live births. In the period 1921 to 1925 the figure stood at 4.9 per cent, but in 1974, the most recent year for which information is available, 9.72 per cent of all births occurred out of marriage, and similar figures are recorded for the previous five-year period. Effectively, this means that a tenth of the people in this State are at present subjected to laws which discriminate against them for circumstances of their birth and deprive them of fundamental rights which all other children enjoy.

Honourable members may recall that last year a white paper was published by my department *outlining* the proposals for this legislation and inviting public comment. The publication of the paper is surely a mark of the sincere desire on the part of the Deputy Leader of the Opposition to ensure that the legislation which was finally produced did fulfil its promise and that it should be the most effective possible. The model for this bill is the New Zealand Status of Children Act of 1969 which has been adopted in substantially unaltered form in Victoria, Tasmania and Queensland. South Australia also has enacted legislation along similar lines. The proposals in the white paper, though adopting the scheme of the model legislation, sought to remedy deficiencies which were thought to exist in some areas, and the provisions of the bill derive from those proposals, subsequently modified or added to in the light of submissions received. The substance of the bill, however, bears unmistakably the mark of the enlightened concern of its initiator, and he will have found its provisions to conform to the proposals he set in motion.

A broad cross-section of interests were consulted and asked for views. Among them were Care and Help for Unmarried Mothers, Action for Children, the Council of Social Services, Women's Electoral Lobby, the Women's Advisory Board, the National Council of Women, the National Council for the Single Mother and Her Child, the Law Society, the Bar Association of New South Wales, the universities, the Public Trustee, and a number of State and Commonwealth departments. The views of agencies such as the Catholic Adoption Agency, Burnside Presbyterian Homes, Lifeline and the Church of England Counselling Service were also actively sought. Letters and submissions were received also from numerous individuals who had sought copies of the white paper as a result of press publicity, and a large number of these requests emanated from solicitors who had been circularized by the Law Society of New South Wales.

The overwhelming thrust of opinion has been to endorse enthusiastically the principles of the bill. There **can** be no doubt that the perpetuation of an inferior status for the ex-nuptial is no longer acceptable to our community. The pivotal concept **of the legislation** appears in clause 6, which requires that whenever the relationship of a child with his father and mother, or with either of them, falls to be determined **by** or under the law of New South Wales, that relationship shall be determined irrespective of whether the father and mother of the child are, or have ever been, married to each other, and that all other relationships of or to that child shall be determined accordingly. The provision is bold and uncompromising in its terms and in its implications for ascertaining the rights and duties which depend on the existence of the parent-child relationship.

For the purposes of statutory construction, the clause requires that words such **as** child and father be given their **natural** meaning, without the engrafting of the term legitimate. Of course, where a child has become the child of adoptive parents and assumed full rights in his adoptive family, the clause will have no application, and express savings provisions to that effect appear in clause 5 (2). Clause 5 (1) provides that the measure shall apply to every person whether or not he was born in New South Wales, whether he was born before or after the Act's commencement, and irrespective of whether he or his parents have ever been domiciled in New South Wales. Clause 4 defines and clarifies a number of terms appearing in the bill. It is, of course, in the area of succession that the law has been **most** unrelenting in its **denial** of rights to the ex-nuptial child. It is well known, for instance, that for the purpose of construing a will or for determining entitlement on an intestacy, the term children means legitimate children in the absence of any specific expression of intention or statutory provision to the contrary. Clause 7 and clause 9 are directed to ending these disabilities.

Thus the entitlement of any person to take real or personal property on the death of any intestate will, under clause 9, be determined irrespective of whether that person's parents, or the parents of any person through whom he claims, are or have ever been married. Clause 9 (3) preserves the effect of adoption orders made or continued in force under the Adoption of Children Act, 1965, and subclause (4) is directed to preserving the old rules in relation to intestacies occurring before the Act. In construing any will or other instrument which takes effect after the Act comes into force, relationships and the rights which depend on those relationships will similarly be determined in accordance with the principles of clause 6. Clause 7 (3) provides that the use of words which have traditionally excluded people not related through marriage, such as lawful, shall not be taken of itself as indicating an expression of intention by a person to exclude his ex-nuptial child.

Of course, the bill will not, nor is it intended to, prevent testators from being selective about their beneficiaries: that freedom is fully preserved in the measure. Savings provisions in respect of wills, deeds and the like which have already taken effect, and of special powers of appointment, appear in clause 8. I am very much alive to the need to ensure widespread publicity for the changes which are being made in this area, and I entirely agree with the observation made by the Deputy Leader of the Opposition on this point. He will be aware that more than usual efforts have already been made to this end in the form of news media publicity and the departmental paper to which I have referred. Indeed, they were made under his auspices, and I intend to ensure that there will be no slackening in this regard before the legislation is proclaimed to commence.

Earlier I foreshadowed that a period of six months will be allowed between assent and commencement, **and** in providing for this I know that I **am** adhering to the wise course which my predecessor desired to be followed. **As** a corollary of equal

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rights for the ex-nuptial in relation to wills and intestacies, the bill will also enable application to be made by ex-nuptial children under the Testator's Family Maintenance and Guardianship of Infants Act, 1916. Clearly, this bill will continue to provide safeguards against injustice where a moral claim on a deceased person's estate is not reflected in the provisions which have been made for dependants, whether by will or by the application of the rules of intestate succession. For the purposes of recognizing and giving effect to these rights, or indeed any other rights which depend on the existence of the parent-child relationship, this bill is designed to leave open the period during which that relationship can be established. This is in contradistinction to the corresponding legislation in other jurisdictions, which requires that the relationship to found, for example, a right to succeed to property, must be established during the lifetime of the father of the child.

[Mr Speaker left the chair at 6.3 p.m. The House resumed at 7.30 p.m.]

Mr F. J. WALKER: The approach is, however, entirely consistent with the draft principles on equality and non-discrimination in respect of persons born out of wedlock, which were recently adopted by the United Nations Sub-Committee on Discrimination. A limitation period is generative of patent injustices as it can have the anomalous effect of precluding applications under testator's family maintenance legislation and succession to property by posthumous children. It is a discriminatory restriction, in that legitimate children are under no similar disability.

Earlier versions of this legislation have countenanced a further watering down of the rights purportedly conferred on the ex-nuptial by absolving persons involved in the administration of estates from any obligation to inquire as to the existence of a person who could claim an interest in property by reason of the Act's provisions. Yet, it is likely that in many cases the existence of an ex-nuptial child may be ascertainable only by reason of the Act's provisions, for instance, the provisions for voluntary acknowledgement of paternity and for declarations, of which I shall have more to say in a moment.

This is so in all States that have enacted status of children legislation, but the point is particularly compelling under the New South Wales bill which endeavours to establish comprehensive procedures for registration of acknowledgments and court orders which are the primary formal evidence of parent-child relationships. Because the bill has provision for mandatory registration of these documents, it makes sense for this central source of information to be utilized to enable ex-nuptial children to exercise their rights. Trustees, executors and administrators will, therefore, be under a duty to obtain a certificate under a new section 48A of the Registration of Births, Deaths and Marriages Act, 1973.

Clause 48A, which appears in schedule 1 provides that such a certificate will indicate whether a deceased person is recorded as the parent of any child and will further indicate the name and other relevant particulars of that child. Amendments to the Trustee Act, 1925, and the Wills, Probate and Administration Act, 1898. will discharge the trustee, executor or administrator from any further duty of inquiry, and necessarily absolve him from any claims which could not be ascertained in this way.

Two things will be apparent about this procedure. First, although the obligation to obtain a section 48A certificate is a novel one, it will apply across the board, and will therefore ensure that all children of the deceased whether born in or outside of marriage are identified, provided, of course, there has been registration for the child. Second, the duty will be an entirely practicable one in that the search will be confined

to those child beneficiaries who can be identified through New South Wales registration. In effect, this will mean that it will be possible to identify children whose birth has been registered in New South Wales and for whom paternity or maternity details have been recorded in the various ways provided in the bill, and also children born outside the State in respect of whom details have, on application, been entered in the newly created register of parentage information.

The practicalities of the registration system established by the bill have been extensively studied by senior officers of the principal registrar, as well as by the Public Trustee and the Law Society. Honourable members will appreciate that the most formidable task confronting the ex-nuptial child is very often to establish who his father actually is. Yet, the practical value of enabling him to succeed to property, for example, depends on whether he can in fact point to the person from whom the law permits him to claim. Inevitably, there will be cases in which the biological father does not wish to acknowledge his ex-nuptial child, and in which evidence of paternity is inadequate to support a claim for maintenance or a declaration of paternity. Accepting the limitations on what legislation alone can achieve, this bill proceeds on the principle that every possible facility should be provided for recognizing, formalizing and establishing the existence of parent-child relationships, and that these facilities should be readily available to encourage their use.

Parts III and IV, which constitute a substantial proportion of the bill, are therefore devoted to achieving this objective. Clause 10 (1) codifies the common law presumption that a child born to a woman during her marriage or within ten months of the termination of the marriage is presumed to be the child of that marriage.

Clause 10 (3) is designed to enable a presumption of parenthood to arise where as a result of cohabitation, the relationship of a man and woman starts to look like a marriage. Whatever one's views of *de facto* relationships, there is obviously a strong case in favour of equipping children born of these unions with the same evidentiary tools available to legitimate children. A presumption is, after all, only a technical legal device which, in these cases, will facilitate the task of a child seeking to establish who is his father. Its value lies in the fact that it shifts the burden of proof to the husband or male cohabitee to show that he is not the child's father. It is only sensible that the alleged father should have that onus, since in the ordinary course of experience a child born during the currency of or within the normal gestation period from the end of a marriage, whether a *de jure* or a *de facto* marriage, is in fact the child of the man and woman concerned.

These presumptions can, of course, be rebutted by evidence to the contrary, and clause 18 (1) provides that proof on a balance of probabilities will be sufficient for this purpose. It will be noted that clause 18 (4) seeks to safeguard the interests of accused persons in criminal proceedings by precluding the prosecution from relying on a civil presumption arising under this legislation to prove the commission of any offence. This provision removes the existing obscurities on this issue which have emerged in the course of judicial decision.

The procedures in clause 11 for voluntary acknowledgement of paternity are a highly significant aspect of this legislation. Acknowledgment may be seen as a formal act of recognition of one's relationship with a child. Normally the acknowledgment will be completed by both parents of the child, the instrument being witnessed by a solicitor or an officer of the Department of Youth and Community Services.

Authority to witness acknowledgements will extend to district officers of the department in suburban and country areas, so that the service will be widely and

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inexpensively available. Registration of paternity information available from an acknowledgement will be mandatory, and clause 11 (2) imposes a statutory duty on the person witnessing to ensure transmission to the principal registrar's office within fourteen days of the acknowledgment's execution. The basis for the imposition of such a duty is essentially that registration, which will be the most efficient means of ascertaining the existence of an ex-nuptial beneficiary, should not be entrusted to the discretion or inertia of the child's parents. For instance, the fact that a father acknowledged his child twenty or thirty years before his death may well be of absolutely no value to the latter when seeking to assert his entitlement to share in his father's estate if there is no record of the acknowledgement.

With this in mind, the bill also enables interstate or overseas equivalents of acknowledgments to be registered in New South Wales, for instance where the child takes up residence in this State. The register of parentage information will record also paternity and maternity details of children born outside New South Wales, for whom there is evidence of a court order, such as a declaration of paternity made in another jurisdiction and establishing who is the child's parent. It will also be possible for fathers unilaterally to acknowledge their children. Again, the duty to transmit the acknowledgement to the principal registrar will obtain.

However, under clause 42A (5), the principal registrar is required on receipt of such an acknowledgement to serve or attempt to serve notice on the child's mother, unless of course he is satisfied that she is deceased. The notice will inform her of the acknowledgement and invite her to object to the recording of the paternity details on the basis that the acknowledger is not the father. Where no objection is received within sixty days of service of the notice, registration will be automatic. Where there is objection the principal registrar will notify the acknowledger who could institute proceedings for a declaration of paternity.

Recognizing the importance for the child's sake of having this question determined, subclause (8) of clause 42A stresses the power of the principal registrar to initiate such proceedings himself, on behalf of the child. Clauses 13 and 15 empower the Supreme Court to make declarations of paternity or maternity respectively. Declarations will be conclusive of the question of who is the child's parent. A declaration, once made, will bring the provisions for registration into play, subclause (5) requiring the registrar of the court to transmit a copy of the order to the principal registrar, who in turn will be under a duty to deal with it in accordance with clause 42A or 42B of the Registration of Births, Deaths and Marriages Act.

Standing to seek declarations will extend to the child, either of his parents, any person alleging that he or she is the child's parent, as well as the principal registrar, a prescribed person, and any person having a proper interest in the result. It will be possible for an independent body such as the Public Trustee to bring proceedings on behalf of the child even where the parent or person having custody opposes such a course, provided that the application is in the child's best interests. This is designed to overcome some of the problems so often inherent in family situations where parents unjustifiably identify their interests with those of their children. This problem can be intensified when one custodial parent is hostile to the other.

Where an application is made for declaration or its annulment, the court may allow any other person whose interests would be affected by the making of the order to be given an opportunity to be present or represented. Any person who would have been able to apply for a declaration may also apply for its annulment, but annulment will be possible only where it can be shown that new facts and circumstances have arisen which could not by the exercise of reasonable diligence have previously been disclosed to the court. Subclause (8) empowers the court to make such ancillary orders

as may be just and equitable so as to restore persons as far as possible to the position they would have been in had the original order not been made. Acknowledgements may also be annulled in the same manner, and subject to the same safeguards as are provided for the annulment of declarations. Proceedings for declarations and annulment are required by clause 16 (1) to be in closed court. Subclause (2) provides a penalty of \$1,000 for the publication of the name or any identifying particulars of a person by or in relation to whom such proceedings are taken.

Maintenance and custody orders, whether made by a New South Wales court, or a court in another State, territory or country, will also have *prima facie* evidentiary value, and clauses 12 and 14 are relevant here. It will be seen that the clerk of the court is required by these clauses to ensure registration of New South Wales orders, and that amendment of registration consequent on the cancellation of a maintenance order is provided for also. In conformity with the principle that the court should have available to it the most reliable means of proof in determining issues of such fundamental significance as the paternity of a child, part IV empowers the court to direct a party to proceedings in which that question is being litigated to undertake genetic testing. There is no such power available to a court at common law in relation to adults, although there is no doubt that such a direction may already be given in respect of an infant, the court then exercising its jurisdiction as *parens patriae*.

In 1972, Lord Reid speaking in the House of Lords' decision in *S. v. McC; W v. W*, observed that a court should permit a blood test of a young child to be taken unless it has been persuaded that such testing would be against the child's interests. Moreover, their lordships concurred in the view that it is in the child's long-term interests that the truth be ascertained in this vital matter, and that where an issue must be decided the court will normally require the best evidence to be available to enable that issue to be decided correctly. In Lord Reid's words, "to prevent a blood test is to suppress the evidence which it would yield"—in many cases, vital evidence. One might justifiably add that the power to direct testing is unequivocally in the interests of the alleged father who may dispute his paternity of a particular child.

It is surely desirable that a relationship on which rights and duties such as inheritance and maintenance depend should not be determinable merely according to the vagaries of doubtful corroboration, or solely by the operation of legal presumptions. These evidentiary devices are certainly useful but, where there is dispute, they are simply not enough, and there is no excuse for our continued reliance on them to the exclusion of well-developed, scientific forms of proof. That genetic testing has now reached a high degree of accuracy and sophistication can hardly admit of doubt. In 1968, a rigorous study of genetic testing techniques and of their utility for legal purposes was undertaken by the Law Commission in the United Kingdom. The commission's recommendations, published in their report, *Blood Tests and the Proof of Paternity in Civil Proceedings*, were reproduced in the Family Law Reform Act, 1969. For those honourable members who might wish to pursue in detail the technicalities of this subject, that report provides a most useful analysis of the scientific and legal issues involved.

As honourable members will be aware, blood testing of the mother, child and alleged father can provide conclusive evidence that the man could not, according to the laws of heredity, be the father of that child. The importance of this negative or exclusionary form of proof for a man against whom, for instance, a maintenance order is being sought is self-evident. Of course, it is in affiliation proceedings that the issue of paternity is most frequently litigated. Yet, at present, the court is compelled by section 32 of the Maintenance Act, 1964, to rely on suspect evidence in the form of corroboration.

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Though the requirement of corroboration in these proceedings is an acknowledgment of the fact that allegations of paternity are easy to make but **difficult** for the male to disprove, and for that **reason** constitutes an exception to the normal rules of evidence that the testimony of a single witness without more is acceptable, in practice the need for **corroboration** benefits no one. The barest snippet of evidence may be sufficient to implicate the alleged father in a material particular, for instance the fact that he had been on affectionate terms with the mother where there is **no** positive evidence that she associated with other men at the material time. Where a man is determined on unreliable evidence to be a child's father but is convinced himself that he is not, that result is not only unjust to him but is clearly a disservice to the **child** toward whom, not unnaturally, the man is likely to feel resentment and a disinclination to perform the legal duty so lightly cast **upon** him.

Time and again, courts have expressed regret at their lack of power to direct testing in situations where an exclusionary result was crucial to a determination of the **truth**. For instance, where it is agreed by the various parties, that the mother had sexual relations with two, but only two, named men during the period of possible conception, an exclusion result in respect of one of these men could safely lead to a satisfactory decision as to the child's paternity. Moreover, as the Law Commission points out in its report, there are cases in which **inclusionary** results can be obtained, with **varying** degrees of probability. The probative value of such a result will depend primarily on the incidence of the blood group factor of the child and parents in the general population.

Where there is a highly uncommon blood factor present, the incidence of possible fathers may be as low as one in fifty million. Though an indicator of this order may not constitute proof in a medical sense—that is, does not provide absolute certainty—in legal terms where decisions are made on the basis of probabilities it can have cogent force indeed. Moreover, the presence of particular genetic factors in a child's blood can be almost conclusive proof that his parent comes from a particular ethnic group, and so work to substantiate other evidence of paternity.

In the departmental paper, it was proposed that provisions be made for genetic testing substantially along the lines of the United Kingdom Family Law Reform Act, 1969. That legislation places considerable emphasis on the adoption of a non-coercive approach to testing, enabling a party who has been directed to submit to a test to object and allowing the court to draw such inferences as may be reasonable from a party's failure to comply with testing. The United Kingdom provisions are more flexible than those of any other comparable jurisdiction, avoiding the possibility of sanctions such as committal for contempt which seems open in the Tasmanian Act or the **Draconian** solution adopted in the New Zealand Domestic Proceedings Act, 1968, of treating a man's refusal to be tested as automatically corroborating the mother's evidence. The submissions received in response to the proposal in the departmental paper were most **favourable**.

It will be seen from the specific provisions of this part that clause 19 empowers a court hearing any civil proceedings in which paternity or maternity of a **child** is in issue to **give** a direction for blood testing. Thus, the power will extend to declaratory proceedings as well as custody and maintenance hearings. Subclause (3) reserves to the court a power to revoke or vary such a direction at any time. I stress again that such a direction involves no compulsion in the sense that a refusal to comply with a direction will not be met with any formal sanction. **As** a matter of common sense, however, **the** refusal will be given whatever evidentiary weight it **can** justifiably bear.

Thus, clause 21 enables the court hearing the proceedings to draw such inferences as may appear warranted in the circumstances, so that each case may be dealt with according to its own facts. To take account of instances in which a refusal is made simply as a tactical manoeuvre, however, the court will also be entitled to treat the refusal as corroborative evidence or as rebutting any presumption of law arising under clause 10 (1). Clause 21 (1) is directed specifically to a refusal by the party who has initiated the proceedings to submit to testing. In those circumstances, the court may dismiss the claim for relief, but may do so only if satisfied that such a course would not be detrimental to the child's interests.

In deciding whether to give a direction for testing in the first place, the court is required by subclause (9) to consider and determine any religious, medical or other objection made by a party to such a direction. Particularly stringent safeguards are established under clause 19 in relation to a direction that a child be tested. Thus, subclause (4) enables the court to appoint a fit and proper person to act as guardian *ad litem* of the child, or to appoint legal representation for the child in this particular respect. For the purpose of determining the particular issue of paternity, the court is empowered under subclause (10) to give a direction for blood testing in respect of any other person, not otherwise a party to the proceedings, who is alleged by a party to be the parent of the child. That can be given only where the other person has been joined as a party. Thus, anyone who is required to be tested will have the benefit of the general protections afforded to parties by the legislation, including the right to cross-examine the person who undertakes the tests and reports to the court on their result.

The bill requires that blood samples shall be taken only by a medical practitioner or registered nurse. It is intended, moreover, that regulations made under clause 24 will prescribe those persons who may carry out the actual testing, the manner in which samples are to be transmitted to the tester, the form of the tester's report, and a number of other procedural matters including identification requirements. The scheme of part IV is such as to ensure that the tester will be both appointed by and responsible to the court, so as to minimize the partisan conflicts that can occur in the receiving of expert testimony.

A most vexed question in this area is that of costs. It is obviously most important that in these actions any suggestion of winners and losers should be avoided. A man who has strenuously denied paternity of a child should not be penalized by an award of costs when his denial arose from genuine belief. The right that is being vindicated in these actions is fundamentally the right of the child to know who is his parent, although the rights of other persons will necessarily be affected by that determination. Ultimately, each case will need to be considered on its merits, and the court is therefore confided a general discretion in clause 20 (7) to award costs against a party by way of reimbursement. In other words, the general principle in part IV, as in the Family Law Act, 1975, is that each party should bear his or her own costs, those of the child being borne by the parent in whose care he is, but that a re-adjustment may be permitted in particular circumstances. Although, as I have already mentioned, no penal sanctions are to be provided for refusal to comply with a direction for testing, clause 22 stipulates a penalty of up to \$500 for offences under that clause in relation to impersonation or the proffering of a child for testing who is not the child named in the court's order.

Enactment of this legislation has necessitated a sizeable number of consequential amendments of other Acts, such as section 6 of the Workers' Compensation Act, 1926; section 30 of the Evidence Act, 1898; and section 2 (1) of the Public Instruction

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(Amendment) Act, 1916. These amendments appear in schedule 1 of the bill. Amendments to the Child Welfare Act of 1939, the Maintenance Act of 1964 and the Adoption of Children Act, 1965, are chiefly of an ancillary character. Subclause (7) has, however, been added to section 26 of the Adoption of Children Act, 1965, to overcome a problem that has been encountered in the administration of that legislation. The subclause provides that where the mother of an ex-nuptial child has consented to his adoption, her subsequent marriage to the child's father will not result in his consent to the adoption being required. At present, marriage by the biological parents can mean the child is removed from the care of his adoptive parents, months or even years after his placement with them. As the making of an adoption order in respect of the child will only be delayed—thus rendering removal a possibility—in cases where the child has some severe handicap, the desirability of the new provision is manifest.

I have already drawn attention to the amendments to the Registration of Births, Deaths and Marriages Act, 1973, which appear in the schedule. It will be seen that schedule 2 contains savings provisions in respect of the index of legitimations kept under that Act and of requests for registration of birth lodged but not disposed of before the commencement of the amendments.

Mr Speaker, I believe we may all today feel justifiably proud to be participating in the enactment of this legislation which, I know, is welcomed by honourable members on both sides of the House. To the utmost of the law's competence, this bill will at last clear away the scars that centuries of dark, unthinking selfishness have inflicted on these people, innocent of any wrongdoing. We in 1976 shall no longer be party to such injustice. I commend the bill to the House.

Mr CAMERON (Northcott) [7.55]: There has been a completely bipartisan approach to the bill before the House. As the Attorney-General intimated, it originated in the previous administration. He has paid tribute to the originating work of the present Deputy Leader of the Opposition when he was Attorney-General, and I have no hesitation in saying that the bill in many places bears the hallmarks of that great personal humaneness which we all associate with the Deputy Leader of the Opposition. I want to make it clear that at no stage in my comments upon this bill shall I be seeking any partisan advantage. I regard it as the kind of bill in respect of which it is proper to expect the whole House to take a non-political stance. Certain it is that there were many propositions made by the Attorney-General in the course of his address with which I find myself in complete and total harmony. When he spoke of those aspects of the existing law which derogate from the dignity of man, where that man is an illegitimate, I agree with him completely. I feel sure that we all respond in exactly the same, positive way. When he spoke of laws that punish innocents for the accidents of their birth we shall likewise agree with him. The House will find common cause in the proposition that, correctly viewed, there are only illegitimate parents and no illegitimate children.

It may be that at some stages the Attorney-General became a little rhetorical when he spoke of laws that take their pound of flesh from illegitimate children. Overall I feel that we all agree that this bill is a well-intentioned one that seeks to mitigate the hardships that fall upon ex-nuptial children. These children, as I remarked at the introductory stage, are the true innocents in the picture. The Attorney-General dwelt in some detail upon the many virtues of the bill. It is not necessary for me to re-state them. However, several aspects of the bill may not have been thought through with quite the thoroughness that this House is entitled to expect, and accordingly it is appropriate that I direct a little attention to them.

Part III, which is primarily devoted to the establishment of paternity, contains some features that certainly warrant closer attention. Clause 10 (1), stated in abbreviated form, provides that where a woman gives birth to a child either during her marriage, or within ten months after the termination of her marriage, the child shall, for all purposes, be presumed to be a child of the marriage. I find that in no way inconsistent with the spirit of the existing law.

As I think honourable members generally will know, this bill is an extension of earlier legislation of the same general pattern already introduced in New Zealand, Tasmania and Victoria. The good intentions of the legislators in those places led to some rather bizarre results. I am cognizant of the strenuous efforts that have been directed towards eliminating these self-same results from the bill now before us. It may be that those efforts have been successful. I am apprehensive, however, that the enthusiasms of those concerned may have produced a number of other results, equally bizarre and just as hard to live with.

Section 5 of the Victorian Status of Children Act, 1974, is comparable to clause 10 (1) of the bill and provides, in much simpler terms than the terms in the bill:

A child born to a woman during her marriage or within 10 months after the marriage has been dissolved by death or otherwise shall, in the absence of evidence to the contrary, be presumed to be the child of its mother and her husband, or former husband, as the case may be.

That wording lent itself to the production of a number of unforeseen consequences. The date of dissolution of a marriage by divorce is generally treated as being the date of the decree absolute. However, it is unusual—and I put it no higher than that—for a husband and wife to be living together or having intercourse after a decree nisi has been obtained. Accordingly, a child born in Victoria ten months after the decree absolute was likely to have been born, at the very least, thirteen months after intercourse last occurred between the parties to that divorce. The grounds for presuming that child to be the child of the former husband were, to say the least, unreal. The bill remedies that situation, by clause 10 (2) providing that "a marriage dissolved by a decree of dissolution . . . shall be deemed to have been dissolved on the making of the decree nisi."

However, in many more ways than the ordinary mortal easily foresees, the by-products of any frail, human tinkering at the institution of holy matrimony are diverse and far-reaching. The Victorians, for example, did not foresee that their 1974 wording would fail to cover the case of a child born or conceived during a marriage later held to be void. Such a marriage cannot, other than very inaptly, be described as being dissolved, for its very nature is that it never was. That defect is sought to be cured in this bill by the substitution for the word "dissolved" by the word "termination" and the inclusion in clause 10 (2) of the words "or a voidable marriage dissolved by a decree of nullity."

The Victorians found a difficult situation facing them where a wife remarried very quickly after her first husband died, or after she obtained a divorce. The difficulty could be very real where a child was born early in the second marriage, even after a pregnancy of normal duration. Of course, if the child were born prematurely, that difficulty would be intensified. The literal effect of section 5 of the Victorian Act was that the child was presumed to be the child of the former marriage. Obviously, this could in many cases, place the mother in the invidious position of having to show that her adultery during the course of her first marriage led to the conception of the child, in order to prove that the child was the child of her second husband, rather than her first.

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It has been argued that this seemingly strange result is consistent with the old position at common law, where a very inflexible stance was adopted, designed to ensure that, wherever possible in that pre-social welfare age, a **child** was deemed to be the legitimate issue of some marriage in order to have some guarantee of support. In the bill care has been taken to avoid that strange result also. Clause 10 (1) (b) excludes the operation of the **presumption** in any case where the woman **has** remarried since the termination of her earlier marriage and before the birth of the child. The Victorian section provides that the presumption shall operate "in the absence of evidence to the contrary." It is, therefore, expressly stated to be a rebuttable presumption of fact. The clause in the bill simply states that a child embraced by the clause "shall, for all purposes, be presumed to be a child of the marriage."

There are irrefutable presumptions of law, as well as **rebuttable** presumptions of fact. Where a statute such as this is not express, it will fall to a court of unknown disposition to determine how the words used are to be **interpreted**. Extremely important consequences, for others as well as the child in question, hinge upon that interpretation. The presumption is "for all purposes." It governs the number of shares into which the estate of a deceased parent who has made a disposition of it to "his children" must be divided. It affects, likewise, the number of shares into which assets must be divided upon an intestacy. It may extend the class of people with rights to initiate a Testator's Family Maintenance Act application and thereby secure a variation of the will of a deceased parent. It generates a large number of other legal by-products. In many particular cases it will have the effect of defeating the testamentary intention of a deceased person. Many people who have already made wills will die without revoking them and executing new wills to give effect to their continuing intentions.

I remind the House of a matter to which I have already briefly adverted. The original **common** law presumption of legitimacy was irrefutable. It was only later that it became allowable to rebut it by evidence showing that the husband and wife did not have intercourse at a time when "the husband could, according to the laws of nature, be the father of such child." It **would**, in my submission, be an extraordinary **situation** if there were today any movement back towards the **inflexibility** of the old common-law position. **Clause** 18 of the bill is relied upon to clarify any problems in this area. It provides, in subclause (1):

Where a presumption of law arises by virtue of any provision of this or any other Act or any rule of law that—

- (a) A child is or is not presumed to be a child of a **particular** marriage or of a particular man and a particular woman; or
- (b) a person is or is not presumed to be the father, or as the case may be, the mother of a child, that **presumption** is . . . rebuttable in any proceedings by proof on a balance of **probabilities**.

This, however, is subject to subclause (2), which excludes presumptions of law arising from any provision or rule, if that provision or rule provides for the presumption to be irrefutable or to be conclusive as to the **matters** to which the presumption relates. On that basis it seems reasonably safe to assume that the presumptions provided for in clause 10 are not so excluded, and are rebuttable. But if we **are** beginning to congratulate ourselves upon the hindsight wisdom which now enables us to avoid the pitfalls into which the Victorians stumbled, let us hesitate **until** we read and digest clause 10 (3) of the bill. This is, I believe, the subclause that will occasion more than enough stumbles of **our** own.

This evening the Attorney-General used an entirely new expression—a very old person in the sight of all humanity, a person he called the male cohabitee. He spoke of relationships that start to **look** like **marriage**. The **bill**, however, does not speak of any such **relationships**; it **speaks** simply of cohabitation for an undefined **period** of time.

When the scope of presumption had been extended to cover the case of a child born of a couple who had gone through a ceremony of marriage and cohabited, notwithstanding that they knew that their purported marriage was void, there was really no reason for holding back from embracing any child born to parents who had cohabited without marrying. But those who advocated this extension at least argued that the cohabitation must have persisted for some defined period, for example, twelve months. The Melbourne legal academic, Mrs Marcia Neave, in her article in the *Melbourne University Law Review*, vol. 10, No. 3, of 1976, commencing at page 330, argues in favour of what she called:

provision that where a man and woman have cohabited for a period of at least 12 months, a child born or conceived during the period of cohabitation or within 10 months of the cessation of cohabitation is a child of those parents.

Now, however, we are confronted in this bill by a provision which is not limited in terms of time at all. I suspect that the consequences capable of flowing from it are such as, if we could but foresee them, would boggle our imagination. Proposed subsection 10 (3) provides:

Where a woman gives birth to a child and, at any time during the period of 24 weeks commencing with the beginning of the forty-fourth week before the birth of the child, she cohabited with a man to whom she was not married, the child shall, for all purposes, be presumed to be the child of that woman and that man.

That is the kind of relationship to which the Attorney-General referred when he spoke of relationships that are beginning to look like marriage. However, in the eye of this legislation it could be a relationship that lasted for only a fortnight or perhaps a month. That is the subclause which I feel reasonably confident will attract an Opposition amendment. The scope for confusion will be immediately apparent. Assume we deal with a woman who is married to A but cohabits with B, resulting in the conception of a child. That child will, by virtue of subclause 10 (1) be presumed for all purposes to be the child of A. But by virtue of subclause 10 (3) it will be presumed for all purposes to be the child of B. Regrettably, because cohabitation is not in any way limited in terms of time, it is in today's permissive conditions thoroughly conceivable that a woman may, during the relevant period of six months commencing forty-four weeks prior to the birth of her child, cohabit with a number of men. We could have the farcical situation that her child could be presumed, for all purposes, to be the child not only of A and B, but of C and D as well. What is relied upon to sort out the chaos is subclause 18 (3). It provides:

Where—

(a) two or more presumptions to which subsection (1) applies are relevant in any proceedings; and

(b) those presumptions conflict with each other,

the presumption which appears to the court to be the more or most likely to be correct, having regard to all the circumstances relating to the birth of the child to whom the presumption relates, shall, if not rebutted in those proceedings, prevail.

I do not know whether other honourable members, like myself, are beginning to feel that all of this involves a somewhat machanicistic, chancy, haphazard and error-prone approach to that highest and noblest of all human responsibilities—the procreation, the nurturing and the rearing of children. When the Lord urged his people to procreate, I do not think He ever had in mind the kind of legal machinery deemed by this bill

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to be necessary to govern the results. It is clear that notwithstanding the provision of a presumption to govern this situation and another presumption to govern that situation, one still has to wait, in cases of **conflict**—and they will be legion, until the matter comes before a court to have the **conflict** resolved, and then **only** on the basis of which alternative is the more or mostly likely to be correct.

The designing mother of a child, if she is the true gold-digger type, may well be able to choose the richest of a number of alternatives and pin paternity upon the person best able to support her and her child, armed as she will be by the convenient presumption of **subclause 10 (3)**. All honourable members, as practising politicians, will be aware of the snares which can be laid for persons in prominent positions. Very often, no doubt, the victim fully deserves his snaring, but I imagine **there** have been many cases where the victim has been quite innocent though he has felt it politic to take the course of least resistance. Nowadays it has become fashionable to pursue such persons beyond the grave, and this bill will facilitate that being done.

Honourable members will recall the honourable and unstained **image** enjoyed by the late multi-millionaire President of the United States of America, John F. Kennedy, while ever he was alive. But, hardly had he been put to rest and deprived of any chance personally of defending himself before publicity-hunting ladies began to run to the news media alleging that they had been his mistress. Such ladies, whether their **claims** be true or false, would, should they produce a child of theirs without any certain father, find their prospects of personal enrichment **greatly** enhanced if they had available to them the kind of presumption contemplated by proposed section **10 (3)**. We are told by the Attorney-General that modern blood tests, the future availability of which are most elaborately provided for in the bill, are of constantly improving effectiveness. Though these tests have some potential for negating the possibility of a particular person having been the father of a particular child, they are generally quite unable to show affirmatively that he was. To use the words of the Attorney-General, paternity is exclusionary rather than **inclusionary**. **In** short, a lady **with** a talent for storytelling or for taking a little bit of truth and greatly magnifying it, and an appetite for a gamble, still has a very good prospect of breezing over any hurdles that may be set up for her in the way of blood tests.

We know from the dazzling, oft-repeated divorces of some film stars of Hollywood, that the briefest experience of matrimony for such people often attracts settlements of staggering **financial** proportions. This type **of** bill may well prepare the ground for similar patterns without the blessing of matrimony being **involved**, even for **an** hour or a day. For such a lady, providing she can get a court on a balance of probabilities to make the paternity ruling she wants **in** favour of a child of hers, has available to her a range of alternatives of great economic substance. If the person against whom such a ruling is made dies having left his estate to **his** children, that child will be entitled to a share of that estate. If he left his estate to the named children of his marriage or to other persons or to charities, that lady on her child's behalf will be able to initiate **a** Testators Family Maintenance Act application to have, **in effect**, the will altered in the child's interests. **If** the person dies intestate, the child will take a share on intestacy, along with the widow and with **the** children of the deceased's marriage. And, if the persons against whom the ruling is made remains alive, he will be liable to pay maintenance.

Clause **16** quite properly provides for most of the relevant forms of **court** proceeding to be held in closed court. These include, by virtue of proposed subsection **11 (4)**, an application to the Supreme Court for an order annulling a paternity acknowledgment made under clause **11**. They include also an application to the Supreme **Court** under clause **13** for a declaration of paternity, made at the instance of the mother, father,

principal registrar, a prescribed person, or a person having a proper interest in the result; an application for the annulment of such a declaration of paternity; and similar applications for, or for the annulment of, **declarations** of (maternity. Naturally, because maternity is by nature so much more certain than paternity, the latter applications do not normally have the same crucial importance as those dealing with paternity.

Clause 7, in particular, imports into the Act the term ex-nuptial. The question that will naturally be in the minds of honourable members is, how substantially can a mere change of words affect community attitudes where those attitudes are thought to be prejudicial? I am sure we all recall 'the eagerness with which people sought to overcome the prejudicial **connotations** that have been associated with the word immigrant and how, by succession, we have sought to change this to new words such as new settler, and then a further change to new Australian. I ask **honourable** members to ask themselves whether they think a mere change of words **of this** sort really achieves anything. What we have to deal with is the substance of **community** attitudes. The Attorney-General has indicated elsewhere that the word ex-nuptial is happily free of the pejorative trappings of the term illegitimate, which it replaces. But the Victorian Act avoided any such replacement, contenting itself by referring to an infant whose father was not married to its **mother** at the time of birth or at or after the time of its conception.

I personally intimate my view that that approach is preferable to the approach built into the importation of this new word ex-nuptial which, in my view, by degrees will acquire the pejorative trappings that the Attorney-General now thinks it lacks. I think it is time we had a look at the foundations, the essential spirit if you like, of the **bill**. The basic proposition contained in it is that if the relationship of a child with his father and mother, or either of them, falls to be determined by or under the law of New South Wales whether in proceedings before a court or otherwise, that relationship shall be determined irrespective of whether the father and mother of the child are or have ever been married to each other, and all other relationships of or to that child, whether of consanguinity or **affinity**, shall be determined accordingly. As I indicated at the introductory stage, in my view that means purely and simply, baldly stated, that for all of the relevant purposes which we are now considering marriage is irrelevant.

I indicated at that stage, again, that there is in my view no way in which full justice can be extended to the innocent child born outside marriage without, as the price for so extending that justice, causing some impairment of the marriage institution. I say that knowing how keen every member of this House is to see full justice extended to the innocent illegitimate child. The plain fact is that, for reasons that it is thoroughly beyond human **power** to explain, all of us carry crosses of some kind or another. Some are overt, open, easy to see and very easy to distinguish, such as a commanding physical disability, a great addiction that an individual may have to live with, or an ingrained perversion that may stain an otherwise attractive personality. In other cases, the cross may be disguised and hard to see. It may simply be the thrust of a person's personality, the **fact** that his is not a winning personality but an abrasive one that alienates him from people rather than **bringing** him to them. I believe it is beyond the wit of a man or any legislature to sweep away fully the very real and substantial disabilities that will continue to repose **upon** a child so unfortunate as to have been born illegitimate, regardless of what we do in regard to his property rights or other rights.

As was mentioned earlier, some people see this **sort of** legislation as an attempt to transcend the immortal passage in Exodus, chapter 20, about the visiting of the sins **of the father** upon the child unto the third and fourth generations. Again, I hold strongly to the view that that, likewise, lies outside the scope of human resources. **People** marry for a whole host of good and wonderful reasons unrelated to the

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legitimacy or otherwise of any children likely to be born to them. However, the plain fact is that we live in a **society** in which, one by one, the reasons for **marrying rather** than simply cohabitating are 'being eroded away. One effect of the **bill—a** secondary effect, perhaps, rather **than** a primary one—will be to sweep away another such reason. If in the future no adverse legal handicaps will rest upon children born out of wedlock, so much the less reason will there be for entering into wedlock by those who seek full physical communion with each other but hesitate to accept all of the responsibilities **that** accompany matrimony. It will be recognized by reasonable men that there are still many other men who, like Byron, **think** that "Though women are angels, wedlock's the devil". They love the companionship of women but they hold back from the responsibilities that accompany matrimony.

I can well understand that honourable members will say that with apprehensions that I, and people like me, about marriage being impaired by progressive **reforma-**tory legislation of this kind is alarmist and that there is **no** good foundation for our alarms. Marriage, they will probably say, is an institution that can withstand any strains that are put **upon** it. I believe that that is a form of complacency that could be extremely costly. Until recently we have been **similarly** complacent about another great institution, parliamentary democracy. **It** was **an** inbuilt part of our thought that because of its inherent superiority parliamentary democracy would ultimately inherit the earth. Yet today we see parliamentary democracy becoming a declining sliver **of** world government, being replaced by one-party systems either of the communist variant or of the military junta, Idi **Amin** type, variant.

Honourable members hear people say, in terms of some of the bland political propositions one might find on the platform of a great party, "These are just motherhood propositions". Those people mean that the propositions have no content. Nobody could disagree with motherhood; everyone is in favour of it. Why bother to state it? That kind of attitude overlooks the simple fact that already the kind of society in which we live is, in many respects, an anti-motherhood **society**, too frequently characterized by abortions of convenience, widespread contraception and ideas that it is sinful to have more than 2.5 children. Rather than upholding motherhood, all the other streams in society are running quite contrary to it.

Mr F. J. Walker: I am all for motherhood.

Mr CAMERON: I am glad to hear the Attorney-General say that, like myself and members of the Opposition, he is all for motherhood. The processes by which the humane mitigation of the disabilities flowing from illegitimacy have been relieved has been slow and gradual, as emerged from the preliminary remarks of the **Attorney-**General this evening. I have found particularly useful the short and concise summary of the situation set forth in the *Australian Law Journal*, volume 44, at page 5, in an article by Ronald Sackville and Annemaree Lanteri. The article is entitled, "The Disabilities of Illegitimate Children in Australia". Ronald Sackville and Annemaree Lanteri put it this way:

The premise from which the common law commenced, in formulating the rights and duties of the **illegitimate** child and his parents, was that the child was *filius nullius*. Thus, he had no rights of inheritance from either parent, a severe disability in medieval times when there were often substantial restrictions on alienation, and transmission by descent to the heir was the **rule**.³¹ In any document disposing of property, the term "children" was construed as referring to legitimate children only in the absence of compelling evidence pointing to a contrary **interpretation**.³² Until the *Poor Law Act* of 1576, neither the mother nor the father had any enforceable obligation to maintain their illegitimate child; as a corollary neither parent had a

right to custody of the child. When the 1576 Act finally imposed a duty on both the mother and father to support the child at the suit of the parish the abject was not to ensure a tolerable existence for the child but to relieve the parish from the burden of maintaining the child and also to punish the parents for their "evil example and encouragement of lewd life." It was not until 1844 that the mother was granted the right to take affiliation proceedings against the putative father in her own name. The one advantage the illegitimate child received from the common law's logic was that he could not be regarded as a villein; since he was *filius nullius* the unfree status of his parents could not affect him.³³

Of course the modern law no longer proceeds upon the assumption that the illegitimate child is *filius nullius*. The child now has rights of support and of inheritance from his parents and they in general have rights of custody over him.

The Attorney-General attributed the slowness of that long mitigating course to the attitude of the churches, the kings, the barons and the secular wealthy, though I was glad to hear that he was honest enough to point out that the bishops of the church were among the main initiators of reform. Sackville and Lanteri have made references to attitudes indicating the positive reasons that exist and have to be given some weight in the scales for the attitude of the old law. They have referred in particular to a report which, though I have sought it out, I have not been able to find. It is the Report on Illegitimacy of the Family Law Committee of the Society of Public Teachers of Law. Sackville and Lanteri, in summarizing the report, say:

The Report on Illegitimacy of the Family Law Committee of the Society of Public Teachers of Law seems to give some credence, surprisingly enough, to the idea that the law may be justified in discriminating against illegitimate children. However, the thrust of the Committee's argument is not that the discrimination will encourage moral behaviour as an end in itself but that the removal of discrimination might produce an increase in the rate of illegitimacy. Such an increase is said to conflict with the Committee's basic "article of faith", derived from the undoubtedly valid proposition that fatherless children often suffer serious disadvantages in personality development, that the law should encourage the birth of children within stable family units. Accordingly, the report seems to suggest that, if there were evidence that removal of laws discriminating against the illegitimate child would result in an increase in illegitimate births, those laws should be retained.

It is in that respect that I found the Attorney-General's reference to the escalating rate of illegitimacy somewhat surprising. As I interpreted him, his view is that purely and simply because there are today many more illegitimate children and because the ratio of ex-nuptials within the community is constantly increasing we ought to be increasing our activism on behalf of the illegitimate child. The possibility to which the members committee of the Society of Public Teachers of Law applied their minds seems to have escaped the attention of the Attorney-General—that it is exactly this modern, progressive, reformatory and permissive approach that may be generating the rise in illegitimacy. The fact is, as honourable members know, that ex-nuptial births as a percentage of the total births in New South Wales remained steady with a tendency towards decline, at between 4 per cent and 5 per cent in the decades up to the latter part of the fifties. Since then—a short span of time—it has doubled, rising by annually rising steps until 1972, when it reached its peak of 10.25 per cent. From that time it seems to have remained true that almost one child in every ten born today is an ex-nuptial.

Mr Cameron]

I believe that a number of recent trends have weakened the standing of marriage. I believe that the Commonwealth's Family Law Act has weakened the standing of marriage in that it has created a situation where egress from marriage has been made so easy that entry to it is being made without a proper sense of responsibility. In 1971 there were 13 000 dissolutions, annulments or judicial separations. By 1975, before the effect of the bill had really been fully felt, it had risen to 24 000. Today mothers are being encouraged by permissive community attitudes and social service support to keep their ex-nuptial children. Media attitudes are **glamourising** promiscuity and, as I intimated before, abortions of simple convenience have become a prevalent feature of our society. I believe that this bill, likewise, will indirectly add to an increase in illegitimacy. It is simply one weight to be weighed in the scales, but it is one element coupled with many others already running in the community, which will lead to an increase in illegitimacy. These are the contrary weighting which all need to be weighed and considered when we look at the obvious virtues and the shining attributes apparent in the bill and reflected, I am sure, in the attitudes of honourable members on both sides of the House.

When the Attorney-General spoke on the measure at ~~the~~ introductory stage he said that this is the kind of bill that makes **him** proud to be a member of Parliament. I understand the kind of motivation that led to that feeling within his **heart**. I hope he can understand some of the **reservations** that I and people like me have when we **look** at the whole picture. None the less, it is not the plan of the Opposition to do anything other than to support the bill. However, it is precisely the kind of bill that ought ~~to~~ lie upon the table of the House for a considerable time between its second **reading** and final passing into law, because there are innumerable **aspects** of it that merit deep thought by the whole community.

Debate adjourned on motion by Mr **Maddison**.

ENERGY AUTHORITY BILL

Message

Mr Speaker reported the receipt of the following message from the Legislative Council:

Mr Speaker—

The Legislative Council having had under consideration the Legislative Assembly's Message dated 16 November, 1976, concerning certain amendments made by the Council in the Energy Authority **Bill**—

Insists upon its amendment No. 5 disagreed to by the Assembly for the reason that the amendment will sufficiently clothe the proposed Energy Authority with power to enable it **to** undertake **its** activities without being able to compel a gas producing, **extracting** or transporting undertaking to enter upon an operation which could be, for practical or commercial reasons, impossible to conclude.

And the Council agrees to the Assembly's amendment upon Council's amendment No. 7 in the Bill.

*Legislative Council Chamber,
Sydney, 16 November, 1976.*

HARRY BUDD,
President.

In Committee

Consideration of Legislative Council's message.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [8.45]: I move:

That the Committee does not insist upon its disagreement from the Legislative Council's amendment No. 5.

This House is faced with **an** extraordinary situation. Earlier today the Committee virtually agreed to eight amendments that the Legislative Council had made to this legislation. The Government felt it was being most reasonable in regard 40 the attitude of the Legislative Council, **particularly** when it took out of the Energy Authority Bill the provision for the Energy Authority to make recommendations to the Government in connection with the compulsory acquisition of a gas undertaking. I stated quite clearly that as far as that provision was concerned the Government would have to introduce separate legislation for the purpose of compulsorily acquiring a gas undertaking.

The matter was sent to the Legislative Council. It has now been returned to us in its present form. The Government agrees with the motion—that is, that the Committee do not insist upon its disagreement from the Legislative Council's amendment—because it is quite **obvious** that people in another place will not accept the Government's point of view. The blame lies with members of the Opposition because they argued in exactly the same way in this Chamber. They are frustrating the Government's attempt to ensure that natural gas will be available to country towns.

The attitude of the Government was that it wanted to be backed up by legislation from this Parliament **in** its approach to the Australian Gas Light Company; it wanted the endorsement of Parliament so that its Minister for Mines and Minister for Energy would have the right to say that insistence on the building of the natural gas pipelines had in fact been endorsed by both Houses of Parliament. Because of the attitude taken by members of the Opposition this is not **possible**. Cannot members of the Opposition imagine that with the backing of both houses of Parliament the Minister would have been able to approach the Australian Gas Light Company from a position of strength? The rug has been pulled from under the Government by the attitude of the Opposition. Because of what the Opposition has done it is not possible to argue and negotiate with the Australian Gas Light Company. If natural gas is not available for country towns, the blame lies with the Opposition.

The Premier, when Leader of the Opposition, gave an undertaking on natural gas to the people of this State. He said that as soon as we came to Government we should immediately negotiate with the Australian Gas Light Company about its honouring its undertaking. Earlier today I listened with great interest to the Leader of the Opposition when he said: "Where is the money coming from?" Surely, the Leader of the Opposition is aware of the position. There was an agreement entered into between the Australian Gas Light Company and the Commonwealth Government, through the Pipelines Authority, that on a request from AGL the Commonwealth would provide the funds and would in fact construct the laterals. That is where the money was to come from—from an agreement that had been solemnly entered into between AGL and the Commonwealth Government through the Pipelines Authority. The Commonwealth Government was to find the money—not this State Government or the Australian Gas Light Company. The Commonwealth Government was to provide the funds with which the laterals were to be built. Subsequently it would have to be paid for in the form of a carriage fee; in other words, the transportation costs to the city gates, wherever they may have been, in those country towns that were mentioned.

On **advice** that I have received from the Crown Solicitor it is quite clear that it is not possible for the State Government to trigger off the building of the laterals by the Commonwealth Government and for those funds to be made available to it. In fact, as honourable members know, I wrote to Mr Anthony and received a reply from Mr **Nixon**, who was representing Mr Anthony during the latter's illness, to say that because AGL had not asked for the laterals to be built the Commonwealth would not commence construction of the laterals under the agreement. That agreement

Mr Hills]

was between AGL and the Commonwealth Government. Therefore, the State **Government** included **in** the bill a provision that the Energy Authority, **with** the approval **of** the Minister, could require AGL, in effect, to trigger **off** the agreement to prepare for construction of the laterals.

Members of the Opposition have denied the New South **Wales** Government a position of strength from which to negotiate with AGL. As honourable members **know**, there is no provision in the legislation—because the Legislative Council took it **out**—that the Energy Authority could formulate **proposals** for compulsory acquisition. Could the Opposition imagine just how the Australian Gas Light Company would **feel** if those two provisions had been left in the legislation? The Government would have been able to negotiate from a position of strength, **because** the Australian Gas Light Company would know that if it did **not**—

Mr Viney: Blackmail.

Mr HILLS: The Opposition wanted to blackmail AGL. Before the coalition Government issued the licence for the construction of the major pipeline it wanted the company to sign an agreement that it would build the laterals. What is the difference between that and what the Government is proposing? When the licence was issued to construct the **32** miles of pipeline to bring the natural gas into Sydney, the former Government failed to insist that the agreement be signed at that point of time. Despite the fact that the Commonwealth was building the major line right through to **Wilton**, the coalition Government let the country people down by its failure to insist at that time that the laterals be built. It is no good the honourable member for Young shaking his head and defending the **former** member for Wagga Wagga. He sold out the people of Wagga Wagga because he did not insist at the time the licence was issued that AGL sign that agreement. Obviously if it had not constructed those 32 miles of line, it could not bring the natural gas **into** Sydney. It is all right trying to blame Mr **Connor** or someone else. It was the members of the Opposition parties who let the people down. Let us be clear about it. They are again letting the people **down** tonight when their members in the Legislative Council took the teeth out of this legislation. That is just what has happened.

The Government lived up to the undertaking the Premier gave when he was **the** Leader of the Opposition—that a **Labor Government** would negotiate with the Australian Gas Light Company. I did exactly that. I interviewed the general manager, Mr Robinson, who spoke on behalf of the Australian Gas Light Company when he came to see me. He informed me that the Australian Gas Light Company would not build a line until it felt that a line was economically practicable. I asked him to confirm that in writing which he did. Subsequently I had discussions with members of the board of the Australian Gas Light Company. I must say that at least their attitude had somewhat softened, because at that time I told them that we intended to introduce this legislation which would demand the construction of the line. Why would their attitude not soften? I bet they are smiling all over their faces at the attitude of the Liberal and Country parties in regard to the present situation. I am willing to bet that they think to themselves that they certainly have some representatives in here. I refer to the honourable members who go round claiming to the country people that they want natural gas for the various country towns, but are voting against provisions that could ensure the construction of these lines.

I have said that it is with great reluctance that the Government accepts the attitude of the Legislative Council—not accept, but that we do not insist on our disagreement. We do not accept the situation, and we **do** not believe that that Chamber over there should repudiate a policy undertaking that was given by the Premier when

he was the Leader of the Opposition. It was a policy matter, which had been spoken about by the Leader of the Australian Labor Party in his country policy speech. That Chamber over there—this non-elected body of people in another place—has repudiated a policy undertaking given by the Premier. These were the means by which the Government intended to guarantee natural gas to the people of those country towns. For the first time in my memory, the upper House has repudiated a policy undertaking given by a leader of a party who after the election became the leader of the Government. I do not know whether honourable members opposite realize just what this means. It means that the Legislative Council, during the first few months of this Government, has repudiated a policy undertaking given by the Premier. I hope they fully understand what it means, because it will be one of the issues by which that place over there will bring itself undone.

This is a policy matter. That is why the bill was sent back to another place earlier in the day. We wanted to see whether the coalition majority there would have the common sense and decency to approach this matter in this light. When we were defeated in 1965, but had control of the Legislative Council, in that House we did not interfere on any policy matter. That has been the history—

[Interruption]

Mr HILLS: The Opposition might look at history, and look at the decisions made by John Peden and others. They might consider the attitude that the Legislative Council has taken about policy matters in the past. The Government accepts the fact that the other place does not propose to give the Government some strength from which to negotiate this matter. It is on the heads of the members of the Liberal and Country parties, and I hope that they can go back and give satisfactory explanations to their constituents. I am sure that, even if they spoke from now until doomsday, they will never be able to convince the constituents of Wagga Wagga, Bathurst and Orange that, although they gave undertakings to them, they intended to implement them. They have now been found out.

Mr FREUDENSTEIN (Young) [8.57]: When I spoke on these amendments this afternoon I indicated that there were obviously two reasons why the Government would not accept the amendments that came down from the upper House. I said that both of them were political. One was that members of the Government were going to pretend that this provision would put natural gas into country towns, such as Bathurst, Orange, Wagga Wagga, Lithgow and Cootamundra. The other reason why they would not insist on it was that the Premier and the Minister did not want *in* their own hands the power contained in part VI, which contains the emergency provisions. They are going to use the amendments to clause 13 as an excuse.

I am pleased that there has been this slight give-in, and the Government is willing to accept this clause. Obviously they want the powers that are in the emergency provisions part of the bill. I hope that they use them effectively when they get them.

Mr Quinn: How about giving gas to the bush?

Mr FREUDENSTEIN: I shall now return to the subject of giving gas to the bush, as the honourable member for Wentworthville terms it.

Mr Wran: And to Cowra.

Mr FREUDENSTEIN: That is how much the Premier knows about it, because Cowra does not want the stuff. I was there during the weekend and I know more about it than he does. The local body said, "With Labor in, we could not take it at any price." And that is the way they would get it—at any price. This afternoon I said that this is a bill to give gas to the country at any price.

Mr Sheahan: That is what we said.

Mr FREUDENSTEIN: The honourable member's constituents at Cootamundra can pay sky-high for natural gas, and could not use it. He will insist on the Australian Gas Light Company putting pipelines out to Cootamundra, and then get his constituents to pay for the gas at any price.

Mr Sheahan: We gave an undertaking on prices.

Mr FREUDENSTEIN: The bill before this Committee, contrary to the amendment insisted upon by the Legislative Council, provides that the Minister may require a gas company, a gas **undertaking** or a **transportation** company to put gas into any country **town**. Nothing in the **bill** gives the Government power to **fine**, send to the wall or do anything to make the Australian Gas Light Company put gas into country centres should it refuse so to do. This is a flimsy piece of **politicizing**. I say that loud and clear. The bill is fiddling with the situation: it is messing about and merely a political ploy. It is window-dressing. I never thought I should see in this Chamber a Minister of the prestige of the Minister for Industrial Relations, Minister for Mines and Minister for Energy endeavouring to put forward legislation which could not be backed up by a substantial fine or by some other sanction that would require something to happen.

Mr Hills: Why did not the former Government test it?

Mr FREUDENSTEIN: Why does not the Minister use section 25 (1) of the Pipelines Act? He had the power in his own hot little paw to insist upon this happening, but he did nothing about it. Instead, he brought forward this piece of socialist legislation which does not once mention the country towns to which natural gas is to go. The bill does not mention the particular company that is to put gas through to these areas. The measure requires any gas undertaking in this State to send itself broke and to act irresponsibly towards its own shareholders in order to carry out the whim of a socialist government. This is a political bill of no substance.

Mr Sheahan: All bills are political.

Mr FREUDENSTEIN: The honourable member for Burrinjuck sits in his own ivory tower supporting a socialist system, but never under this bill could his constituents in Cootamundra get natural gas. There is no power in the bill for that to happen. Clause 13 (2) (j) provided that though the Minister could require the Australian Gas Light Company or some other company to put gas through to a country centre, if the company refused to do so, it could not be fined a cent. It is absurd that that sort of provision should be included in legislation. This bill could well have been written by the Australian Gas Light Company itself. In fact, knowing the quality of members of **this** Government, I suspect it may be that they sought assistance from the company and that the company has drafted the measure and protected itself admirably. Perhaps the company referred to the requirements but did not include any penalties.

The most stupid proposition put forward by the Minister who has now accepted this amendment, reluctantly as he pretends, is that there is to be no cost. He said the Government would get the federal Government to build the pipeline and it would do so out of loan funds. I remind the Minister that someone must repay those loan funds. The **only** way for that to be done is from profit made on the gas through-put. Anyone who has studied the Australian Gas Light Company Act which passed through this Chamber in 1837 would know that profits of the company are protected. Not only will the company collect the profit from the through-put to Bathurst, Orange and other towns, but also it will pick up the bond interest rate on excess profits. This legislation is a great pretence and may well have been written by the Australian Gas Light Company.

Perhaps I should not accuse the company of drafting the bill, though it **wuld** have done so to protect itself from an alliance with this socialist Government in the same way as it was required to enter into an alliance with the Hon. R. F. X. **Connor** who signed an agreement taking away from the Australian Gas Light Company the responsibility for putting gas through the rural areas. The former federal Minister took away the right of this State to exert power over the company. This legislation is merely a pretence by a State **Labor** government which is of a socialist nature similar to that of the former **Whitlam** Government. The New South Wales Government is endeavouring to protect its former federal colleague, the Hon. R. F. X. **Connor**. This bill has been proven false. Gas can be taken to rural centres but not at the same cost as that paid by city consumers. It will be taken to the country only at cost to country consumers. The people of Bathurst, Orange, Wagga Wagga and other places will have to pay prices that they will not be able to afford. This is just window-dressing legislation of which the Minister should be thoroughly ashamed.

Mr WRAN (Bass Hill), Premier [9.9]: Tonight the Parliament of New South Wales is witnessing two things: first, a betrayal of the people of **the** country areas of New South Wales by the Opposition, **comprised** partly of members of the Country Party and, in respect of the member for Wagga Wagga, accidentally by a member of the Liberal Party. The second thing the Parliament is witnessing is the first real step by the Legislative Council to bring about its own demise.

Mr Punch: The Premier is propping up a Minister who cannot handle the situation.

[Interruption]

The CHAIRMAN: Order! The Premier has the call and he will be heard in reasonable silence. There are far too many interjections and I ask for the co-operation of all members of the Committee.

Mr WRAN: I am surprised at the indignation of the honourable member for Northcott when I mentioned the Legislative Council because he often refers to it as the sheltered workshop.

Mr Cameron: I have never referred to it as that.

Mr WRAN: On other occasions ha has been known to refer to it as the geriatric ward.

Mr Bruxner: Get back to the motion before the Chair. Stop pointing your finger.

Mr WRAN: I will point to you for a moment. You are the great defender of the country people of New South Wales and you, the honourable member for **Tenterfield**, sit there tonight and collaborate with your colleague, the honourable member for **Wagga Wagga**, in selling out the people of that city. You sit there and collaborate with your colleague, the member for **Orange** in selling out the people of **Orange**. You sell out the people of **Bathurst**, who want natural gas. Their local member is so uninterested that he does not even grace the Chamber with his presence. The Deputy Leader of the Country Party sells out the people of **Cootamundra** because they want natural gas. This so-called representative of country people sells out the people of **Lithgow** for the same reason. What has he done for them? He knows perfectly well the arrangement that he entered into with the Australian Gas Light Company, which would bind it by law to deliver gas to the metropolitan areas of **Sydney**, **Newcastle** and **Wollongong**. He knew when he entered into that agreement that there was no legal obligation upon the company to deliver gas to country New South Wales.

That was the situation, despite the warped thinking of the honourable member for Young who on the one hand refers to socialists and a socialist piece of legislation, and on the other says the bill was probably written by the Australian Gas Light Company. He was one of those who entered into the conspiracy with the Australian Gas Light Company. Let the world know what the conspiracy is. The honourable member for Tenterfield knows what the conspiracy is, because he, too, must have been a party to selling out the country people.

The conspiracy was that the Australian Gas Light Company was to get all the profits and all the fruits of selling the gas in metropolitan Sydney, and the great surplus that will be left over was to be shipped to the west coast of the United States, which is undergoing a great energy shortage. That is the plan that the former Minister had, with the connivance of all these gentlemen so pure of heart. The fact is they have sold out the country people of New South Wales and in the result put the Australian Gas Light Company in a position where it will make untold millions of dollars at the expense of the cities of Bathurst, Wagga Wagga, Orange, Lithgow, Cootamundra and Cowra. It is useless telling me to read the bill; the fact is that this was the arrangement that was entered into. The Australian Gas Light Company has this great surplus of gas which is destined to go overseas. Make no mistake about that.

That is the first **thing** that has happened in relation to this legislation, namely, **that** the members of the Country Party, particularly supported by the honourable member for Wagga Wagga, betrayed **the** people that they represent. The Minister when introducing this legislation made one thing perfectly clear—that the people of these important and significant **provincial** cities would pay no more than the people in the city of Sydney. In other words, there would have to be some rationalization of the price which would take into account the regulated dividend which by force of law is made subject to the Act that controls the Australian **Gas** Light Company. In other words, there was plenty of cream for the company to provide the people of country New South Wales with **gas**. Yet each of these gentlemen tonight in those important country centres has turned his back on the needs of country New South Wales. No one man stands more condemned than the honourable member for Tenterfield, the former **Minister** for Decentralisation, who talked so much about the subject yet when the opportunity comes to provide cheaper energy to the people of country New South Wales, sits there tonight eschewing the very notion that these people should share in this natural energy source which will be available to the people in Sydney.

Mr **Bruxner**: Don't spend too many more nights in Wagga Wagga.

[Interruption]

The CHAIRMAN: Order! I call the member for Cessnock to order for the **first** time.

Mr **Neilly**: Where is the idiot?

The CHAIRMAN: Order! I call the honourable member for Cessnock to order for the second time. I have indicated to the Committee that the Premier is entitled to be heard in reasonable silence. I intend to see that takes place. Any further interjection will be treated as grossly disorderly.

Mr **WRAN**: In relation to **the** export of natural gas, let it not be thought for one moment that there is a great **surplus** in New South Wales. The Hon. **J. D. Anthony**—**the** honourable member for Tenterfield's real leader—is an expert on energy. He is the gentleman who said that the Japanese have a real need for uranium and that if it is not exported the Japanese will come and take it. The National Party which federally wags the Commonwealth Government's tail, did not hesitate to join in the conspiracy

that the honourable member for Young perpetrated on the people of New South Wales, to provide the Australian Gas Light Company with the greatest export bonanza of all time.

. One critical point that was dwelt upon by the Minister was that the Legislative Council, as a matter of practice and convention—and we all know how important **conventions** are to members of the Liberal and Country parties in **Australia—notwith-**standing that the majority of members in the upper House are in opposition to the Government, has not rejected a matter that is government policy. There can be no doubt at all that the matter inherent in the clause that the Legislative Council rejected tonight was part and parcel of the Government's election policy.

Mr Schipp: Never.

Mr WRAN: The honourable member for Wagga Wagga, who, I am sure, came all the way from Wagga Wagga to Griffith to listen to the rural policy statement I delivered on 13th April, **1976**, says that to suit his own interests. He knows that the Legislative Council has breached practice and convention. Let me make it clear why the Government tonight is accepting what it finds to be a totally unacceptable and unpalatable situation. At the same time let me make it clear why these heroes of **the Opposition are so** vocal in their support of this breach of practice and convention by the Legislative Council. The reason is that inherent in **the** bill 'before the Committee tonight is a power of the Government to declare an emergency situation **so** that it can **fix** priorities for the appropriation of fuel supplies in this State. If the present petrol strike is not settled tomorrow there will **be** an emergency in New South Wales and the Opposition, in **the** Legislative Council and in this House, is using that potential emergency situation to bullock through an amendment which is against convention, against the interests of rural New South Wales and against the explicit policy that the Government was committed to when it was elected on 1st May. Lest there be any doubt about what was said, let me say that on 13th April, **1976**, the Australian Labor Party's rural policy statement was delivered in **Griffith** by me. In relation to natural gas I said:

Natural gas will play a big part in the promotion of decentralized industry.

I know that this is a matter dear to the heart of the honourable member for Tenterfield **who** in this Chamber has ratted on decentralization and the country people.

Mr Bruxner: That is a calculated lie and the Premier would not have made it—

Mr WRAN: The rural policy statement continued:

Victoria, city and country—

Mr Bruxner: Not a night out—

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

Mr WRAN: We know how the gentlemen from the country behave. We know their elegance and probity. Tonight the only weapons they have are the sounds of their own voices to drown out accusations, which **cannot** be denied, **that** they ratted on their **own** people in the country. I repeat what I **saïd** on that occasion:

Victoria, city and country, has natural gas. At the moment only the metropolitan area in New South Wales is assured of natural gas. The Australian Gas Light Company has not concluded arrangements to extend natural gas lateral pipelines to **Bathurst**—

The **honourable** member for Bathurst has shown so **much** interest in this debate that he has still not come into the Chamber. Perhaps he has more conscience than the Deputy Leader of the Country Party and the Leader of the Country Party. I continued:

The Australian Gas Light Company has not concluded arrangements to extend natural gas lateral pipelines to **Bathurst, Wagga, Orange**—

The honourable member for Wagga Wagga and the honourable member for Orange are here. The honourable member for Orange regards it as something of a joke that his people are not going to get natural gas. My statement continued:

. . . Lithgow, Cootamundra or Cowra. The Australian Gas Light Company with the connivance, indeed the encouragement of the State Government, has delayed to the point where country New South Wales will be deprived of this important source of energy unless urgent action is taken. Already some decentralized industries have suffered. In the middle of last **year**—

That was **1975**—

. . . the Government said that it would **allow** the Australian Gas Light Company to defer its obligation to build the laterals.. Then, when the Wagga **by-election** was **on**—

The honourable member for Wagga Wagga, then the Liberal candidate, was much more interested in natural gas than he is today.

. . . and natural gas was **an** issue of the election, the Government

—the Leader of the Country **Party**—

said the Australian Gas Light Company would be required to build the laterals. But since then, nothing has been done.

My statement went on:

In our coming to office on May 1 the Australian Gas Light Company will be required to give an unequivocal assurance that the laterals will be constructed without delay on reasonable and equitable terms. Should the Australian Gas Light Company continue to refuse to carry out its obligations and undertakings, we would have no alternative other than to act to protect the interests, not only of the people in the countryside, but of all the people of New South Wales. We would have to do what the Liberals in Victoria have done.

An authority similar to that established by the Liberal Government **in** Victoria would be set up to distribute natural gas in New South Wales. **It** would be especially charged to make gas available to country New South Wales.

There was the clearest and unequivocal policy of the Government that first it would ask the Australian Gas Light Company for an assurance that the laterals would be constructed; if the company refused, then the Government, through an authority to be established, would take the steps necessary to make natural gas available to country New South Wales. The statement continued:

We would be reluctant to interfere with existing arrangements. But we have to face up to the fact that the arrangements made by a Liberal Government in Victoria are working successfully in that State and the actions—or lack of (action—by the Liberal Government in New South Wales have so far

failed. Simply, the Liberals in New South Wales have failed to deliver the goods and so far the AGL has failed to deliver the gas. The AGL will be given every fair and reasonable opportunity to put its House in order—but **not** at the expense of the interests of the people of New South Wales. **In** country towns in New South Wales where the delivery of gas has been promised so often, patience is wearing thin.

In the light of that clear statement how can it be said that the Government did not have a clear mandate from the people to do exactly what clause 13 (2) (j) provides, which the Opposition has said should not be in the bill? It is notable that the honourable member for Wagga Wagga has now left the Chamber. He has shown so little interest in the needs of his constituents that he is not willing to listen to or take part in the debate. I repeat, this action by the Legislative Council is the first step in its demise. It is certainly the first step towards action that will be taken by the **Government**—presentation of a referendum to the people of New South Wales—to reform that Chamber and make it a popularly elected House. It seems that the honourable member for Lane Cove and the honourable member for Northcott, both of whom throw their heads back and laugh, are amused at the very idea that democracy should enter the Legislative Council—but enter it, it **will**.

This is the first occasion on which legislation **for** which the Government has an undoubted mandate, a clear policy, has been frustrated by the Legislative **Council**. Again **I** make it clear **that the** Government is accepting the rejection and the frustration only because New South Wales, as members of the Opposition well know, is facing a grave emergency, about which the honourable member for **Barwon** spoke last Thursday when he said that the wheat crop in the north-west of New South Wales is in peril because of the present lack of distillate. The wheat crop needs fuel, once it is **harvested**, to bring it to the silos and the ports. That crop means so much to the economy of New **South** Wales and Australia.

In other words, what these gentlemen are doing tonight is holding the concept of the function and practice of the Parliament of New South Wales to ransom and rejecting the measure that was put forward by the Minister. They know that if the Government does not accept that rejection the whole of the State may be in peril tomorrow because of the shortage of fuel. The Opposition has dangled before the Government the temptation to throw New South Wales into chaos as a result of the rejection by the Opposition of the clear mandate the people gave the Government on 1st May. The member for Wagga Wagga has come back again. It must have been that the member for Wagga Wagga went out to round up the member for Bathurst, who has shown little interest in this debate. The simple situation is that the Opposition is engaging in a cheap piece of political gimmickry.

[Interruption]

Mr WRAN: At a time when New South Wales has the highest level of unemployment on the mainland, when the level of unemployment has been induced by the budgetary strategies of the Fraser Government and Mr Lynch, and when any further impetus to unemployment may well be disastrous for the State, not only in the short term but in **J**so the long term, this bunch of hypocrites, by virtue of its **unelected** majority in the **upper** House, has rejected a provision designed to bring natural gas to the country people of this State.

I want to give this assurance, particularly to the honourable member for Bathurst, who hung on to his seat by a mere 700 votes. Ever since that happened he has never been **off** my doorstep trying to get assistance for Clyde Engineering in Bathurst. That

is a great decentralized industry put there in 1971 by the Liberal-Country party of New South Wales. It is an industry that was there while the member for **Tenterfield** was the Minister for Decentralisation. What did that coalition Government do for Clyde Engineering at Bathurst? Does anyone know of any contracts the Government gave that company? How much work did the Government put in the company's way? Not a single cent in five years; not one contract came from New South Wales to Clyde Engineering. Yet Queensland and Victoria saw the virtue of giving to that factory contracts for supplying engines for locomotives. The company is now absolutely on its knees because these people, who are supposed to represent rural New South Wales, again ratted on the people of Bathurst. I repeat: from the very day that the honourable member for Bathurst was returned, he has never been off my doorstep asking for some way to assist the people of Bathurst out of the hole that the Country Party left them **in**.

[Znterruption]

Mr WRAN: The member for **Pittwater** has his speeches written by Russell Prowse.

[Znterruption]

Mr WRAN: Indeed, there is as clear a track worn between the member's room and that of the assistant general manager of the Bank of New South Wales across the road as there is from Mr Mossop's house down to Reef Beach.

[Interruption]

Mr WRAN: Let us come back to cold realities. I should like to repeat the names of these important country centres. The Government has guaranteed the people, of Bathurst, Wagga Wagga, Orange, Lithgow, Cootamundra, **Cowra**——

Mr **McDonald**: Bass Hill.

Mr WRAN: The honourable member has never found his way to Bathurst. It takes him all his time to find his way into Kirribilli every day.

Mr **Bruxner**: You did not have any trouble finding your way to Kirribilli a few months ago.

[Interruption]

Mr WRAN: I appreciate the gentlemanly standards of the member for **Tenterfield** who for years has acted the role of the great pretender. This gentlemanly man, **born** of the silk and purple, put himself above those who would behave in an ungentlemanly fashion, but only the other day at **Copeton** Dam we heard the spleen pour out for about thirty-five minutes, while his poor constituents were sitting in the boiling sun listening to the poor old member for **Tenterfield** tell them that it was a great shame that it was in his electorate and what a terrible thing it was that ——

[Interruption]

Mr Singleton: On a point of order. We have had to put up with a lot of rot. We have been asked to keep quiet. I request that you ask the Premier to come back to the matters before the chair. I have heard from a number of constituents of the member for **Tenterfield** that ——

The CHAIRMAN: I ask the honourable member for Clarence to come immediately to his point of order.

Mr Singleton: I request that the Premier be asked to come back to the bill.

The CHAIRMAN: There is some substance in the point taken by the honourable member for Clarence but the Premier was distracted by some extremely disorderly interjections. I have already called the attention of the Committee to the standing orders and I have stated that the Premier will be heard in reasonable silence. Two warnings have already been given. Members may be sure they have now had a third warning and there will be no excuses if some members have to read about this debate in the papers tomorrow.

Mr WRAN: In conclusion, in respect of the honourable member for Tenterfield let me say that however else I got into this Chamber, I did not get here hanging onto my father's coattails. Whether I be here for one, ten or twenty years, no one will ever hear me descend to the level of the honourable member for Tenterfield and cast aspersions against a woman. He knows what I mean.

Mr Bruxner: You have three strikes against me, but the Chairman came in on his father's coattails and he has the third **trike**.

Mr WRAN: The honourable member is insulting the Chairman now.

Mr Bruxner: You are right down to 'the knuckle tonight.

Mr WRAN: It is **about** time, I **think**. I shall get back to the matter in question, now that there seems to be some levelling of the discontent on the Opposition benches. The three points that are clear are: first, the Government has a clear mandate in respect of the matter the Legislative Council **has rejected**. The second matter is that the Government gave an unequivocal assurance to the country people of New South Wales in the centres I have mentioned that they will receive natural gas at the same price that will be paid **at the city gate of metropolitan Sydney**. They have been deprived of that right by the rejection of the provision that has been **put forward** by the Minister for Mines and Minister for Energy. Finally, what stands out crystal clear is that the Opposition is endeavouring—indeed succeeding—to hold the Government to ransom because of the potential emergency situation in New South Wales created by the fuel shortage, which inevitably will occur unless the petrol strike in this State is settled tomorrow.

Though I naturally stand with the Minister for Mines and Minister for Energy on the view that he has taken on behalf of the Government, I reiterate that the behaviour of the Legislative Council is **reprehensible**, and the attitude of the members of the Opposition—particularly the honourable member for Wagga Wagga and members of the Country Party—when they force this measure on the Government, is totally contrary to the interests of the people they represent.

Mr WEBSTER (Pittwater) [9.44]: It makes me sick in the stomach to have to digest much of **the** material that has been uttered in this place tonight, but so far during the debate I have heard nothing about the wonderful technological advances, which have been debased by a group of political heathens in this Chamber tonight. I have in mind hydrogenation, the liquefaction of coal, solar energy and nuclear energy. Although all these facets of the energy industry should be **coming** under the terms of reference of the Energy Authority that is to be established, this measure has been debated as though it is a natural gas bill. Indeed, finally the **Premier** made it the petrol strike bill. I ask the people of the State hurriedly to make up their minds about what we are debating. The Premier, based on the statements he made tonight, has lost

credibility. He sent a telegram to the town clerk of Wagga Wagga on 6th April this year. I am reading from that telegram, which was from "Neville Wran, *Q.C.*, M.L.A., Leader of the Opposition", and it said:

Re your letter of 6/4/76 seeking my party's policy towards the supply of natural gas for Wagga Wagga, I wish to confirm that a future Labor Government will ensure that the construction of the laterals to Wagga Wagga will be undertaken in order to ensure that service is provided in 1977.

Despite this, the Minister for Mines and Minister for Energy told me during the second-reading stage that this was false, that it was impossible technically, and he could not give a date. He is continuing further to mislead the people. The honourable member for Bathurst and the honourable member for Wagga Wagga have done more in this House, undertaken more research, and have done more by way of effort and by seeking reasonable, intelligent, practical alternative than any member on the Government side has done. It was said that the New South Wales Government will build its own natural gas pipelines into country areas,

[Interruption]

Mr WEBSTER: The honourable member for Burrinjuck has every reason to be facetious and to trifle with the House on this matter. He has contributed nothing; he has no point of view; he is going to sit on the fence. But what the honourable member for Burrinjuck does not know is that, if he took the trouble to visit Young, he would see the two valves for the natural gas pipeline laterals, north and south, *in situ*, and ready to go. That was the contribution by the previous Government. Much has been made in the debates in this place and in another place this afternoon about where the money is coming from. That sort of discussion arose from the statement, "The New South Wales Government will build its own natural gas laterals."

Mr Healey: What with?

Mr WEBSTER: Exactly, what ~~with?~~ This is a legitimate and reasonable question to ask. Much has been made by the Premier about his mandate. He said, "This is a betrayal and repudiation of our policy." Apart from telling the people of Wagga Wagga that they would get natural gas by the impossible date of 1977, he also made it quite clear to them that, when he established an energy authority in New South Wales, it would be along the lines of the Gas and Fuel Corporation established in the State of Victoria. When we telephoned Mr Balfour, who was responsible for the legislation in Victoria, and told him what was in this bill, he was horrified. He said that this is no parallel of Victoria's legislation.

We are discussing an energy authority. Let us keep the subject on the plane where it belongs. This is not a debate confined to taking natural gas to Wagga Wagga, Bathurst and Lithgow. That can be looked at as a subsidiary subject. Natural gas is only one heading. Should we deal with this as the Premier wants to do when he calls it the petrol emergency bill? This also can be discussed quite separately. We should lump the whole lot together, and then discuss the provisions of clause 13 (2) (j) which says that the Energy Authority will formulate proposals, and so on—in other words, to get into the business. The Opposition cannot buy that argument, and the Government knows that we cannot. Indeed, the community does not want to buy it.

There are enough amendments in the bill now to make it a piece of nonsense. However, if the Minister had carefully considered what he was about in regard to the design of his programme in the first place, and had he brought in at least three pieces of legislation, we may have started to get to be in business. It is nonsense to tell the members of this Chamber that the existing petrol emergency will be in any way exacerbated by paragraph (j) of subclause (2) of clause 13 of the bill.

Mr Hills: Who said that?

Mr WEBSTER: The Premier said that we are holding the bill up. The honourable member knows that this could go through tonight, and he could have his emergency powers tonight. He knows that he can bring in an amendment to the bill tomorrow.

This legislation will eventually become law and should the Government have any quarrel with the argument which the Opposition puts up against clause 13 (2) (j) it may legislate to amend it. The Premier made much of the profit and loss factor by saying gas will go overseas. I wish the Premier would come with me to **choof** around Moomba and look at Redcliff. The South Australian Premier would be delighted to see him there. Unfortunately, the Minister will not go. If he were to visit Moomba he would see the raw material which he says is the property of the people of **New South Wales**. However, this gas emanates from South Australia, and South Australians, believing it to be their property, will jealously guard it and undoubtedly charge substantial royalties for it. If the Minister attempts to interfere with this supply surely that would be contrary to the provisions of section **92** of the Australian Constitution.

In today's issue of the *Australian Financial Review* is an article which says that every day in Nigeria **39** million cubic metres of natural gas are flared. This is the **same** sort of thing that happens in the **Redcliff** area. The Nigerians will soon bring together the economics of the total scene of presentation of energy to the world's people. Price will be governed by whether all or just some of the components of the raw material are used. Because of what happened under the **Whitlam** regime the **Redcliff** cracking plant or refinery is out of action. If the gas situation is related to the circumstances at an oil refinery, one could say that the petrol is kept and the by-products such as crude oil and fuel oil are thrown away.

Mr Healey: Australia could have its own independent supply of chlorine.

Mr WEBSTER: Yes, and propane, butane and methane, which are all **fired** every night at Moomba. I invite the Premier and the Minister to go to Moomba and **Redcliff** and look at this valuable and urgently needed energy source burning up in the night air. I notice the honourable member for Monaro is starting to listen. Obviously he is not familiar with these facts. I invite him to come with me to **Palm** Valley and see for himself, I shall show him the facts. I should be pleased to have more members informed of the real position. At Mortlake in Sydney probably the most advanced monitoring telemetry system in the world has been installed. It is a huge complex which monitors gas production at Moomba. Millions of dollars have been spent on this complex. I notice the Minister smiling——

Mr Hills: Does the member think that I have not been to Mortlake?

Mr WEBSTER: The Minister has not been to Moomba. At Mortlake the telemetry reporting equipment was installed to monitor every stage of gas production from the gate at Gidgealpa right back to Mortlake. However, political interference from the Hon. R. F. X. Connor resulted in a duplication of the same facility at Young, again at a cost of millions of dollars. I can see through the legislation put forward by the Minister. The whole pipeline is monitored from Mortlake and **half** of that monitoring is duplicated. I make this point to show that if the Opposition were to allow latitude in this sort of legislation there would be a repeat upon repeat, with Government policy being superimposed over everything.

Mr Sheahan: This is the big square-off.

Mr WEBSTER: It is not. It is a statement of the facts. It disturbs me to think that the honourable member for Burrinjuck with his inherent background could make a comment as trite as that. This Parliament is talking about an energy authority. The Opposition is quite willing to discuss natural gas going to places such as Bathurst, Lithgow, Orange and Wagga Wagga but only as a separate entity to legislation relating to an energy authority. The Opposition must reject clause 13 (2) (j).

Mr PUNCH (Gloucester), Leader of the Country Party [9.56]: I wish to make a few brief comments.

Mr F. J. Walker: You had better hurry up.

The CHAIRMAN: Order! The Leader of the Country Party would materially assist the Committee if he were to ignore interjections and direct his remarks to the Chair.

Mr PUNCH: Mr Chairman, I had hardly done anything but address the Chair when the Attorney-General told me I had better hurry up. I do not take that kindly from the Attorney-General or anyone else. I have every right to speak to a motion before the Chair. It ill-becomes anyone, especially the Leader of the Government in this Chamber, to tell anyone that they had better hurry up.

Mr F. J. Walker: I was giving a friendly warning.

Mr PUNCH: Then carry it through if you are game.

Mr F. J. Walker: Do not worry; I am game.

Mr PUNCH: Go on then; you have your chance. I wish to comment on the intrusion into this debate by the Premier and his most extraordinary remarks. On two occasions recently we have seen the Premier enter into debates in this House over the head of the Minister in charge of the bill under discussion. From time to time a Minister may take issue on a point in a bill in the charge of another Minister. However, it is most unusual for the Premier to enter a debate and utter strong expressions such as we heard tonight and on another occasion recently. On that previous occasion the Premier went berserk and referred to the quality, manufacture, distribution and everything else about bread in New South Wales. He made a most extraordinary speech. Tonight he made another extraordinary speech, this time relating to natural gas.

Obviously the Premier disagrees with the Minister in charge of this bill. It is quite obvious to anyone that there is a serious division of opinion on this measure between the Premier and the Minister for Industrial Relations, Minister for Mines and Minister for Energy. No doubt that is why the Premier used such strong words. This evening the Premier was seen virtually over-ruling the Minister in charge of the bill. With regard to the provision of gas to country areas the Premier covered probably every topic except the matter before the Committee. Though short, his speech was tedious and repetitious. One thing that members on the Opposition benches want to see in relation to this legislation is natural gas going to country centres of New South Wales. The Opposition wants to see proper provisions included in the emergency clauses so that the Government may stand up to unionists and ensure that the people of New South Wales are not unduly inconvenienced by a shortage of fuel.

My colleagues and I believe the Government is elected in this State to rule, as far as the laws are concerned, and to ensure that inconvenience to the public is kept to a minimum in instances such as this. That is why I believe we have to ensure that these emergency clauses are brought in so that the Government, if it wishes, can

implement them should the petrol strike continue. Already today we have heard the Minister for Industrial Relations, Minister for Mines and Minister for Energy say firmly that the bill must go through with this particular clause. We have seen the Premier a few hours later come in here and waffle on about decentralization, wheat harvesting, emergency powers and things related to Cootamundra, Orange and other places about which he is not very well informed. The Premier has diametrically opposed the views of his ministerial colleague this afternoon. I must make it quite clear that all members in the Opposition—to be more specific, all those representing the country areas of this State—want to see natural gas distributed to Orange, Bathurst, Wagga Wagga and other country centres. We do not believe, in spite of the member for Burrinjuck getting here tonight and saying it is not going—

Mr Sheahan: You stopped it. Your Government stopped the gas going to country centres.

Mr PUNCH: We did not. The honourable member for Burrinjuck knows who stopped it, his friend and close colleague, the Hon. R. F. X. Connor. Let us get one thing right: the Minister for Industrial Relations, Minister for Mines and Minister for Energy will agree that the Government has the power, if it wishes to use it, to provide gas to Bathurst, Wagga Wagga or any other centre.

Mr Sheahan: It cannot. Where is the power?

Mr PUNCH: Do you say it cannot provide gas to those centres?

Mr Hills: Under the present law?

Mr PUNCH: I did not say that. I said, can you provide gas to those centres?

Mr Einfeld: Not under your law.

Mr PUNCH: The Minister for Consumer Affairs and Minister for Co-operative Societies is good on other gas, but not too good on natural gas. He is only good on the stuff that flows from his mouth. This Government or any other government can enact legislation to ensure that gas goes to the people. What is the role of the Government if it is not to enact legislation to look after the people of the State? The Government can do it, but it does not want to—that is the trouble. As has already been stated by the honourable member for Young, let the Government bring down a bill for the provision of gas to these areas and that would cover the position. Any government can enact legislation if it wants to provide gas to these areas.

Mr Sheahan: Is that an undertaking?

Mr PUNCH: I am not giving any undertaking. I am saying the Government, either under existing legislation or under any legislation it may enact, can provide gas to these centres. There was an undertaking given by the previous Government to provide gas to these centres and if Government supporters accept the responsibility of government, they should be able to provide that gas to those centres. It is no use the Minister rolling his head about in simulated disagreement. Let us accept that we have seen tonight an apology by the Premier for the backdown of his Government. We have seen his over-ruling one of his Ministers.

Mr Hills: How?

Mr PUNCH: Perhaps tomorrow morning the honourable member might read *Hansard* and see what the Premier said this afternoon, the substantial difference between what the Premier said and what the Minister said.

Mr Sheahan: You don't know what you are saying.

Mr PUNCH: Yes I do. I am desirous of seeing, as are **all** country members, gas provided to these centres. I still say it is the role of the Government to see gas provided to all the country areas of this State, the industries and the people there. The Government has had plenty of opportunity to honour its undertaking. Indeed, I believe it should honour its undertaking to provide gas to those centres. Let it overcome the divisions between Ministers in this Cabinet, which have been so prevalent in the past few days particularly, and honour the undertaking that it gave.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [10.5]: What absolute nonsense has been talked simply because the Premier comes into this Chamber to support the Energy Authority Bill and indicates quite clearly, when speaking on behalf of the Government, that it was a question of policy that had been rejected by the Legislative Council, supporting what I had already said. What nonsense it is to say that the Premier does not have the right to make such an important statement of policy and say this is the first step taken by the Legislative Council during the lifetime of this Parliament opposed to a matter of government policy. The Leader of the Country Party said that he would support legislation if it were introduced by the Government for the purpose of ensuring that natural gas goes to the country towns.

Mr Punch: I said responsible legislation.

Mr HILLS: I will say this on behalf of the Government, that we will introduce a special bill for the purpose of ensuring that the Australian Gas Light Company honours its obligations to provide natural gas to these country towns. Have I the assurance of the Leader of the Country Party that he will support it? Do I have it or not?

Mr Schipp: To Bathurst?

Mr HILLS: To Bathurst, Orange, Lithgow and Wagga Wagga. I will give that undertaking to introduce legislation to compel the Australian Gas Light Company to honour its undertaking, to request the Commonwealth Government to build the pipeline. Does the Leader of the Country Party give **an undertaking**?

Mr Punch: At the same price?

Mr HILLS: After conferring with the Premier this evening, on behalf of the Government I announce that the Government will introduce that legislation next year.

Mr Schipp: Responsible legislation?

Mr HILLS: Never mind about putting qualifications on it. I am talking about forcing the Australian Gas Light Company—

Mr Maddison: You are not getting a blank cheque from us.

Mr HILLS: In due course I shall introduce that legislation and then we shall test you again. This evening the Opposition has let down the country people. The Government will give it another chance. If such a bill receives the same condemnation from the Legislative Council it will be another nail in its **coffin**, for its reconstitution. I give that **undertaking** on behalf of the Government.

Mr Punch: Does the Minister say that the bill will not get gas to Bathurst and Wagga Wagga?

Mr HILLS: This bill will not force the Australian Gas Light Company to honour its undertaking.

Mr Webster: It provides that the Government can acquire a gas-producing undertaking.

Mr HILLS: You have taken out that provision. The poor old honourable member for Pittwater does not understand what the measure is all about. In its present form the measure will not allow the Government to ensure that the Australian Gas Light Company honours its undertaking. The Opposition has taken the teeth out of the bill in two instances—first by amending clause 13 (2) (j) which would have provided, with the approval of the Minister, for an instruction to the company to deliver the gas. Second, in clause 13 (2) (1) there was a provision to formulate proposals for compulsory acquisition. The Opposition has taken out those two provisions and has let the company off the hook. Reluctantly the Government has indicated that it will accept the amendments inserted by the Legislative Council. The Government is doing that only to ensure that the Energy Authority Bill goes through.

Mr FREUDENSTEIN: Mr Speaker —

Mr FLAHERTY (Granville), Government Whip [10.12]: I move:

That the question be now put.

The Committee divided.

Ayes, 50

Mr Akister
Mr Bannon
Mr Barnier
Mr Bedford
Mr Booth
Mr Cleary
Mr R. J. Clough
Mr Cox
Mr Crabtree
Mr Day
Mr Degen
Mr Durick
Mr Einfeld
Mr Face
Mr Ferguson
Mr Flaherty
Mr Gordon

Mr Haigh
Mr Hatton
Mr Hills
Mr Hunter
Mr Jackson
Mr Jensen
Mr Johnson
Mr Johnstone
Mr Jones
Mr Keane
Mr Kearns
Mr L. B. Kelly
Mr McGowan
Mr Mallam
Mr Mulock
Mr Neilly
Mr O'Connell

Mr Paciullo
Mr Petersen
Mr Quinn
Mr Ramsay
Mr Renshaw
Mr Rogan
Mr Ryan
Mr Sheahan
Mr Stewart
Mr Wade
Mr F. J. Walker
Mr Whelan
Mr Wilde
Mr Wran
Tellers,
Mr Breerton
Mr Maher

Noes, 46

Mr Arblaster
Mr Barraclough
Mr Boyd
Mr Brewer
Mr Brown
Mr Bruxner
Mr Cameron

Mr Caterson
Mr Coleman
Mr Cowan
Mr Darby
Mr Dowd
Mr Doyle
Mr Duncan

Mr Fischer
Mr Freudenstein
Mr Griffith
Mr Healey
Mr Jackett
Mr Leitch
Mr Lewis

Mr McDonald	Mr Mutton	Mr Taylor
Mr McGinty	Mr Osborne	Mr N. D. Walker
Mr Mackie	Mr Park	Mr Webster
Mr Maddison	Mr Pickard	Mr West
Mr Mason	Mr Punch	Mr Wotton
Mrs Meillon	Mr Rofe	
Mr Moore	Mr Rozzoli	<i>Tellers,</i>
Mr Morris	Mr Schipp	Mr Fisher
Mr Murray	Mr Singleton	Mr Viney

Resolved in the affirmative.

The CHAIRMAN: Order! The question now is, That the Committee does not insist upon its disagreement from the Legislative Council's amendment.

Motion agreed to.

Adoption of Report

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

Message

Motion (by Mr Hills) agreed to:

That the following message be sent to the Legislative Council:

The Legislative Assembly having had under consideration the Legislative Council's Message, dated 16 November, 1976, in reference to the Energy Authority Bill, does not insist upon its disagreement to the Council's amendment insisted upon by the Council in the bill.

ADJOURNMENT

Nude Bathing Beaches

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [10.20]: I move:

That this House do now adjourn.

Mr ARBLASTER (Mosman) [10.20]: I wish to bring up a matter of considerable concern to residents of my electorate, the damage being done to the residential area around Reef Beach because of the decision to allow nude bathing there. The damage has been done not only to the beach itself but also to the surrounding bushland and the area through which the beach is reached. A great amount of inconvenience is being caused to residents by lack of parking. As well, they are deeply concerned over the events that led up to the five recent prosecutions.

Neither I nor the great majority of the residents of the area are opposed to nude bathing, but we are totally opposed to nude bathing at Reef Beach for the sole reason that it is completely unsuitable for the purpose. The decision to make it a beach

at which nude bathing is permitted was a wrong one, based on either incorrect information provided to the Ministers who made the decision, or an incorrect assessment of that information. I believe incorrect information was given to the Ministers. The Premier has said on numerous occasions that it takes **fifteen** minutes to walk from Forty Baskets Beach to Reef Beach, but I think the Minister would agree that five to six minutes is a more accurate estimate. The information given was quite incorrect.

The criteria used in South Australia to choose its nude bathing beaches are that the beach has to be secluded, away from residential areas' and with open approaches so that the risk of peeping toms is minimal. Beaches were chosen at Maslin, 35 miles from Adelaide; Beachport, 80 miles to 90 miles out; and on the Murray River, 70 to 80 miles from Adelaide. In choosing these beaches the South Australian Government adopted the same criteria as are adopted in other parts of the world. Let us compare Reef Beach. There are tracks leading from two! ends in Beattie Street and vehicular access only through two *cul-de-sac* residential roads. There are no parking facilities and no toilet facilities on the beach—and more than 300 people were there last weekend. What happens when nature calls them?

The bush tracks that were beautiful three or four weeks ago have now been virtually destroyed. I hope the Minister for Lands is listening because Sydney Harbour national park comes within his administration. Those bush tracks have been destroyed in the past two or three weeks. The track to which I have referred and the bushland were used by families. It is the only access to the waterfront, with the cliff face at Dobroyd Point. The amenities of the area have been totally destroyed. Reef Beach is quite unsuitable for nude bathing.

I know that the Minister said he would review this matter before too long. I ask that the review be made now with a view to providing more suitable beaches along the lines adopted in South Australia, with open access and where the bush is not five feet from the beach. In this House the Premier flaunted a beautiful photograph of a mother and young child. That photograph was taken in South Australia. Let us have beaches like those they have in South Australia, which are more suitable for this purpose, where one can go and be seen to be going to these beaches, and the people on the beaches can see any peeping toms approaching because the bush is not within five feet of the beach, and where there are toilet facilities. Nude bathing beaches could be established north and south of the city. A councillor of the Wyong shire council suggested Budgewoi with its open expanse. To the south there are beaches within the national park that would be suitable.

Our argument is that nude bathing should not be permitted at Reef Beach or Lady Bay Beach. Nude bathing beaches should be chosen on similar criteria to that used in South Australia. The South Australian police and the South Australian Government demanded such criteria. There should be open access and vehicular access to minimize the incidence of peeping toms. There should be plenty of room for bathers. This is not so at the beaches chosen in Sydney. Other nude bathing beaches are needed on the ocean front. I ask the Minister to review this matter before the summer really starts and the whole of the bushland of Sydney Harbour national park is destroyed.

Mr HAIGH (Maroubra), Minister Assisting the Premier [10.26]: I have listened with interest to the remarks of the honourable member for Mosman and the case that he puts forward in support of his argument that Reef Beach is not suitable for unclad bathing. He contradicted himself by calling upon the Government to provide amenities at the beach. If he is sincere, he cannot say that a beach is not suitable and then call upon the Government to provide amenities there.

When the Opposition was in government it had committees of inquiry on the provision of a beach or beaches for unclad bathing. Those committees clearly accepted that there were four beaches on the foreshores of Sydney Harbour where unclad bathing had been an accepted practice for a number of years. They were Reef Beach, Lady Bay Beach, Obelisk Beach and Store Beach. When a committee considered whether it should nominate one beach or a number of beaches for unclad bathing there was a suggestion that two beaches, Reef Beach and Lady Bay Beach, would be appropriate for this purpose. Then pressure was exerted by some members on the North Shore who did not condone unclad bathing, so Reef Beach was eliminated on that score—and no other. The one beach then under consideration was Lady Bay Beach.

Mr Crabtree: Who was the chairman of that committee?

Mr HAIGH: The honourable member for Dubbo, who at that time was Minister for Lands. At the time that Lady Bay Beach was suggested, one honourable member from the north side continued to press the point that facilities should not be provided for unclad bathing, that there should not be areas where unclad bathing could be accepted as a local practice. That was the former member for Kirribilli.

When Mr Waddy was Minister in charge of police a campaign was undertaken against people who were bathing unclad at Lady Bay Beach. As a result of his attitude and the attitude of this same section within the Cabinet and the two parties, that beach was not set aside for unclad bathing. Then, as the result of the demand coming from so many people, the members of the committee looked at a beach that would not have open access. The honourable member for Mosman said, "We looked at a beach which had open access and vehicle access." Having looked, and having removed themselves from the immediate precincts of Sydney Harbour, they went down to Royal National Park and selected Werrong Beach.

Anyone who has been to Royal National Park would know that there is no open access to Werrong Beach. Indeed, one needs a camel train to get to it, because it is three-quarters of an hour walk from the nearest point of access. I certainly went down there, and the only way I could get to Werrong Beach was by a four-wheel-drive vehicle.

[Interruption]

Mr SPEAKER: Order! The Minister paid the honourable member for Mosman the courtesy of remaining quiet while he addressed the Chamber. I ask the honourable member for Mosman to pay the same courtesy to the Minister.

Mr HAIGH: The police have made it quite clear that Reef Beach, which has been kept under constant surveillance, and Lady Bay Beach are not creating any more problems than they experience at beaches where people are partially clad when they bathe; that is, at beaches where ladies wear the small bikinis now selling at exorbitant prices in the shops. I say to the honourable member for Mosman that the selection of Reef Beach and Lady Bay Beach was not just a selection by this Government. Previously his Government had been looking at these beaches, and because of the factors I have mentioned had not selected them. Those beaches were selected by the people many years ago, and it has been common practice for unclad people to be there.

There has been an increase in the numbers of people going to Reef Beach, but that has been as a result of an increase of not unclad bathers but people partially clad and fully clad—people who have been incited and encouraged by the honourable member for Mosman, who with a small committee has been going round putting hand-bills in letter boxes right through his electorate. However, even though there was a

total cover by handbills throughout the electorate, no more than 100 people responded last Sunday. Indeed, when those people were interviewed by the media they said that they had no objection to Reef Beach being used; some said that it was the first time they had ever been there.

The honourable member for **Mosman** is trying to establish that the beach was not being used for unclad bathing. Certainly the number of people going there has increased, but they are the people he has organized to go there. Another beach looked at by the Opposition when it was in Government was Forty Baskets Beach. Because it is a family beach this Government would not tolerate in any way the use of that beach for unclad bathing.

Motion agreed to.

House adjourned at 10.35 p.m.

