Legislative Assembly

Tuesday, 23 November, 1976

Distinguished Visitors—Death of Hon. Frederick Maclean Hewitt, a former Minister of the Crown—Assent to Bill—Bills Returned—Petitions—Questions without Notice—Attorney-General's Administration (Urgency)—Children (Equality of Status) Bill (third reading)—Loan Fund Companies Bill (second reading)—Police Regulation (Amendment) Bill (second reading)—Police Regulation (Appeals) Amendment Bill (second reading)—Bills Returned—Joint Committee Upon Drugs (Message)—Ethnic Affairs Commission Bill (second reading)—Anti-Discrimination Bill (second readng)—Allocaton of Time for Discussion--Adjournment (Business of the House—Blue Mountains Planning Scheme).

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

Mr Speaker offered the Prayer.

DISTINGUISHED VISITORS

Mr SPEAKER: I invite the attention of honourable members to the presence in the Speaker's gallery of members of the United Kingdom parliamentary delegation.

DEATH OF THE HONOURABLE FREDERICK MACLEAN HEWITT, A FORMER MINISTER OF THE CROWN

Mr WRAN (Bass Hill), Premier [2.17]: I have to report to the House the death of Frederick Maclean Hewitt, a former Minister of the Crown. I move:

> That this House extends to Mrs Hewitt and family the deep sympathy of Members of the Legislative Assembly in the loss sustained by the death of the Honourable Frederick Maclean Hewitt, a former Minister of the Crown.

It is with regret that I move this motion of sympathy to mark the death yesterday of Mac Hewitt. On behalf of the Government I wish to convey to Mrs Hewitt and her family the condolences of members of this side of the Chamber. For twenty-two years Mac Hewitt served the Parliament of New South Wales to the best of his considerable capacity and ability.

Mac Hewitt was first elected to the Legislative Council in 1954. From 1968 to 1971 he was Minister for Child Welfare and Minister for Social Welfare; from 1971 to 1976 he was Minister for Labour and Industry; from 1973 to 1976 he was Minister for Consumer Affairs, and from 1975 to 1976 he was Minister for Federal Affairs. From 1st May, the date of the State election, until his retirement on 31st July, 1976, Mac Hewitt was Deputy Leader of the Opposition in the Legislative Council. During my term in the Legislative Council I came to know and respect Mac Hewitt. He was a down-to-earth man and one who was well regarded, not only within the business world but also within the trade-union movement. Mac was a practical and realistic man.

He was president of the Sydney Chamber of Commerce in 1966–67 and had previously been president of the junior chamber of commerce. In that period he worked hard to build interest in promoting oversea trade missions. Eventually that work came to fruition and the Sydney Chamber of Commerce became a principal sponsor of the concept of joint government and industry trade missions.

Mac Hewitt started his working life as a bank clerk and apart from his parliamentary career built up extensive business interests. He was involved in both manufacturing and primary industry—principally in respect of the latter in the beef and wine industries. It is a tragedy that Mac Hewitt's death came so soon after his retirement from the Legislative Council. He had earned his retirement. He had served his State and the Parliament and he had looked forward to many years in comfortable retirement—a retirement he had so justly earned. Again to Mrs Hewitt and her family, I extend not only my personal deepest sympathies but also those of the Government.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [2.19]: On behalf of my Liberal Party colleagues I join with the Premier in conveying deepest sympathy to Mrs Hewitt, her son and daughter and other members of their family on the occasion of the passing of the Hon. Frederick Maclean Hewitt, who was a member of the Legislative Council for twenty-four years and a Minister of the Crown for eight years. From my personal point of view, Mac Hewitt was a close friend and colleague during his years of membership of the Liberal Party and particularly in this Parliament—but most particularly in the Cabinet of the Government of this State. Mac Hewitt was a man who was admired and respected by his colleagues, whether in the same or another political party, for the sincerity that he always displayed and the great contribution he made to this State.

I had the honour of knowing Mac Hewitt first, I suppose, about twenty-five or twenty-six years ago when we were fellow members of the State Council of the Liberal Party, though he had been a member of the Liberal Party since its inception back in the mid forties. He was a stalwart during its early development years. As honourable members are probably well aware, Mac Hewitt had a successful business career and was widely respected by all who knew him in business. As the Premier mentioned, he became the president of the Sydney Chamber of Commerce and earlier had been the president of the Sydney junior chamber, as it was then called, or Jaycees as it is now known. I was present at a luncheon of that organization recently and the emeritus title of senator was bestowed on Mr Hewitt in recognition of the work he had done for Jaycees. Having spoken about senators, I should perhaps add that I sat with Mr Hewitt around the table of the Senate of the University of Sydney where he was also respected for the wise counsel he offered and the sincere and active interest he took in the affairs of that great centre of learning.

Mr Hewitt had a keen interest in cultural activities and was particularly concerned with art. His taste in art did not always accord with mine. Nevertheless, he was a recognized expert in this field and derived a great deal of joy and satisfaction from the study he made of the subject and his collection of art. When he succeeded me as Minister for Labour and Industry the office occupied by the Minister had been decorated for years and years with photographs of former Ministers for Labour and Industry. Mr Hewitt had all those photographs relegated to an anteroom somewhere and some modern art was put into the office. The paintings seemed to have some sort of distracting influence upon all who entered the office because they could not take their eyes off them.

Mr Hewitt's parliamentary interests were people oriented. As the Premier has said, he served as Minister for Child Welfare and Social Welfare and later as Minister for Labour and Industry and Minister for Consumer Affairs. He served for a

total of eight years as a Minister. His quid, unassuming exterior and seemingly casual manner contrasted with his resolute determination and dedicated commitment to his responsibilities. I am sure that he will be remembered especially for the rapid expansion of the State's consumer protection programme under his guidance and direction. I know that that area of activity was close to his heart at all times. Most of the existing legislation in this field was introduced during his term of office.

Mr Hewitt was a meinber of the Liberal Party for a long period—as I have said, well in excess of thirty years. He was a stalwart who stuck to his political philosophy through thick and thin. He was a humane, understanding and compassionate man. He was highly respected and liked by the people with whom he worked but he never yielded in terms of principle. He was equally at home in the rough and tumble of politics as he was in the sensitive and delicate world of the arts. The Liberal Party has lost a real stalwart and a wonderful friend to many of its members. The Parliament will always be in debt for the contribution made by the Hon. Frederick Maclean Hewitt. I join with the Premier and other honourable members who may wish to speak in extending to his wife Enid, his daughter and son our deep sympathy.

Mr PUNCH (Gloucester), Leader of the Country Party [2.24]: On behalf of my colleagues in the Country Party I would like to be associated with the motion of condolence on the death of Mac Hewitt. It seems only yesterday that he retired from the Legislative Council after many years of service. as outlined by the Premier and by the Leader of the Opposition. Only recently I spoke to Mac Hewitt and to Mrs Hewitt one night at the Opera House and I remember commenting how well he looked. In discussion he said that he had been spending a lot of time playing golf and doing other things he had looked forward to doing for some time. He said then that he was enjoying life immensely.

Many members would know that Mac Hewitt came originally from the Denman area, which was at one time in my own electorate but is now in the electorate of the honourable member for Upper Hunter. Over the years, he and members of his family have been well known and respected there. For some years one brother ran the post office in the township of Jerry's Plains, a place with which the honourable member for Upper Hunter would be familiar. The Hewitt family was most popular and well respected. Many people in that area still remember Mac Hewitt and other members of the family.

Mac Hewitt was a man of strong conviction. He was a tireless worker and willing to stand up and be counted when supporting a cause in which he believed. I am sure that no member on the Government side of the House or of the Legislative Council could dispute the ability of Mr Hewitt to fight for a cause that he strongly supported. He would be willing at any time to stand and argue a case. He played a tremendous part in the community generally, being active, as has been stated already, in the Chamber of Commerce and in trade and industry generally in the city of Sydney. A former member of the federal Labor Cabinet, Mr Clyde Cameron—a man not usually given to praising anybody—referred to Mr Hewitt as possibly the most able Minister for Industrial Relations in Australia. Coming from Mr Cameron that is strong praise indeed. As a result of my association and the association of my colleagues who served with the Hon. F. M. Hewitt in Cabinet we can say that he was always respected as a man quick to grasp a subject and a man whose opinions we much valued. We always took a great deal of notice of him.

Mr Hewitt was most interested in the arts. Those who had the pleasure of visiting his home would have observed its walls decorated with paintings by many famous artists. I understand that in his retirement one of his main wishes was to contribute more to art in this city, to its Art Gallery and other areas. He was a

frequent visitor to the Art Gallery and the Sydney Opera House. This kindly man will be missed by his many friends and those with whom he was associated across Australia over the years. I join with the Premier and the Leader of the Opposition in offering on behalf of the Country Party sincere sympathy to Mrs Hewitt, a charming lady who helped her husband greatly during his long and distinguished career, and to his daughter and his son who also at all stages helped him.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [2.27]: I support the remarks of the Premier, the Leader of the Opposition and the Leader of the Country Party on this sad occasion. Mac Hewitt occupied the portfolio of Minister for Labour and Industry, which it is now my privilege to occupy. I know that the staff of that department would wish me to say on their behalf how much they appreciated the period when Mr Hewitt was their ministerial head. I hear nothing but kind remarks about him and praise for him from the officers with whom he worked in the Department of Labour and Industry. I wish to convey to the Parliament and to the State their feelings at this moment. My wife and I join with the staff of the department in conveying to Mrs Hewitt and family sincere regret over the passing of Mac Hewitt. They must take comfort from the fact that their husband and father achieved so much during his lifetime.

Mr LEWIS (Wollondilly) [2.29]: I should like to join with other honourable members in paying my respects to Mac Hewitt. They have spoken about his loyalty to his department and about his interest in politics and art. He had wide interests. On Thursday evening of last week with Mrs Lewis I had the opportunity of joining Mac and Mrs Enid Hewitt and her daughter Sue at dinner. We discussed a great number of subjects—including art, politics, wine and New Guinea. He was indeed a man of many facets. He was interested in all those matters and knowledgeable in most of them. He came to Cabinet on the death of Arthur Bridges and was a member of Cabinet for over eight years. All cabinets and all government recognize that steadying influences are needed. Mac Hewitt gave that steadying influence to the Cabinet of which I had the honour to belong and of which I later became the leader. He was always able to sum up a matter well and give a realistic approach to a problem before any assembly such as Cabinet. No doubt he was able to do that in the upper House as well.

Mac Hewitt was tough, loyal and possessed of determination. Perhaps in some instances he was slightly prejudiced but he was also outspoken in relation to what he thought was best and true. Mac was a great member of Parliament and a great human being. As Shakespeare put it, "The more is his due than more than all can pay."

Mr DARBY (Manly) [2.32]: In the early 1940's there was a considerable movement amongst people who believed in liberal thought and liberal attitudes to form a new Liberal Party that would give impetus to the intention of the vast body of Austnalians who believed that Australia should be free and democratic and not defer to socialist theories. Of those men none was more outstanding or more capable than Mac Hewitt. In those years I had the privilege of joining the Mosman branch of the Liberal Party in association with some men who gained fame in pursuing their causes in the political life of Australia. Those men included the late Arthur Bridges, the late Richard Thompson, and the Hon. H. D. Ahern, but none of them was more sincere, competent or dedicated than Mac Hewitt.

When the opportunity came for Mac to be elected to the upper House I had a humble part to play. I realized that the man had strength and adaptability and a common touch which enabled him to pursue a course of action and succeed. At the same time he had a virtue which was recognized by those who opposed him—that of a

man of substance and worth. As a member of the Legislative Council, his career justified the confidence of his friends. He made there an intense effort to become competent in his cause. All of us who knew him over a long period, as well as those who knew him only slightly, feel that this tribute is well worth, while. I have much pleasure in associating my wife and family with the tributes that have been paid here today.

Mr JACKSON (Heathcote), Minister for Youth and Community Services [2.35]: Mac Hewitt occupied the office that I now occupy, and as a member of this Parliament I had a long association with him. I join previous speakers in paying a compliment to his ability and in recognition of his kindness and sincerity in all his activities as a member of Parliament and Minister of the Crown. For myself and on behalf of employees of the Department of Youth and Community Services I convey to his wife, daughter and son our sympathy in the sad loss they have sustained.

Members and officers of the House standing in their places,

Motion agreed to.

ASSENT TO BILL

Royal assent to the following bill reported:

Local Government (Elections) Amendment Bill

BILLS RETURNED

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

Bookmakers (Taxation) Amendment Bill
Miscellaneous Acts (Taxation) Repeal Bill
Pay-roll Tax (Amendment) Bill
Racing Taxation (Betting Tax) Amendment Bill
Soccer Football Pools (Amendment) Bill
Totalizator (Amendment) Bill
Totalizator (Off-course Betting) Amendment Bill

PETITIONS

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

Sunday Hotel Trading

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

(1) A referendum on Sunday Trading in hotels was held in New South Wales in the year 1969 which showed an overwhelming majority voting against Sunday Trading in hotels.

(2) It is considered by the undersigned that any changes in the law allowing extension of Sunday Trading in liquor in hotels or in any shop selling liquor will increase the acknowledged evils associated with the consumption of liquor including particularly danger in road travel and in crime, and in damage done to domestic life of wife, husband and children in many cases.

Your Petitioners therefore humbly pray that your Honourable House:

(1) Will not pass any legislation which will allow any extension of Sunday Trading in liquor in hotels or in any other place where the sale of liquor is permitted.

(2) If nevertheless it is intended to submit legislation to the House this should not be done until a further Referendum is held to ascertain the wishes of the people as was previously held and which as stated showed an overwhelming majority against such legislation.

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

Petition, lodged by Mr F. J. Walker, 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 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 waterfront trees.

Destruction of other trees on shoreline due to loss of mangrove buffer.

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 Hurstville Council retain the areas concerned as natural bushland and that the bushland including its mangrove stands be managed in accordnace with public management plans.

And your petitioners as in duty bound will ever pray.

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

[Notices of Motions]

[Interruption]

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

QUESTIONS WITHOUT NOTICE

DECENTRALIZED INDUSTRIES

Sir ERIC WILLIS: I ask the Minister for Decentralisation and Development and Minister for Primary Industries a question without notice. Does the Victorian Government—and more recently the South Australian Government—provide incentives to decentralize secondary industries by way of taxation concessions, freight concessions and the like, which are more generous than those prevailing in New South Wales? Has the Premier promised action in this regard as a means of stimulating decentralization, and, more particularly, did he, when delivering the Labor Party's rural policy speech seven months ago, promise that if elected to government his party would provide payroll tax and land tax concessions to decentralized industries and special low interest rates for rural co-operatives? Did he promise also to provide freight concessions on the raw materials used and the finished products made by these decentralized industries? Has the Government recently increased such freight rates—thus doing the very opposite to what it promised—and has it done nothing whatever to fulfil its other promises to decentralized industries? If so, when, if ever, can we expect to see 'these promises carried out?

Mr DAY: I am pleased that the Leader of the Opposition has at last recognized that New South Wales lags so far behind other States when it comes to offering incentives to industry to decentralize to country areas. It has taken the honourable gentleman eleven years to become aware of that fact. It is true that the Labor Party undertook at the time of the last elections to carry out extensive reforms in this greatly neglected area. The Treasurer has already given an indication that consideration is being given to ways and means of making payroll tax rebates to assist decentralized industry. Other matters are under consideration. I reaffirm that the Government will carry out in its first term of office all the undertakings given to the people of New South Wales in relation to decentralization. That will be a vast improvement. If the Government did anything at all in this respect, it would be a vast improvement on the state of neglect that was apparent when the Liberal and Country parties were in office.

It is true that rail freights were increased recently by 7 per cent. Nobody regrets that more than the Government. The increase pales into insignificance beside the rail freight increases imposed by the Liberal and Country parties when they were in government. Rail freights in country areas of New South Wales bear comparison with those in Victoria. The Government has under consideration special rail freights for selective decentralized industries as a means of assisting them, and that alone will be much more than was done in the past. I reiterate that every one of the undertakings given by the Premier in his policy speech will be honoured in the first term of this Government. Industry can look forward to a bright future in New South Wales, particularly in selected country areas.

NORTH COAST RAIL SERVICES

Mr COX: On 2nd September the honourable member for Maitland asked me a question relating to plans to improve communications and speed up services on the North Coast railway. I promised to examine the matters the honourable member raised and to inform him and the House of the position. I am pleased to say that the Public Transport Commission does propose to install central traffic control on the North Coast line as far as South Grafton, and possibly on to Casino. The work will cost about $12 million, of which $900,000 has been allocated this financial year. Tenders for the initial stage, from Telarah to Taree, close on 5th January, 1977. This is

a major project and will take some time to complete. As with all major technological improvements, it could have some bearing on future staffing requirements on the North Coast line.

It may be of interest to the honourable member and the House to know that two senior officials of the Australian Railways Union went overseas recently to study the type and extent of technological development that was taking place in railway systems of a number of European countries, and the action being taken in regard to the staff who were affected by the change. In the report of the visit, which was subsequently published by the Australian council of the Australian Railways Union, it was made quite clear that the union does not object to technological change as such. It regards this as an inevitable fact of life. The aspect that it has objected to in the past is the implementation of changes without full and prior union consultation. It is the policy of the present Government that early consultation should take place between the commission and unions on all major proposals affecting staffing arrangements. The unions concerned have already been informed of the plans for updating the signalling system on the North Coast, and will be involved in early discussions regarding the future of any staff that might be affected as the result of this modernization programme.

SHIP REPAIR

Mr FERGUSON: On 7th October, 1976, the honourable member for Balmain asked me a question concerning ship repairs for large vessels in the port of Sydney. I have since looked into this matter, and I am given to understand that No. 5 berth Glebe Island would require extensive repairs in order to make it suitable as a ship repair berth; also that No. 6 berth is needed, in association with No. 7 berth, for the accommodating of large wheat vessels. The Maritime Services Board advises me that it is aware of the needs of the ship repair industry, and it held discussions with representatives of the Australian Ship Repairer's Group earlier this year. Following those discussions the board closely studied the needs of the ship repair industry and the ways and means by which it could assist the group in the port of Sydney. The study revealed that the board could not provide a long shore berth without adversely affecting the efficiency of the port, but it was able to offer the group a lease of a dolphin berth in Snail's Bay. This offer has been accepted.

In September last I received a deputation from this organization; later I received a written submission outlining recommendations for the provision of ship repair facilities, not only in the port of Sydney but also at Newcastle, Botany Bay and Port Kembla. These proposals presently form the subject of further study by the Maritime Services Board.

ATTORNEY-GENERAL'S ADMINISTRATION

Urgency

Mr BRERETON (Heffron) [2.48]: I move:

That it is a matter of urgent necessity that this House should forthwith consider Notice of Motion No. 1 of General Business on the Notice Paper for today.

Mr Cameron: It is a bit late. Why has it taken the honourable member for Heffron so long?

Mr BRERETON: It will be most interesting to see whether the honourable member for Northcott has the courage to go on with this matter. I hope he has. I believe that the matter is urgent, for this is the fifth time it has been raised during this session by the honourable member for Northcott. He has raised it on this occasion in this manner knowing that the House had resolved that Government business should take precedence of general business for the remainder of this session.

Sir Eric Willis: The other day the Premier interrupted me when I was moving an urgency motion and said that the Government would grant urgency. I should like to intimate that the Opposition will not oppose the motion, and therefore the honourable member for Heffron could be wasting time.

Mr BRERETON: I am pleased that the Leader of the Opposition says that the Opposition will not oppose urgency. I hope the Government will agree to it in order that the matter can be debated and disposed of so that it will not remain on the business paper over the Christmas recess, as the honourable member for Northcott intended that it should.

Motion of urgency agreed to.

Suspension of Standing Orders

Suspension of so much of the standing orders as would preclude consideration of the motion forthwith, agreed to on motion by Mr Brereton.

Motion

Mr CAMERON (Northwtt) [2.50]: I move:

> That this House censures the conduct of the Attorney-General in directing that no further action be taken on the ex-officio indictment against his parliamentary colleague the honourable member for Heffron, not withstanding:
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> (1) the findings upon the facts of Mr Farquhar, C.S.M., on 15th August, 1975, that aldermen who had given evidence that the honourable member had attempted to bribe them had not been cut down in cross-examination and that a strong and probable prima facie case existed.
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> (2) the decision upon the law of Mr Justice Taylor on 17th December, 1975, refusing the honourable member for Heffron's application for a declaratory order quashing the ex-officio indictment.

It is long past time when the Government should have come to a debate upon this issue. Again and again it has had the opportunity to debate this matter. Again and again I have raised the subject. Again and again the Government has resorted to legalisms, subterfuge and open suppression of democracy to prevent this matter being debated. I am grateful that now the matter has been encased in this concise form and stands upon the notice paper. The Government can no longer retreat from the issue and must finally, though reluctantly with its tail between its legs, come to a debate.

The matters to be discussed in this House today arise from the judgment of the chief stipendiary magistrate, Mr Farquhar, delivered on 15th August, 1975, referred to in the notice of motion. Extracts from that judgment make abundantly

clear the realities of the situation. On the facts presented to him His Worship found that a strong and probable *prima facie* case existed that the honourable member for Heffron had attempted to bribe a number of aldermen. However, after a long and protracted discussion of the law the magistrate finally came to the conclusion upon the law that the two offences under discussion—one of them being a statutory offence under section 101 of the Local Government Act alleging attempted bribery and the other a common law misdemeanour of attempted bribery of a public officer—were inter-related in such a way that he had to find, though as he said it was with the greatest difficulty, that the common law misdemeanour was merged in the statutory offence. Because there was a technicality that the statutory offence was out of time the magistrate, taking the view of the law which he took, found that the honourable member for Neffron had to be discharged and should not be brought to trial, notwithstanding, as he said, the existence of the strong and probable *prima face* case upon the facts.

That view of the law, which his worship said he came to with great difficulty, ran counter to the long-established presumption that the common law is not merged in a statutory offence in this way, and it was a view of the law that was repudiated by the Solicitor-General at the time. Accordingly. the Solicitor-General issued an *ex officio* indictment. That indictment is under debate in this House today. The honourable member for Heffron then had resort to the process available to him of applying to the Supreme Court for a declaratory order quashing the *ex officio* indictment, in effect alleging that it was bad in law. Mr Justice Taylor, after hearing the honourable member's application——

Mr Brereton: He heard nothing.

Mr SPEAKER: Order!

Mr CAMERON: ——without deciding the issue one way or the other, none the less refused the honourable member's application.

Mr Brereton: That is not true.

Mr SPEAKER: Order!

Mr CAMERON: Notwithstanding those facts, virtually one of the first actions taken by the Attorney-General in the new Labor Government, in the immediate interests of his parliamentary colleague the honourable member for Heffron, was to write upon the file, "I do not desire any further action to be taken and I do so direct".

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

Mr SPEAKER: Order!

Mr CAMERON: The Attorney-General's action was to refuse to take any further action on this indictment, an action, of course, that redounded to the immediate advantage of the honourable member for Heffron who had given evidence, just as the present Premier had given evidence, as all aldermen had given evidence and at least a number of other witnesses had given evidence as to all of these facts. The result of all that evidence was that His Worship found that a strong and probable *prima facie* case existed. What the Opposition calls—and calls strongly—that kind of partial conduct of the chief law officer of this State in favour of a parliamentary colleague, is the kind of preferential treatment that no other ordinary citizen of this State would ever expect to receive. It is the kind of treatment that is flagrantly partial and it screams out its lack of justice.

If there had been any resolution and any proper sense of propriety the Attorney-General would have required the honourable member for Heffron to stand trial. Moreover, the honourable member for Heffron, had he been a man of honour, would have insisted upon standing trial. The matters that are involved in this case are all set out in detail in the judgment of the chief stipendiary magistrate, who, when he gave his decisions on the law, said this:

> Despite the difference in the style of language used, I have come to the view, though not without considerable difficulty, that Division **4,** and in particular sections **100** and **101 et seq,** not unlike certain of the provisions of Division **3,** and I particularize section 99 both of the Local Government Act, have had the effect of creating a new code, and to the extent of that code ought to be read as displacing the common law.

Mr Ramsay: What does that mean?

Mr CAMERON: It means that one offence merged into the other, and because of that cannot proceed, by virtue of a technicality as to time limits. The honourable member for Heffron was discharged notwithstanding the finding on the facts that there was a probability that he had engaged in attempted bribery. His Worship concluded with these telling words:

> Having come to that conclusion we are left with a strong and probable prima **facie** case flowing principally from the evidence of the four aldermen and Mr Kelly, the husband of one of those aldermen whose credit is not attacked by defence counsel. Indeed this express statement has repeatedly been made. I will add that it is completely in accordance with my own view of their present credibility.

None the less, His Worship held that a merger had taken place. Then we have a tremendously blunt statement by His Worship as to the evidence of all the witnesses. The honourable member's counsel made it clear—although the honourable member attacked those aldermen in this Parliament—that he did not there attack their credibility at any stage. His Worship came to the conclusion that, in his eyes, their credibility remained totally unimpaired. When dealing with the evidence given by those aldermen His Worship said:

> It is true that there were some differences between the five witnesses. I am of the opinion that a jury would not see this as other than was to be expected when five people give evidence **18** months after the incidents and conversations are now to be recalled.

The facts out of which all this conflict arose were summarized adequately by His Worship in his judgment when he said:

> It would be useful now to set down the principal evidence on which the prosecution relied. James Slattery, Owen Davis, Henry Morris and Mavis Kelly, being the four named aldermen, and as well Timothy Kelly, husband of the aforementioned Mavis Kelly, have all deposed to what was said and occurred at the home of the defendant Brereton somewhere about the middle of March, **1974,** when they and the defendant were all present. The witness Davis told the court that he had received a 'phone call in which the defendant had requested that he, Davis, should convene a meeting of the four other persons at the home of the defendant Brereton. Davis said that he complied with that request, and the others have said that received just such a call from Davis, and did, in fact attend. Morris told the Court that he was the first to arrive, and of a visit to a hotel with the defendant for the purpose of obtaining beer for the gathering later. Mr Morris went on to say that the

> defendant then informed him at the hotel that the basic purpose of the meeting was, and I quote "About the I.D.O. mate", and then briefly went on to refer to associated matters.
>
> All agree that having congregated in the lounge room of his home, the defendant spread out a map, indicated a specific area, and enquired, and I quote "Can we get that area re-zoned back to industrial". Following a comment that it would be difficult, all claimed that the defendant went on to say "You people have the numbers, you can do it. There will be a donation to party funds of twenty thousand dollars, and of this five thousand will go to a fund for your expenses in the forthcoming municipal elections." Some of them said that the source of the money was mentioned. Others said he also detailed his plan for the electionings—for the elections, likening his programme to one successfully undertaken earlier for the Randwick Council.

His Worship then made a comment concerning his impression of the evidence that had been given by all of those witnesses, notwithstanding the fact that they had been exposed to intensive cross-examination. A little later in his judgment, His Worship said, speaking again of those witnesses:

> All agree he spoke of coming from a meeting with A, B, C and D——

And we know the identity of A, B, C .and D:

> ——who wanted the area re-zoned and threatening that they would otherwise —they the aldermen would otherwise receive telegrams on the Monday morning from a Mr Cahill instructing them to defer deliberations on the I.D.O.——

And we all know who Mr Cahill is. We know also that the Premier of the day gave evidence before the chief stipendiary magistrate in respect of lawful approaches made to him by interested parties and of subsequent inquiries he made through the defendant in his capacity as a State member representing that electorate. I direct the attention of members to this critical passage. His Worship added:

> I should now add that none of the aldermen, nor Mr Kelly, were in any significant way cut down in cross-examination. Indeed, Mr Lusher in his address consistently made it plain that he made no attack or criticism of those five persons and it can now be taken that in no way has their evidence been impugned.

Mr Fischer: Strong words.

Mr CAMERON: They are strong words indeed. It is deplorable that every time the matter has been raised in the House the Labor Party has deliberately tried every subterfuge and every kind of distortion of the rules of the House, to prevent the matter being debated. It is only because the Government now faces the prospect that the motion will stand indefinitely upon the notice paper of the House as a standing indictment of the Government's administration that the Government is now finally—reluctantly—willing to have the debate. I say to all members of the Labor Party, because it affects the standing of the House, that the Attorney-General has made a classic miscalculation in the matter. Had he had the courage initially to have the debate when the matter was originally raised rather than being forced into it today the whole matter would long ago have been disposed of in a much more seemly manner than is now the case. I put it strongly that all the Attorney-General's delays have done——

[Interruption]

Mr CAMERON: ——is to focus still greater attention upon the matter. Yet we know that in a parallel case involving some gentleman whose name I confess I have now forgotten completely and whom I have never met, the Attorney-General ——

[*Interruption*]

Mr SPEAKER: Order! There is too much interjection coming from the Government benches. The honourable member for Northcott has the call. Any other honourable member who seeks the call should jump and I shall see that he gets it.

Mr CAMERON: ——notwithstanding the aspersions that the Attorney-General has cast upon the ancient process of *ex officio* indictment was prepared to issue no fewer than five such *ex officio* indictments against that minor businessman. He likewise, had had charges against him dismissed by a magistrate in this State. If that is not a classic case of double standards, of constructing the net so that a parliamentary colleague can escape through it without difficulty but at the same time casting it in such a way that a minor businessman is entangled by such *ex officio* indictments, I do not know what is. Where could honourable members get a more classic example of double standards? The Opposition believes firmly that the same law ought to apply to all members of the House as applies to members of the community. The Opposition believes strongly that the community, looking at this case, is thoroughly entitled to say that it looks--or it seems or appears—as if different kinds of law apply to members of the Parliamentary Labor Party from those that apply to ordinary members of the community. The ordinary standard of duty reposing upon the first law officer of the State is to allow the matter to take its normal course, to go to trial in the normal manner and for the courts of the land to determine finally—a matter I do not have to determine—whether in fact the honourable member for Heffron attempted to bribe four aldermen.

Mr Jackson: On a point of order. The Parliament is considered to be the highest court in the land. The New South Wales Parliament is the oldest Parliament in Australia. In many areas of judicial administration it is considered to be the highest court in the land. No court of law could accept the submission of the honourable member for Northcott in view of his performance as Speaker of the House when he misled the Parliament and the federal Attorney-General in the *Robson* v. *Robson* case——

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

Mr CAMERON: I have recently come to meet personally two of the four aldermen——

Mr Face: You had one in the gallery.

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

Mr CAMERON: The two I have met and discussed the matter with——

Mr F. J. Walker: Are they the ones who rigged the ballot?

Mr SPEAKER: Order!

Mr CAMERON: ——have impressed me as being Australian citizens of high standard indeed. The insight I have into these people locally in their own area is commendatory of them. They are representative of the strength of the Labor Party

in its great days. In my view they are tremendously honourable, stalwart, Labor Party people. All of them have given fine service to the Labor Party. They and their families have been subjected to every imaginable means of victimization because, in conscience, they were willing to make a stand on this issue. We might ask why did these four elected aldermen in a blue-ribbon Labor area stand out against the dictates of the top hierarchy of the Labor Party. They did so because of their responsivity to the feelings of local people—the first essential test of a good local alderman. They were in a situation in which the local people saw this factory area as being an industrial intrusion into a basically residential area. They were prepared——

[*Interruption*]

Mr CAMERON: Have you seen the site? Have you seen the homes that surround the area? Is it unthinkable to you as a Labor member that local Labor-voting people might want to keep their area residential? Is that unthinkable to the honourable member for Ashfield, as a former mayor?

These aldermen simply said, "We are going to support the local people who support us; we are not going to bow to these head-office dictates that we bring in industrial zoning when local people want residential zoning." Is that any great sin or crime? I submit to the House that they are simply the actions of local people elected to public office proceeding from the best motivations, but because the Labor Party has been humiliated by these actions, they have been subjected to continual ringing of their phones, to threats over the telephone, intimidation and to every kind of process as the price for their having been honourable local aldermen. That is a pattern of which the Labor Party ought to be thoroughly ashamed. As I have said, I am not the judge; I do not pretend to determine those issues finally. I must say, just as the magistrate who discharged the honourable member for Heffron spoke tremendously highly and laudatorily of the standing of these witnesses, that my impression of them is that notwithstanding the attempts that have been made to trump up charges on petty issues against them, they have been upright, honourable and courageous.

This is a serious issue and it is time for the House to debate it. The House should have debated it weeks ago when I first raised it. It is a good thing that finally the House has come to debate it now. The man guilty is the Attorney-General who, as a new incumbent of this high office, has shown that he does not have the maturity, the balance, the judgment or the sense of propriety to discharge properly the duties of his office.

Mr F. J. WALKER (Georges River), Attorney-General [3.13]: I am glad to see finally the motion in a form that can be properly debated without prejudicing the rights of a man who is presumed to be innocent and is at present before the court. At the outset I say that the motion is entirely misconceived. I should like to believe that it was motivated by mistake or misapprehension. Unfortunately that is not the case. The motion may have been drafted by the mendacious pen of the honourable member for Northcott, but there is no doubt that it was conceived in the hate and bile boiling in the twisted mind of the Leader of the Opposition.

The motion has two objectives. Ostensibly it seeks to cause me embarrassment by spuriously suggesting that I took a course of action that was dishonourable. Some 98.9 per cent of the content of the motion is directed towards its real object and what it really seeks to do—to tip the bucket on the honourable member for Heffron. If the honourable member for Northcott were not a highly qualified lawyer we could dismiss his inaccurate and untrue allegations merely as nasty and vindictive attempts at mischief-making. However, his Machiavellian contribution today leaves one in no doubt

that he knew precisely what he was about: to seek to gain some cheap, fleeting political advantage by falsely defaming and deceitfully besmearing the honour and the reputation of the honourable member for Heffron, one of his own parliamentary colleagues.

Let us examine his case. This sly, meretricious fabrication should expose the mover of the motion and the Opposition for what they really are. As I previously intimated, the Opposition, deciding that the best method of defence was attack and hoping that if they threw enough mud some of it might stick, pursued its political persecution of the honourable member for Heffron. In recent times politics the world over has been degraded by dirty tricks. I regret to say that the political prosecution initiated by Sir Charles Cutler and the Leader of the Opposition against the honourable member for Heffron will go down in history not only as a disgraceful abuse of the processes of the law but also as a black mark against the honour of this the mother of Australian parliaments. The public interest demands that full responsibility be sheeted home to those former Ministers of the Crown who vilely abused the power entrusted in them by the people. To that end a short history of the case is called for.

The matter first came to the attention of this House on 4th August, 1974. It was raised by the personal hatchet man of the Leader of the Opposition, our sanctimonious colleague from Hornsby. He asked a blatant Dorothy Dixer. At the time we saw him handed the piece of paper by Sir Charles Cutler, who was then Minister for Local Government. The question asked about allegations by four aldermen of Botany council concerning a Labour member of Parliament and a high Labor official. Sir Charles informed the House that he had ordered an investigation. Then on 14th September, 1974, the same dastardly duo engaged in another Dorothy Dixer to enable Sir Charles to tantalize further the news media. We then learned the names of the aldermen: Mavis Kelly, Owen Davis, Henry Morris and James Slattery, and the name of the high ranking Labor official, Geoffrey Cahill. The House learned also the nature of the allegations—an offer of a bribe. Three other Labor parliamentarians were said to be implicated. At your request, Mr Speaker, the documents were tabled. The honourable member for Heffron, who was named in the documents, made a personal explanation to the House categorically denying any impropriety on his part. There was no doubt in any of our minds that the desparate former Government, staring defeat in the face, saw these wild allegations as an opportunity to smear and discredit not only the honourable member for Heffron but the Labor Party as well. This was their secret election weapon: a court case alleging ALP graft and corruption, timed to go before a jury about the same time as the elections would be held.

The circumstances in which the allegations were made would have caused any responsible Minister to have the gravest doubts about their probity. First, they were not forthcoming immediately, as one would have expected from honest aldermen offered a bribe. The allegation was made five months after the event. If any honourable member were offered a bribe he should certainly go to the authorities immediately and not wait five months. If he did not go to the authorities immediately the honourable member would be guilty of a serious criminal offence, as were these aldermen guilty if what they said were true. Second, the allegations came after the aldermen had been denied endorsement by the New South Wales branch of the Labor Party because they were not fit and proper persons to represent the Australian Labor Party. However, Sir Charles Cutler was not concerned about probity. He was out to do damage to the ALP. He ordered an investigation, first by departmental officers and then by the police.

The way in which the former Government manipulated for political purposes our law enforcement officers in this State is itself deserving of a motion of censure. Needless to say the legal manipulation proceeded until eventually on 8th April, 1975, charges were laid against the honourable member for Heffron and Mr Cahill. One

charge alleged conspiracy by the honourable member for Heffron with Mr Cahill and the other alleged that the honourable member for Heffron had offered a bribe. At all times the prosecution made it clear that both charges arose out of the same set of circumstances. The matter went to a preliminary hearing before the Chief Stipendiary Magistrate, Mr Farquhar. He, first, dismissed the information for conspiracy against Mr Cahill and the honourable member for Heffron and later, on 15th August, dismissed both charges against the honourable member for Heffron. This left the former Government's election-winning issue in a state of considerable disarray. It is not easy to campaign on the basis of ALP graft and corruption when a court has found the victims of their plot to be innocent.

They looked to the Deputy Leader of the Opposition, in his capacity as Attorney-General, for advice. He was able to tell them that something might be salvaged from the wreck. As it happened, it was not necessary for the honourable member for Heffron to go into evidence in the bribery proceedings: the chief stipendiary magistrate found as a matter of law that no such crime existed. The Deputy Leader of the Opposition was able to advise his colleagues of an unused, but nevertheless available, power that he possessed to direct ex *officio* indictment against the honourable member for Heffron. So it was that these ruthless politicians sought to knife the honourable member in the back. They cast the Deputy Leader of the Opposition in the role of Brutus and urged him to do the job on the honourable member for Heffron. To his credit, the Deputy Leader of the Opposition had no stomach at all for the part, and I understand that he told the Leader of the Opposition and Sir Charles to do their own dirty work. That was fair enough, because no Attorney-General of any integrity would have had a bar of such an indictment.

I have already explained the highly suspicious circumstances in which the allegations were made—five months after the event, and then only after those aldermen's ALP endorsement had been withdrawn. But there were other much stronger reasons for doubting the veracity and integrity of the accusers of the honourable member for Heffron. The fact is that they were far from being the honest citizens that the honourable member for Northcott would have us believe. Two wrongs do not make a right. Accordingly, I do not propose to expose to this House the criminal records of the Crown witnesses in this case. One has a long record of convictions for the most serious crime ——

Mr Cameron: Do you say they all have convictions?

Mr SPEAKER: Order!

Mr F. J. WALKER: Two subsequently pleaded guilty to ballot rigging and forgery associated with municipal elections. There was only one independent witness in the case and he refused to corroborate their story. On the contrary, he supported the account given by the honourable member for Heffron. Further, the aldermen had radically changed their stories as the case progressed. In the first instance they alleged at a public meeting, then in a written document to the Minister for Local Government, that not one but two attempts at bribery had been made to them by the honourable member for Heffron. Later when they realized that one of those allegations was demonstrably untrue, completely unsubstantiated and unproveable, they recanted. They withdrew and said it was only one occasion. That was hardly a sound basis on which a man of conscience, such as is the Deputy Leader of the Opposition, could justify an ex *officio* indictment. But that was just the start of his problems. His real problems went far deeper than that. The whole question of whether an Attorney-General should exercise his power to file an ex *officio* indictment, contrary to the findings of a stipendiary magistrate at committal proceedings, had arisen on at least two

occasions in recent years. On October, 1971, Mr McCaw, now Sir Kenneth McCaw, a former Attorney-General, had sought the advice of his Solicitor-General, Mr H. A. R. Snelling, C.B.E., *Q.C.*, LL.B., when Mr Farquhar, the same chief stipendiary magistrate, had dismissed a charge of murder. Harold Snelling is regarded as the most outstanding of all solicitors-general and his advice must be given great weight. He said this:

> I have no doubt that only in rare and exceptional oases should the Attorney-General's power be exercised contrary to the magistrate's decision . . . It would lead to most undesirable consequences in my view if the Attorney-General's opinion were to be substituted for that of the Magistrate . . . It could tend to open the way for the Attorney-General to be subjected in particular cases to pressures (political, public or group) to so act in disregard of normal and proper procedures and the principle of legality.

He commented that in his twenty years as Solicitor-General no Attorney-General had directed the filing of an *ex officio* indictment in a comparable case. He advised against it in this case of murder.

I appreciate that the Deputy Leader of the Opposition would want to have no part in such an indictment. However, if any political mileage were to be gained by the Government of the day, some action had to be quickly taken. Time was awasting and the elections were drawing near. The Leader of the Opposition was to sack the Deputy Leader of the Opposition from his role as Brutus; he was recast instead as Pontius Pilate. It is not well known that immediately the Attorney-General leaves the State the Solicitor-General assumes responsibility for his special constitutional duties. So it was that the Solicitor-General shouldered that onerous burden while the Attorney-General was absent between 22nd August and 16th September, 1975. Although the Solicitor-General has full powers at such times, in practice they are exercised only in cases of extreme urgency. There was absolutely no way in which the file concerning the honourable member for Heffron would have been delivered to the Solicitor-General's desk. There was no urgency about the matter and the policy implications were so grave, involving as they did breach of the traditional precedent regarding such matters. Despite these facts, on 12th September, 1975—only two working days before the Deputy Leader of the Opposition returned to New South Wales—a Minister of the Crown directed that the file be brought before the Solicitor-General for decision.

This was extraordinary and unprecedented in itself because the Constitution Act does not permit a Minister of the Crown to act as Attorney-General. Yet in breach the Constitution and act in such a discreditable manner was the Leader of the way. As I have revealed to this House, that improper Minister who was willing to breach the constitution and act in such a discreditable manner was the Leader of the Opposition.

Sir Eric Willis: You do not know what you are talking about.

Mr F. J. Walker: You deny it?

Sir Eric Willis: I deny it.

Mr F. J. WALKER: You put that file on the Solicitor-General's desk. You did not deny it on the last occasion. You complained about being called Stainless Steel, but you did not deny that.

Sir Eric Willis: You have never said it in my hearing.

Mr SPEAKER: Order!

Mr F. J. WALKER: The Leader of the Opposition was already notorious in this House for his attempts to stand over and unduly influence public servants. The returning officer for Campbelltown was one example. The records reveal that the Solicitor-General on the same day, 12th September, authorized the ex *officio* indictment. I have no wish to reflect in any way on his integrity or ability or the manner in which he discharged his duties. Some of the facts that I have recounted were not before him at the time. Nevertheless, I should not have made the same decision. In saying that, I am fortified by no less an eminent authority than my federal counterpart, Mr Ellicott, and his predecessor, the late Ivor Greenwood. I refer to the case against the former Liberal Minister, Ransley Victor Garland, only this year. That case was similar to the case of the honourable member for Heffron and involved allegations of bribery and the dismissal of a charge by the magistrate. The only significant difference was that in Mr Garland's case a ***prima facie*** case was found on the law. That was not so in the case of the honourable member for Heffron because the magistrate decided that, in law, no case existed.

On 16th March 1976 the federal member for Hunter asked Mr Ellicott in the House of Representatives whether he would follow the New South Wales precedent and file an ***ex officio*** indictment against Mr Garland. Mr Ellicott replied that he would not, and that it would be wrong. The next day Senator Greenwood was asked a similar question in the Senate and said:

> I think all honourable Senators would acknowledge that where charges are laid, persons are brought before the courts and the processes of the courts result in those persons not being committed for trial or their being acquitted we should applaud our system of justice and recognize in those circumstances that justice has been done.

The point I make is that, in all those circumstances I have related, no responsible Attorney-General would have had the slightest hesitation in directing that a no-bill be filed in this politically motivated and manipulated prosecution. However, as I have stated time and time again, this motion is misconceived. I say that because, as it turned out, I had neither the opportunity nor the occasion to take that course of action. I had not filed a no-bill. The incredible irony of the whole sorry episode is that despite the extraordinary efforts of the Leader of the Opposition and his accomplices to fit the honourable member for Heffron with this baseless charge, they bungled the ***coup de grace*** by failing to meet the legal requirements for filing such an indictment.

Shortly after I became Attorney-General I received from the legal representative of the honourable member for Heffron a no-bill application. There is nothing unusual about that; the Attorney-General receives hundreds of them each year. As the honourable member for Northcott dishonestly implies, I did not take unilateral action on the matter. On the contrary, I followed the course of all my predecessors—the course they invariably followed—and referred the matter for my law officer's advice. The advice I received was, first, that there had been no effective exercise by the Solicitor-General of the Attorney-General's power to prosecute; second, that the filing of the information under section 25 of the Justices Act was not an exercise of the power to prosecute by the Attorney-General, the Solicitor-General or the Crown Prosecutor; and third, that no proceedings had been instituted against the honourable member for Heffron, and his legal position in this respect had not altered from what it was upon his discharge by the magistrate on 15th August, 1975.

On my law officer's recommendation the solicitors for the honourable member for Heffron simply had to be informed that no charges were outstanding against him. That is what I directed be done. The honourable member for Northcott knows that.

Being the fine, Christian gentleman that he is, he used words in this House that did not come from my mouth or from my pen. They were false, dishonest, rotten words that no honest Christian would ever use. He is a hypocrite. He is prepared to say anything and do anything because of his hatred of the honourable member for Heffron.

Let us turn back to the motion. First, it seeks to censure me by giving the impression that I did more than I have revealed about the charges, yet the careful language chosen demonstrates that the honourable member for Northcott is perfectly aware that I did no such thing. He has chosen words to give the general public the impression that I did such a thing. As I said, all I did was to accept my officer's undoubtedly valid advice that there were no charges in fact outstanding. If the honourable member for Northcott is suggesting that I should have issued an ex *officio* indictment—and no doubt in his reply he will say that as no charges were outstanding I should have issued an ex *officio* indictment—I refute his claim. First, to do so on the uncorroborated evidence of vindictively motivated and dishonest informers with no personal credibility at all would not be wise. I stand with the Deputy Leader of the Opposition in that respect. Neither I—nor he, for that matter—would issue such an indictment against the advice of so eminent a lawyer as Harold Snelling. To do so would be imprudent.

Also, it would be imprudent to ignore the advice of the federal Attorney-General, who despite his politics, was one of the leading legal public servants in Australia and has an outstanding knowledge of the law. He would not do the same thing; he refused to do the same thing. The honourable member for Northcott is willing to censure me for not doing it, but the federal Attorney-General would not do it, nor would the late Ivor Greenwood, another man who had a great grasp of the law and an appreciation of ex *officio* indictments.

I regret having to say that the honourable member's motion of censure must be dismissed as both fraudulent and despicable. It is an attempt to blacken my name, but that is only a preliminary skirmish. The honourable member is out to drop the political bucket on the honourable member for Heffron and to continue his constant persecution of that honourable member. Only two further points should be made at this stage. First, the honourable member for Northcott has made an unfounded attempt in his motion to imply that the honourable member for Heffron has committed some offence and should be exposed. I emphasize again that the learned magistrate found that no such crime existed, and then he threw the case out of court. In any event, I think it should be known by all honourable members that as a matter of legal tactics and proper behaviour at a preliminary hearing, counsel never expose the strength of their attack on the credibility of Crown witnesses. That is not the proper course for a defence counsel to take. That was the position in this case. There can be no doubt that if the matter had gone to trial and the honourable member for Heffron had faced a jury, those Crown witnesses would have been cut to ribbons for the reasons I have expressed.

Second, I want to refer to the inclusion of the reference to Mr Justice Taylor's decision in an attempt to bolster the honourable (member's motion. That can only be described as the epitome of falsehood and deception. Mr Justice Taylor's decision did not go to the merits of the case in any way. All he decided was that section 17 of the Supreme Court Act, under which he had jurisdiction, did not permit him to give the relief sought by the legal advisers of the honourable member for Heffron. They were in the wrong court. He said that they should have been in the District Court or the Court of Appeal; he simply said that he had no power to entertain that case. **The**

honourable member for Northcott knows that; he has read the judgment. He is a most eminent lawyer, a master of laws, but he came before the House with that most dishonest part of the motion suggesting that in some way Mr Justice Taylor had found a case against the honourable member for Heffron. All Mr Justice Taylor did was to find that he had no jurisdiction to listen to the case. That does the honourable member for Northcott, this Christian gentleman, no credit at all.

In conclusion, the honourable member for Northcott should be ashamed of himself for trying to mislead the House in such a manner. It is clear, from his conduct in this debate, that he knows no shame, and that his conscience permits him to say anything or do anything that suits his low political purposes. I reject the motion as being completely unsubstantiated and misconceived. It is simply an effort to smear and bring this honourable institution into the gutter. It is an attempt to degrade the honourable member for Heffron. It does no credit either to the honourable member for Northcott or to this institution.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [3.39]: Whether I like it or not I am in the middle of this debate because my name has been mentioned and obviously there are some facts and history of this matter that need to be set right for the record. Let it be clear that the Department of the Attorney-General and of Justice first became aware of this matter when it received a report from the Minister for Local Government of the day—a report prepared following an inquiry by the Department of Local Government. When that report was referred to the Crown Solicitor for advice as to whether any charges should be laid, and the advice was given to me as Attorney-General that charges were possible within the terms of the report and the evidence that had been gathered together, the matter was finally proceeded with before Mr Farquhar, C.S.M. That has been mentioned in this House this afternoon. Mr Farquhar gave a decision on 15th August, 1975.

Let it be clear that in this matter on the departmental files, which I invite the Attorney-General to produce and table in this House, there be an advising from the Crown Solicitor indicating that Mr Farquhar was wrong in law. The only method that is available to the Crown to test the validity of a decision of a magistrate on the law is to file an *ex officio* indictment. A recommendation was made by the Crown Solicitor to that effect. It was seen then to be a matter of such seriousness as would require the Solicitor-General's view to be endorsed on the papers. At that stage—I cannot recall the precise date—I had left the State and was overseas. Pursuant to the Solicitor-General's Act powers were then vested in the Solicitor-General in this matter. When I returned the decision had been taken by the Solicitor-General that an ***ex oficio*** indictment should be filed.

Some criticism expressed some time afterwards in one of the journals of this State indicated that this was a most peculiar process. In fact that newspaper, the ***Australian Financial Review,*** was quite incorrect when it indicated that the procedure was quite peculiar. That newspaper said—and I am paraphasing it now—that it was a peculiar procedure for the Solicitor-General to issue an ***ex oficio*** indictment when *I* was here at the time the honourable member for Heffron and his advisers were informed of the fact that the indictment has issued. There was nothing unusual in that because the decision was made when I was out of the country. It was completely within the competence of the Solicitor-General to make that decision.

What I want to emphasize is this: I have heard the Attorney-General say that the proper way to test the law in these circumstances is to go by way of appeal. He knows that is not right; he knows that where there is a dismissal of an information based on the state of the law, the only way to have that tested is by way of issue of

an *ex officio* indictment. No other process is available. It is useless for the Attorney-General to refer to a previous case in which a question arose over advice given by a Solicitor-General to an Attorney-General in respect of a charge relating to murder. No one has identified that case; at least, the Attorney-General has not identified it or the facts and circumstances that gave rise to that advice. I submit that the case the House is discussing in this motion bears no resemblance whatsoever to the principles and facts involved in the case instanced by the Attorney-General.

In the course of his remarks this afternoon the Attorney-General mentioned that some legal representations were received on behalf of the honourable member for Heffron for a no-bill, and that certain facts and circumstances were set out in those representations. I agree it is common for the Attorney-General to receive requests for a no-bill to be filed. It is true that often in no-bill applications new facts and circumstances are brought to the notice of the Attorney-General or his advisers. It is not altogether clear to me, from what the Attorney-General says, from whom he received the advice to follow the course that in fact he followed.

I say again that the only way in which this matter can be satisfactorily resolved, so that the full facts and circumstances will be known, is for the Attorney-General to bring into this House the complete file and to lay it on the table of this House. Nobody can be prejudiced by that course in any way, shape or form. In fact, it could vindicate the Attorney-General, and be the complete answer to the motion that has been moved by the honourable member for Northcott; that is, if it is available for scrutiny by members of this House and by the general public. That is the way to satisfy beyond all question who gave the Attorney-General the advice he followed.

It is most peculiar that the Crown Solicitor should advise me when I was Attorney-General that an *ex officio* indictment should issue to test the law, and subsequently the present Attorney-General should receive advice to follow a contrary course. Those two things do not weigh up. Either I am a liar or he is a liar, or we have put a different gloss on the facts. The only way to resolve the doubt satisfactorily is for the Attorney-General to lay the papers on the table of this House.

Mr BRERETON (Heffron) [3.46]: In rising to speak in opposition to the motion that has been moved by the honourable member for Northcott, I shall dispose first of the last part of the motion. As the honourable member for Northcott well knows, Mr Justice Taylor made his decision on the validity of the *ex officio* indictment not on the merits of the matter but on the question of jurisdiction. In point of fact he refused to hear the application; and he did so in spite of a joint application by my counsel and counsel for the Crown. In his judgment he said that the matter was more properly one for decision by the District Court and the Court of Criminal Appeal. Accordingly, he used his discretionary powers to refuse to make the order sought. It ill behoves the mover of this motion to suggest that the decision of Mr Justice Taylor in some way adversely reflects on my position in this case. The honourable member for Northcott does little credit to the legal profession, of which he is a part, by attempting to misrepresent the judge's decision in such a mendacious manner.

Today is not the first occasion on which the honourable member for Northcott has been plainly untruthful in his references to this decision of Mr Justice Taylor. On Thursday, 26th August, 1976, during the Address-in-Reply debate the honourable member said:

> Mr Justice Taylor refused to grant the application. The burden and the substance of that decision was to the effect that the common law misdemeanour was not merged in the statutory offence.

That was a most malicious and untruthful representation of the real position. I remind the House that Mr Justice Taylor did not deal with the merits of the matter in any way. The conduct of the honourable member for Northcott in attempting to mislead the House is typical of the course that he and his colleagues have followed ever since the matter involving Botany council was first raised in this House more than two years ago.

I shall now turn my attention to the earlier part of the motion before the House. The honourable member for Northcott suggests that because cross-examination did not prove the aldermen to be lying, their allegations were in fact substantiated. He neglects to paint out that the case before the chief stipendiary magistrate was in the form of committal proceedings aimed at establishing the evidence of the aldermen and to establish whether the charge was good in law. It is of great significance that the defence did not call a single witness. Mr Farquhar pointed to this fact in his judgment when he said that the credit of the four aldermen and of Mr Kelly were not attacked at all by the defence counsel. He went on to say that this was completely in accord with his own view of their present credibility.

The words "present credibility" are most important. Although their credibility was, as a result of legal advice, not challenged in the proceedings before Mr Farquhar, I assure the House that it would indeed have been challenged if the matter had ever gone before a judge and jury. Had Mr Farquhar committed me for trial, witnesses for the defence would certainly have been called to attack the credit and motivation of the four aldermen and of Mr Kelly. As the Opposition have pressed this matter in the form of a censure motion against the Attorney-General, I feel compelled to place certain matters before the House. I shall shortly do so.

First let me say that on 15th August, 1975, Mr Farquhar, in his wisdom and after reserving his decision found that the charge was not good in law and accordingly dismissed the case. The grounds for his decision are particularly significant. He found that the old common law charge of corruption had been replaced in this case by statute law in the form of section 101 of the Local Government Act, 1919, as amended. Of course, section 101 of that Act contains an important provision limiting the period following an alleged offence during which an information can be laid. This limitation was inserted by this Parliament which, in its wisdom, sought to prevent stale claims from being made—and the claim of the aldermen was very stale indeed. Opposition members were aware of the limitations of section 101 prior to any charges being laid against me but, in their political motivation, they were so desperate to attack the Australian Labor Party that they sought to invoke the old common law in a classic example of the law being abused for political ends.

Of course, Mr Farquhar's decision thwarted the plans of the then Attorney-General and his colleagues but not before enormous publicity had been given during the three weeks of hearings in the Central Court of Petty Sessions. One might have thought that the matter would have finished there but, oh no—a State election was looming up. So we were to see yet another disgraceful abuse of the law by those sworn to uphold it. This abuse took the form of an ex *officio* indictment aimed at putting me on trial before a judge and jury just as if I had been committed for trial by Mr Farquhar. The process reminded me of a poker game in which the Liberal-Country party Government used a stacked deck—they simply could not lose. The principle of placing a person in double jeopardy was of no concern to them. As far as they were concerned the end justified the means and the end in this case was to mount a successful attack on the Australian Labor Party in an election year.

However, it was clear that an *ex officio* indictment issued by the then Attorney-General would look too politically motivated. So, with his connivance, it was contrived that the *ex officio* indictment should be issued not by a politician but by the Solicitor-General, who assumes the powers of the Attorney-General during absences of the Attorney-General from the State. We now know just how the matter was placed before the Solicitor-General. This was done by none other than the present Leader of the Opposition, then the Minister for Education. I am not saying that the Solicitor-General acted solely at the behest of the present Leader of the Opposition in agreeing to issue the *ex officio* indictment, but it is significant that he made his decision promptly —indeed so promptly, that he did so before the transcript of Mr Farquhar's reasons for his judgment became available on 17th September, 1975. His haste can be described only as indecent. The Solicitor-General made his unprecedented decision on Friday, 12th September, 1975. This was the same day that he received the papers on the matter. It must have been the speediest decision ever made by anyone in his department. His power to make such a decision lapsed on the following Tuesday, 16th September, 1975, when the Attorney-General returned to the State. This is what the ***Australian Financial Review*** said in its front page story on 20th October of that year:

> For the first time in the history of all those countries which inherited the English common law, a Crown official in New South Wales has used the powers of office of the Attorney-General to indict a man on a criminal charge after that man had been discharged on the same counts following a magistrate's inquiry.

This action is even more extraordinary when one remembers that the magistrate in the first instance was none other than the Chief Stipendiary Magistrate, who in a reserved decision had dismissed the very same charges. Indeed, the practice of commencing criminal prosecutions by ex *officio* indictment has been the subject of extremely adverse comment by courts in Australia, as well as in Great Britain. On this occasion magistrates in New South Wales were shown clearly that to give a decision not popular with the Liberal-Country party Government would lead to their being overruled and publicly rebuked.

Let me now return to those matters which in the early stages of this speech I said I would place before the House. To do so we must go back into the sorry record of the persons responsible for the Botany allegations. For many years Botany council aldermen had been a source of concern to the Australian Labor Party. Their bickering and squabbling, their charges and countercharges, were the subject of investigation by the central executive of the party as far back as December, 1969. Indeed two of the aldermen, James Slattery and Mavis Kelly, were suspended from membership of the party during 1970 after being charged with misconduct. Two years later when their conduct had still not improved, the administrative committee of the Australian Labor Party adopted the following resolution on 21st January, 1972:

> That this Committee is concerned at the situation that has developed in the Botany Municipality and recommended that all ALP Aldermen and Branches be informed of the Party's general concern for the ALP's image in Local Government. We request that every effort be made by Party members in the area to improve the position. Failing this more drastic penalties may be invoked.

The decision was conveyed to all Labor aldermen on Botany council. Let me now take you to 26th July, 1974, the day the Australian Labor Party had to decide who were fit and proper people to represent the party as candidates for Botany council. It came as no surprise when the administrative committee of the Australian Labor Party withheld endorsement from a number of people, each of whom had a long history of

dubious conduct. The administrative committee, I might add, consisted of twenty-five senior members of the party including members of this Assembly, the Legislative Council, and of the federal Parliament. It was then in August, 1974, and only then, that the aldermen came forward with their claims of improper offers of financial consideration, allegedly made to them months before, in March of that year. There was certainly nothing coincidental about the timing of the allegations; they were made on the very same day that these people announced their candidature as independents to stand against the endorsed Australian Labor Party candidates for the Botany municipal council. The announcement of the allegations in the first instance was vitally different from the subsequent allegations contained in statutory declarations tabled in this House by the Minister for Local Government, Sir Charles Cutler, on 17th September, 1974.

The initial announcement was made at a public meeting at the Botany town hall on Tuesday, 6th August, 1974, A statement was released. It is well documented. It is of enormous relevance as it refers to improper offers 'being made on not one but two separate occasions. This first statement by the aldermen said in reference to the second meeting:

> We requested an independent observer to be present to witness the discussions, and this was agreed to and the observer attended.

A story based on this first statement appeared in the ***Sydney Morning Herald*** on 7th August, 1974. I quote this part of that story:

> At the meeting, according to the statement, the four aldermen were told that $20,000 would be given to the ALP's campaign fund if the industrial status was maintained.
>
> During a further meeting in late March, the statement said, it was suggested to the four that $5,000 of the gift would be allocated to fight the coming municipal elections.

I invite the House's attention to the two offers on two separate occasions mentioned in this report. The local newspaper the ***Messenger*** published an article on Wednesday, 14th August, 1974, which also was based on this first statement. The article referred to the two different meetings, with improper offers being made on both occasions, and to the fact that an independent witness of the aldermen's choosing was present at the second meeting. On 14th August, 1974, Sir Charles Cutler said in this House while answering a question from the honourable member for Hornsby:

> There are implications in the happenings of the past few weeks particularly in relation to one municipal council, the Botany Municipal Council, which was reported in the press as having lost four aldermen 'because the Australian Labor Party decided to cancel their endorsements or to refuse re-endorsements.
>
> As a result of the statement that was made I sought some advice on the subject and a day or two after the statement appeared in the press there came into my hands a submission that was prepared and issued by four of the aldermen who had lost their endorsements.
>
> The submission contains some handwritten' pages by some of the persons who made it. It covers seven foolscap pages.

I am now in possession of a copy of the statement. It has come to me from the ***Messenger.*** It consists of seven foolscap pages with some handwriting and it is available to honourable members. The matters contained in this statement are substantially different from those in the statutory declarations tabled in this House by Sir Charles Cutler on 17th September, 1974. These statutory declarations revealed that an improper offer was made on only one occasion—the first meeting—and that money was not discussed

at all at the second meeting. I might add that witnesses present at that meeting could reveal these people for what they are. Both the independent witnesses of the aldermen's choosing, namely Mr Fred Waller and Mr Bill McRae the businessman who was present, gave evidence before Mr Farquhar that no offer of money was made.

I shall leave it to honourable members to decide whether these people were lying in their first version or lying in their second version or lying in both versions. It is my belief that the four aldermen were persuaded to change their initial story by senior members of the Liberal-Country party Government who realized that their allegations could be disproved by the witnesses present at the second meeting. The fact that these people had in the course of one month come up with two different stories was certainly known to the then Minister for Local Government and he of course was faced with a great opportunity to denigrate the Australian Labor Party on the eve of the New South Wales local government elections. It is probable that Sir Charles was centrally involved in a conspiracy along these lines.

Mr Speaker, the mover of the censure motion before the Chair is well aware of events in this House on Thursday, 17th September, 1974—he was seated where you are now. On that day the House considered an urgency motion moved by the honourable member for Nepean. While that debate was taking place Sir Charles Cutler passed the note I now produce along to the member for Hornsby. The note reads:

> N. Pickard, Jump quickly after the division—I'll try to get you called first.

When the urgency motion was defeated question time resumed and, wonder of wonders, the member for Hornsby got the first call. How very convenient. The member for Northcott will remember his embarrassed shrug of the shoulders when at the end of question time that day I showed him this note and questioned his partiality. In tabling the statutory declarations that day Sir Charles Cutler took his opportunity to attack the whole Labor movement, just two days before local government elections were to be held. His formula contained all the magic ingredients: a Labor M.L.A.; the party secretary; by disgraceful inference in the second person twice removed, the then Leader of the Opposition, now the Premier, the State president, Mr Ducker, and the chairman of the local government committee of the ALP, the Hon. Kathleen Anderson, M.L.C. On the day the statutory declarations were tabled, I made a personal explanation to the House in which I said:

> I wish to make a personal explanation concerning the document that was this day tabled by the Deputy Premier, Minister for Local Government and Minister for Highways in which I am named as being involved in improper offers to four aldermen of the Botany council concerning rezoning in that municipality. The allegations are the product of the distorted minds of these disgruntled individuals who were properly deprived of Australian Labor Party preselection for office in the council after years of complaints about them received by officers of the Australian Labor Party. Having lost their preselection they are now thrashing about, indiscriminately alleging misconduct. I absolutely deny any impropriety on my part.
>
> The facts of the matter are shortly, that in April I received complaints from constituents about a proposal for extensive rezoning in the Botany municipality. Also, I was asked by a representative of business interests who would be adversely affected by rezoning to put them in contact with a member or members of the council to whom representations could be made with a view to those representations being put before the full council when the rezoning came up for final decision. I add that the gentleman representing

the business interests explained to me that those interests employed 5,160 people in my electorate and without exception—I checked this out—they were reputable, well known and proper public companies.

Accordingly, I arranged two meetings with aldermen of the council who were also members of the Australian Labor Party. The purpose of the first meeting was to enable me to obtain a detailed understanding of the arguments on either side. The second meeting was attended by a representative of some of the property owners affected and he made representations on their behalf to the aldermen. I took no active part in the second meeting, seeing my function as merely bringing the two viewpoints together for discussion. At neither meeting was an improper offer made and there was certainly no suggestion of money changing hands and no threat in relation to preselection. Now, months later, having lost their preselection, these people are seeking to involve me in their shabby allegations. It is noteworthy that at the time of these alleged improprieties months ago not a word was said by them to the proper authorities.

Mr Speaker, what did we really have from these aldermen? We had two different stories, a five-month time lapse in raising the matter and a local government election in which they were campaigning against the Australian Labor Party—a campaign in which they were prepared to break every rule in the book including vote forgery. I ask honourable members, would a prosecution have been launched in the first place if the former Government did not stand to gain politically? Would an ex *officio* indictment have been issued if political overtones did not exist? The issuing of the *ex officio* indictment was certainly a breaking of convention but, then, 1975 was a vintage year for the Liberals and their Country Party colleagues when it came to breaking the rules and conventions.

From the very beginning of this matter political capital has been the name of the Liberal-Country party game. And, in opposition, nothing has changed. Since this House resumed in August we have witnessed a number of attempts to continue their practice. Rrst, we saw the amendment to the Address-in-Reply debate. Then, the motion deploring the alleged dual standards of the Attorney-General regarding *ex officio* indictments. Subsequently we witnessed the sulking walk-out. Later the no confidence motion in you, Mr Speaker. And now we have this motion seeking to censure the Attorney-General. These efforts do no credit to the Opposition but they certainly show that dirt is the only language they understand. And dirty indeed are the hands of the member for Northcott.

Let us look at the real position. On 11th December, 1975, the Crown officers were asked to prepare a report and recommendation for the former Attorney-General, now the Deputy Leader of the Opposition. For reasons best known to the then Attorney-General this report was deferred first, pending the outcome of the proceedings before Mr Justice Taylor and second, pending the outcome of the subsequent proceedings in the Court of Appeal. It is quite clear that the former Attorney-General knew what advice was likely to be contained in this report. However, in the months leading up to the State election he had a vested interest in the political capital the Liberal-Country party Government was making from the proceedings against me. The Crown officers' report revealed that in his opinion the *ex oficio* proceedings against me were legally invalid.

Sir Eric Willis: How do you know?

Mr F. J. Walker: The honourable member has just told the House.

Sir Eric Willis: Who wrote this speech for him?

Mr Brereton]

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

Mr BRERETON: If the Leader of the Opposition would keep silent for a few minutes I should be pleased to tell him that this advice has been conveyed to me from my legal advisers who I believe received certain correspondence from the Under Secretary of Justice and other people on this matter. The recommendation was as follows:

> I recommend that Mr Brereton's solicitors be informed that no proceedings have been initiated against their client and that it is considered that his legal pcsition in relation to the charges dealt with by Mr Farquhar C.S.M. remains as it was on 15th August, 1975, when he was discharged.

In spite of all of this we find ourselves here today debating a motion seeking to censure my colleague the honourable member for Georges River, for not behaving as disgracefully as his predecessor. This whole debate amounts to the cheapest and vilest form of political abuse. It has allowed the member for Northcott to create a new dimension for hypocritical excess.

In conclusion, I should like to say that the people of Botany had their say on this matter in September, 1974, when they relieved the aldermen responsible for the allegations of their former control of council affairs. I am pleased to say also that there has been a vast improvement in the administration of the council since these people were cleaned out. The Planning and Environment Commission—I might add while Sir John Fuller was still Minister—had its say when it rejected the planning proposals that caused the trouble in the first place. The courts have had their say as well when four people, including two of those who signed the statutory declarations tabled in Parliament as well as two of their supporters, pleaded guilty to a number of charges including vote forgery and making false declarations, all such charges arising from the Botany council elections in September, 1974. And finally, Mr Speaker, the electors of Heffron had their say when they returned me on 1st May last with a vote of 69.9 per cent compared to the Liberal's 30.1 per cent.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [4.9]: I had no intention of speaking in this debate, as would have been clearly evident to anybody by virtue of the fact that I left the Chamber when the debate began. I would not have participated had it not been for the fact that on the amplifier in my room I heard this guttersnipe who masquerades as Attorney-General say things about me which require my presence in the House to refute. I am not a lawyer——

Mr Cleary: You are not a leader, either.

Mr SPEAKER: Order!

Sir ERIC WILLIS: I am not a lawyer—I know relatively little about legal procedures—but I value my reputation as a man and as a Minister of the Crown for eleven years. This is typical of the vile and contemptible character assassination that the Attorney-General has engaged in. There have been many previous examples of this type of behaviour. Indeed I could say by way of an aside that there have been so many previous examples that I could take up much of the afternoon with the guttersnipe tactics that the Attorney-General used to engage in when he was in Opposition. Moreover, on all such occasions he declined to repeat outside what he had been very happy to say under parliamentary privilege inside the House. As I was saying, when this debate began I left the Chamber and I had no intention of participating in it until I heard the extraordinary story being told to the House of some sinister plot by the then Minister for Local Government, Sir Charles Cutler, and myself.

I heard the Attorney-General telling the House that various plots had been devised and many schemes had been worked out, all part of an election campaign strategy. At first I thought this was so amusing that it was not worthy of reply until he got down to his usual gutter level and said the sorts of things that I felt I had to reply to lest there be any misunderstanding about the wonderful workings of this dirty little man's dirty mind. The Attorney-General said that the former Attorney-General, the honourable member for Ku-ring-gai, had told Sir Charles Cutler and myself to do our own dirty work. I could dismiss that by asking, "How would he know what conversation occurred between one person and another in the Cabinet?"

Mr F. J. Walker: He never denied it.

Sir ERIC WILLIS: I never heard you say it, nor did I hear it anywhere else before. If you want to say it now, I will deny it categorically because I have never been guilty of anything of that kind.

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition has the call and he will be heard in silence.

Sir ERIC WILLIS: The Attorney-General said that a Minister of the Crown had directed the Solicitor-General to issue an *ex officio* indictment in respect of the matter that is the subject of today's debate. He then went on to say that the particular Minister of the Crown who had issued that direction was myself. He added that I could not take that action. The Attorney-General has contradicted himself by his own words. Of course I could not do it; nobody could do it, for the very reason that he gave.

Mr Sheahan: He said, "Should not do it."

Sir ERIC WILLIS: No, could not do it.

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

Sir ERIC WILLIS: I thought the honourable member for Burrinjuck knew a little bit about the law. It is obvious that he does not know the duties of the Solicitor-General: if he did, he would find that whereas it is the practice when a Minister of the Crown is absent from the State for a period of time, for an acting Minister to be appointed, that rule does not—and cannot—apply in the case of the Attorney-General. There is special legislation to provide that the legal powers of the Attorney-General are exercised by the Solicitor-General during the absence of the Attorney-General. The Attorney-General today said that any Minister attempting to usurp the powers of the Attorney-General while the Attorney-General is out of the State would be acting improperly and illegally—and there is no doubt about that.

I was a member of Cabinet for a long time and I am well aware of those facts. Not only does the Attorney-General discredit me—or attempt to—by saying that I directed the former Attorney-General, but he indulges in a vile attack on a respected public servant—the Solicitor-General—by stating that the Solicitor-General would have taken directions from someone when he knew—and all Solicitors-General would know this—that this Minister would not have power to direct him. When the former Attorney-General—now Deputy Leader of the Opposition—was overseas last year, I was asked to sign his mail, answer questions on his behalf if any were addressed to him, and attend to routine matters on his behalf. I was not, at any time, appointed acting Attorney-General, because such an appointment cannot be made—there is no such

position. Only the Attorney-General can exercise the powers of the Attorney-General or, in his absence, the Solicitor-General can exercise those powers. I can say with a clear conscience, and looking anybody straight in the eye, that during the time when the former Attorney-General was absent overseas, I never even entered the Attorney-General's department; I did not deal with any of the matters there and I did not see any of the legal files of that department.

I signed correspondence and attended to a few routine matters of that kind, but at no time did I see any file concerning the Attorney-General's legal powers—and I certainly did not see the file that has been referred to here today. It would have been quite improper of the Solicitor-General or the officers of the Attorney-General's Department to have given me the file, and it would have been equally improper for me to have requested it. In all those circumstances, I believe that the only proper thing for the present Attorney-General to do—unless once again he is going to hide behind the cover of parliamentary privilege—is table the file here in the House and let honourable members and the public look at it. If he does that, we will find out who is telling the truth in this matter. Quite obviously—as I have just indicated—I could not have done anything with the file. I certainly did not try to—not that I wanted to—but I certainly could not even if I had wanted to.

[Interruption]

Sir ERIC WILLIS: The Government seems to think this is a laughing matter. I can well understand the honourable member for Campbelltown, the honourable member for Burrinjuck, the honourable member for Hurstville, the honourable member for Monaro—in fact all Government members—thinking that is it funny to besmirch somebody's character or to indulge in character assassination. It is a serious matter when lies are deliberately told, as they were told by a Minister of the Crown, masquerading behind the cover of parliamentary privilege and using the authority that goes with his office to attempt to besmirch the character of other people. I repeat, the Attorney-General, in trying to attack me, made a low, vile, contemptible attack on the Solicitor-General. The Attorney-General went on to say that I, during that same period, failed to meet the legal requirements in respect of preparing an *ex officio* indictment. What utter rubbish. How could I possibly attempt to meet the legal requirements when I did not have the legal power to take such action?

Mr F. J. Walker: I did not say that.

Sir ERIC WILLIS: Yes, you did. You said that we mucked up the system; that we did not know how to go about it. I will tell you why we did not go about it the right way; we were not doing anything about it, because it was a matter entirely for the law officers of the State—and I should think that the Attorney-General would know that that means the Attorney-General, when he is here, and that it means the Solicitor-General, in his absence. It is quite absurd to suggest that I or any other Minister of the Crown did something incorrectly in pursuit of the legal powers of the Attorney-General. We would not even have been trying to do it—rightly or wrongly. This hypocritical, muck-raking, garbage monger from Georges River is possessed of a political hatred so strong and an argument so weak that he has to invent this stupid, dirty story about me. I repeat that all he has to do—if he wants people to judge who is telling the truth—is table the file and thereon we will see no memo, no notation—nothing from me.

Mr Sheahan: How do you know that?

Mr SPEAKER: Order! I ask honourable members on the Government side of the House to remain quiet. The Leader of the Opposition is addressing the House. Any member on the Government side who wishes to speak in this debate may seek the call.

Sir ERIC WILLIS: I repeat that if that file is tabled in the House, there will be no signature of mine on it, no memo from me—in fact no reference to me on the file—and I know that because I had nothing to do with the matter at any stage.

Mr F. J. Walker: What about on the telephone?

Sir ERIC WILLIS: You are a dirty rotten little guttersnipe.

Mr SPEAKER: Order! I ask all honourable members to refrain from interjection. The Leader of the Opposition has the call. I ask him to refrain from replying to interjections. I shall deal with interjectors.

Sir ERIC WILLIS: There is only one possibility—and I do not dismiss it as a possibility in view of the poor type about whom I am speaking—that there is some reference to me on the file, namely that the present Attorney-General put something there in recent weeks. I would not put that past him. After all, why has it taken from the time of the Address-in-Reply debate to now for the Government to be willing to answer the allegations contained in the motion of the honourable member for Northcott? An attempt was made during the Address-in-Reply debate and the Government advanced every argument its members could find to prevent debate on the matter. An attempt was made at a later date, on private members' day, and again every possible argument was provided. The Government has had approximately three months in which to tamper with the file. I should not be at all surprised if that is what the Attorney-General has done.

[*Interruption*]

Sir ERIC WILLIS: It is noteworthy that both the Attorney-General and the honourable member for Heffron read from typewritten speeches both couched in identical language, which could easily be recognized as having had the same author and using words that the honourable member for Heffron would not even know the meaning of. I should like to refute everything that has been said about me by the Attorney-General and by the honourable member for Heffron today—his vile and unsubstantiated allegations. One would think, from the way those honourable members were speaking, that Sir Charles Cutler, the honourable member for Northcott, the Deputy Leader of the Opposition and myself were the people who had been indicted on a criminal offence some time earlier this year. I was under the impression that no criminal charges had been laid against us but that in fact criminal charges had been laid against the honourable member for Heffron. Now members on the Government benches are trying to make out that the boot is on the other foot, that we are the criminals in the matter and that it was not the honourable member for Heffron who was arraigned before a judge and jury—or should have been—but people on this side of the House. All I say is that there is only one way to test that. I remind the honourable member for Heffron and the Attorney-General that this all started with some Labor—not Liberal—aldermen in the Botany——

Mr Petersen: Former.

Sir ERIC WILLIS: They are former aldermen because when they would not take bribes you dropped them. That was not the right kind of alderman to have in a Labor Party council—if they were not bribable they were not fit to be Labor Party aldermen. Of course you dropped them like a hot cake when they would not take instructions and allow the general secretary of the Labor Party at the time to engage in the notorious practices the subject of the allegation. It was because of this sort of thing that happened in a Labor-controlled council, with Labor aldermen conducting the whole affair—it had nothing to do with members on this side of the House; it was the Labor Party, Labor members of Parliament, Labor aldermen in a Labor-dominated

council—the whole affair, I understand, took place in the Labor Club in Randwick. In all those circumstances I cannot quite see how they can attempt to make out that we on this side of the House are the criminals in the matter. As the honourable member for Heffron has said, they have now got rid of those aldermen who complained about being bribed. Presumably those aldermen have been replaced with aldermen of the ALP tradition. There is one place to find out the truth of the whole matter—that is the place it ought to have been in and the more I hear of it the more I am convinced it is so—a courtroom. The only time it has been in court the Chief Stipendiary Magistrate said that there was a ***prima facie*** case to be answered by the honourable member for Heffron. Since then——

[Interruption]

Sir ERIC WILLIS: There was a technicality. He got out of it. The Attorney-General and everybody else have been twisting and weaving to prevent the matter from ever coming before a judge and jury. That would be the last thing they would want, because the truth might come out. If allegations of this kind had been laid against almost anybody else in the community, that person would have wanted to get up to clear his or her name immediately, especially if the person were occupying a position of public prominence and responsibility, but aided by the snide lawyer who occupies the Attorney-General's chair, the honourable member for Heffron has done his best to avoid having to answer the charges that were laid against him. If anyone is being improper in the debate at this moment, it is the honourable member for Heffron and the Attorney-General. When the honourable member for Heffron was talking he claimed that the Solicitor-General did certain things on certain dates, that the Solicitor-General received certain information on certain dates and that he could not possibly have known about these things at the time. There is only one place that the information could have come from, that is from the file that the Government will not table in the House but which has obviously been given to the honourable member for Heffron to have a look at himself.

Mr Brereton: It is in Supreme Court documents.

Sir ERIC WILLIS: I am not arguing about the Supreme Court. I am arguing about your statements and what happened in the departmental file. The only way the honourable member for Heffron could find out what was in it was to have been improperly shown it by a Minister of the Crown who is sworn not to do such things. But that does not mean a thing when someone is trying to avoid justice in respect of a member of the ALP. Reading from the typewritten speech I referred to a few moments ago—which itself is a breach of the practices of the House—the honourable member for Heffron clearly indicated that he and the Attorney-General are themselves guilty of impropriety inasmuch as they have been exchanging notes and confidences in respect of a confidential Government file. Let all honourable members have a look at the file. Put the file on the table of the House to let the people of the State see what is in it. Then it would not be privy to the honourable member for Heffron only; it would be available to all of us to see and we would know who has been telling the truth and who has not. The honourable member for Heffron made a snide remark about the former Speaker and somebody getting the call. He finished by saying, "Wonder of wonders, the honourable member for Hornsby received the first call." I could say today, "Wonder of wonders, the honourable member for Heffron got the first call on the Government side of the House."

Mr F. J. Walker: No one jumped.

Sir ERIC WILLIS: No—it was not organized, was it? People in glass houses should not throw stones. Perhaps the Attorney-General has not heard of that saying. Without taking up too much more time let me reiterate. First, I declare that I had

nothing to do with the whole affair and with the allegations that have been made against me. Second, I deplore the attempt made to involve me. Third, I deny the vile allegations made against me. Fourth, I repeat what I said a minute ago: the more I hear about the matter the more I am reminded of Queen Gertrude in Hamlet when she said, "The lady doth protest too much, methinks".

Finally, let me say this: let us have the file—let it be tabled. We can then all see what is happening. As it is, if it is not tabled and the Government does not allow the matter to go before a proper court, the public will draw its own conclusions and know that the Wran Labor Government has one set of laws for members of the Labor Party and another set of laws for the rest of the community. After all, the public knows that the honourable member for Heffron was, according to the Chief Stipendiary Magistrate, in a position where there was a ***prima facie*** case for him to answer.

Mr CAMERON (*Northcott*) [4.29], in reply: What an extraordinary difference there has been in the House today in the debate on this matter. Contrasted with earlier occasions upon which it has been raised, this afternoon no points of order have been taken from the Government benches. Belatedly, the opportunity has been taken for the matter to be fully ventilated and debated. In many respects I believe that a breath of fresh air has blown through this issue by virtue of the belated course now being followed.

For reasons best known only to the Labor Party, whenever the Opposition raised this matter before there was a continuous chain of false, fraudulent, cheating points of order taken with no objective other than to stop discussion. Just as the matter has been debated today, so it could have been debated then. Belatedly the honourable member for Heffron and the Attorney-General have told the House in detail what they could have told it months ago. The Attorney-General has brought to the House an entirely new story, a new chronicle of events and a new set of explanations that it has been fully open to him to bring to the House and to the public at all stages, hut which he has produced for consideration at no stage before today. The Attorney-General has said that in fact he needed to take no action because, for some reason or other not detailed, the ***ex*** *officio* indictment was defective. It died, as it were, of its own accord and he had to do nothing at all.

Some extraordinary issues are raised by this new and most belated story. The Attorney-General has the same set of legal advisers as his predecessor had. The legal advisers to the previous Attorney-General informed him that the ***ex*** *officio* indictment was the right course to be taken in law and that it was a valid process. Now the Attorney-General seeks to inform the House, in effect, that the same set of legal advisers have done a sudden somersault and are telling him that the indictment was defective, through causes not explained, and died of its own accord. He has said that he was a passive observer who needed to take, and in effect took, no action. As the Leader of the Opposition and the Deputy Leader of the Opposition have said, those propositions cannot be easily reconciled. The only method of resolving this extraordinary situation is for the Attorney-General to do the obvious thing—bring the file into the House and table it so that all honourable members and the news media of the country can examine it and see what are the realities.

The honourable member for Heffron told the House that the chief stipendiary magistrate had found the process against the honourable member not good in law. I summarize the situation by saying that it is equally clear that the chief stipendiary magistrate found the facts, in effect, malodorous. The honourable member for Heffron has referred also to the application made to Mr Justice Taylor. The legal representative

of the honourable member had avenues open to him if he wished to challenge the validity of the *ex officio* indictment. His adviser was a good legal adviser. Obviously the Government thinks so, because the same legal representative has been given the responsible task of presiding over the inquiry into casinos.

An extraordinary course of events took place in respect of the avenues that that legal representative and his principal, the honourable member for Heffron, had open to them. When seeking to challenge the legal validity of the *ex officio* indictment they elected to go before Mr Justice Taylor. It is plain that that was the wrong course to take: it is as plain as a pikestaff that they knew it was the wrong course to take. Having failed there on jurisdictional grounds, they then took the step of making another appeal. To what tribunal did they make their second appeal? It was to the Court of Appeal. That was wrong also. The proper jurisdiction to which they should have gone—and I believe they knew all along that they should have gone—was the Court of Criminal Appeal. They were absorbing time to get them over the hump of an approaching election hoping, as turned out to be the fact, that there would be a new Labor Attorney-General who would dispose of the matter politically, as he has done. At no time did they make their appeal to the tribunal that could have given them an effective answer. They knew all along that the answer on law would be adverse to them. So they simply took the course of repetitive appeals to courts that they knew could not give them relief. That gave the impression of activity, but all the time in their minds was the hope and the prayer that it would get them beyond the elections and that they would find, as they did, a Labor Attorney-General who would dispose of the matter politically.

The honourable member for Heffron spoke in great detail about the four aldermen from Botany, which is in his own area. I repeat my view of two of those four individuals whom I have met. I have met Mr James Slattery, who has been defamed by the honourable member for Heffron. I say that of my knowledge of him he is an honourable man and a gentleman. I have met Alderman Owen Davis and I say without hesitation that I am impressed by him as being a man of integrity. I know that all four have been victimized. The honourable member for Heffron has said that these people have been relieved of control of the council. The fact is that, on the evidence, they were threatened with loss of their Labor pre-selection if they failed to act as they were directed, that they did fail to act as they were directed and the threat was carried out. They were deprived of their pre-selection. Nevertheless, the people of Botany thought sufficient of them in all the circumstances to return two of them to the council without Labor endorsement. That is the sort of fact that speaks for itself—if we are interested in facts that speak for themselves.

The best summary of the whole issue is the concise headline to the *Financial* Review article which said this is, "An ugly mix of law and politics", and the man who has done the mixing has been the Honourable the Attorney-General.

Mr Ryan: Why did the honourable member today misquote Mr Justice Taylor?

Mr CAMERON: I have never on any matter that I have put to this House had other than total conviction in my heart that what I was presenting was accurate. I have nothing but pride for my part in this and in having persevered with what to me is a distasteful action.

[*Interruption*]

Mr SPEAKER: Order!

Mr CAMERON: If I may pause and give emphasis to that. This afternoon the House has had a most vituperative debate. It is not my practice now, and it has never been my practice at any stage since I entered this House in 1968, to engage in personal vituperation. I have not done that this afternoon; I have not done it at any time. I have presented issues as I see them, with honesty, probity and sincerity——

Mr Ryan: Why didn't you——

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

Mr CAMERON: The belated debate that has taken place this afternoon has been of value to the House and the community. I do not accept the belated explanation that the Attorney-General, almost at the eleventh hour, has made to the House. We know that he needed some explanation to cover the situation, which has perplexed the news media, this House and the general community. Until this explanation was given, it seemed that the Attorney-General had held back from filing a no bill and simply held the whole matter as a sword of Damocles hanging over the head of the honourable member for Heffron, guaranteeing his continuing discretion. I do not accept the Attorney-General's last minute explanation. I accept the firm view that I and other members of the Opposition have been putting, namely, that the only satisfactory resolution of the whole matter will be if and when the Attorney-General has the courage to bring the file into this House, place it on the table and let the news media and the community look at its contents.

Question—That the motion be agreed to—put.

The House divided.

[In division]

Mr Coleman: On a point of order. In view of the direct personal interest of the honourable member for Heffron in this matter, should he be entitled to take part in this division?

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

Ayes, 48

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

Noes, 50

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

Question so resolved in the negative.

Motion negatived.

CHILDREN (EQUALITY OF STATUS) BILL

Third Reading

Bill read a third time, on motion by Mr F. J. Walker.

LOAN FUND COMPANIES BILL

Second Reading

Debate resumed (from 18th November, ***vide*** page 3232) on motion by Mr Einfeld:

That this bill be now read a second time.

Mr **COLEMAN** (Fuller) [4.49]: I was glad indeed to hear the Minister's second-reading speech as the speeches at the introductory stage suggested that this would be a deplorable debate. However, I feel that the Minister should have paid a proper tribute to the people who were initially responsible for this bill. I am not referring only or mainly to the former Government's committee, which produced a report that formed the basis for this legislation. I had the pleasure to be chairman of that committee, and the other members of it were the honourable member for Mosman, the honourable member for Bligh, the honourable member for Miranda, the honourable member for Lismore and the honourable member for Oxley.

I am referring particularly to the public servants who assisted that committee throughout, Mr John Prentice of the Public Service Board and Mr Robert Westcott of the Corporate Affairs Commission. They gave invaluable assistance to the committee and it would be a nice gesture by this House to pay a tribute to them for the work they did in assisting the committee to produce its report on which the legislation now before the House is based. We did not hear such a tribute from the Government. Instead, we heard a couple of extraordinary speeches from honourable members. The

honourable member for Campbelltown ranted away about guilty men, and about their being engaged in one of the greatest scandals that has ever occurred in this State. He wanted the directors of the companies named publicly, and he made dark hints about his belief that it would bring out the names of tall poppies in the Liberal Party and be a remarkable disclosure generally. Honourable members are familiar with the rantings of the honourable member for Campbelltown.

Over the years about the only published articles dealing with mutual home loan funds that spoke enthusiastically about them appeared in a magazine called the ***Radical,*** the journal of the Australian Labor Party. In **1974,** an article printed in that magazine and written by a Mr Heffernan, spoke enthusiastically of companies which the honourable member for Campbelltown, in that paranoic way in which he speaks, considers to be somehow or other in some semi-criminal, corrupt way associated with the Liberal Party. Worse than that, he made a vile statement about some prominent people in his own party. So far as I know, the only political person associated with a mutual home loan fund is Mr Allan Fraser, who is associated with a fund based in Canberra. Whatever else one may say about Mr Fraser—and I believe one would say only good things about him—he is an honourable man and one of the most respected persons in Australian politics. I certainly have the highest regard for him. He is one of the most respected members of the Labor Party; a man who at one stage it was thought might become leader of the Labor Party in the federal Parliament, with a possibility of becoming Prime Minister. In any case, he is a man of the greatest honour.

Mr Morris: The Labor Party must be sorry it did not make him leader.

Mr COLEMAN: That is so. When the honourable member for Campbelltown ranted away about all sorts of corruption, presumably he was talking about men like Mr Allan Fraser. The Minister for Consumer Affairs and Minister for Co-operative Societies ought to encourage the honourable member for Campbelltown at least to apologize to Mr Fraser and also to Mr Heffernan, who wrote the article in the ***Radical*** to which I have referred, the only article in a general magazine that, to my knowledge, was enthusiastic about these funds.

This matter was raised by me in August, **1974,** when I spoke in this Parliament about this sort of legislation, following on the report of the former Government private members committee that had been presented in July, **1974.** The committee had recommended that legislation be introduced and that in the meantime a public education campaign be launched by the Consumer Affairs Bureau. That campaign was undertaken. It took the form of a pamphlet that was produced in April, **1975,** entitled ***Mutual Home Loan Fund. A Guide for Intending Subscribers.*** The Commissioner for Consumer Affairs, Mr Gallagher, wrote in that pamphlet as follows:

> The Government has decided to introduce special legislation to ensure that the interests of subscribers to these funds are protected to the fullest possible extent and that pending the introduction of this legislation this pamphlet has been prepared as a matter of public education.

That is the background. The bill stems from a Liberal-Country party private members' committee, and a report made by it. The Commissioner for Consumer Affairs said that the legislation was being prepared. That legislation, with some variations, has now been introduced by the Minister. So much for the allegations by the honourable member for Campbelltown and, after him, in an equally extraordinary short statement at the introductory stage, the honourable member for Illawarra.

The funds are summarized briefly as Starr-Bowkett societies with the right to outside borrowing, organized as companies rather than as mutual co-operatives. These companies are capable of being run in the public interest, and to some extent have

been run in the public interest, though in some respects not. It is most important that this debate be conducted in a reasonable spirit, directed at reforming the companies, and to that extent supporting the bill, but not blackening everyone associated with them in the way that the honourable member for Campbelltown and the honourable member for Illawarra attempted. As the Minister said, we are dealing with companies that have 10 000 subscribers and about $15 million invested. Presumably persons like the honourable member for Illawarra and the honourable member for Campbelltown want this to be an hysterical debate, those 10 000 persons to lose their subscriptions and the $15 million to be wasted. We want to protect those subscribers and their investment. We want the companies to be regulated, supervised and conducted so that complaints will be avoided, but we do not want these people to lose their money entirely.

It must be remembered that a number of persons, though not as many as we should like, go towards balancing the number of complainants to some extent by pointing out that they have received their loans. Some significant number have got their loans, but a larger number are still waiting for theirs. I am sure that although all honourable members have received letters of complaint about these matters, many honourable members have received also letters from persons saying that they were satisfied. The fact is that there is a significant body of complaint, and it has extended over a period. The outstanding complaint, as I think the Minister said, concerns the long waiting time experienced by many people while they are paying off their options or shares. It is true that the waiting time cannot be stated with precision, because there are too many variables, such as the ratio of borrowing to existing capital, the rate of applications for loans, the effect of future interest rates, the time selected for repayment on loans granted, the promptness of members in making their payments, and the growth of membership.

Although it is true that as a result of pressure from the Corporate Affairs Commission the points I have just summarized are made clear in the prospectuses of many of the companies, the waiting time cannot be determined with precision. Nevertheless, many of those involved with the funds are financially unsophisticated, and they are influenced not so much by what they read in the prospectuses as by what the salesman tells them. They listen to the salesman, and the more the financially unsophisticated tend to act on his advice, the more likely it is that they will be the complainants when they do not get a loan in the time that the salesman suggested to them. Second, some subscribers have trouble withdrawing from some of these funds. There is no active market for the shares, and they find themselves locked in. Subscribers cannot unload their shares without serious financial loss. The third line of complaint seems to be related to the inflationary situation. A person might have taken out loan shares expecting a loan of $20,000, but by the time the loan becomes available, say, twenty years later, it is of little use to him.

Although some funds have anti-inflationary arrangements built in so that with the effluxion of time a person who buys more shares will retain his position in the queue, it still follows that people further back in the queue will have to wait longer for their loans. Fourth, there have been some complaints about the actuarial soundness of some funds. Although some actuaries of high repute have stated that certain funds are sound if prudently managed, other actuaries have expressed serious doubts about the actuarial soundness of the whole operation. The fifth ground of complaint concerns the lack of voting rights. These organizations are not co-operatives; they are essentially companies. There are no voting rights by members until their shares are fully paid up, which might take many years, and when they are paid up fully there might be some shares with different voting rights. That situation should not be allowed to continue.

The final matter that came to light during the committee's inquiry is a risk that could become a real, pressing danger. In the event of insolvency or winding up of a company, the shares not paid up will have to be paid in full. Many people could be undertaking a financial risk but they are unaware of the risk they are running. On the basis of these matters, and no doubt other complaints, the committee recommended the introduction of legislation to ensure that the funds are operated in such a manner as to protect the public interest and that they be administered by a public officer charged with the necessary disciplinary powers. I am quoting from the report given to the Minister for Labour and Industry on 8th July, 1974. This legislation follows the recommendation of that report in many details. The committee recommended that the Registrar of Co-operative Societies would be the most appropriate officer to perform the function mentioned in the main recommendation; and we find that in clause 5 of the bill. The committee referred also to the appointment of an advisory board capable of providing financial, actuarial and marketing expertise to assist the regulating authority in determining, controlling and arbitrating matters. We find that in clause 9 of the bill. The report referred, as well, to the need for controls over marketing in relation to prospectuses, advertisements and salesmen, and we find that in clause 58 of the bill. Doubt was cast by the report on the need for preserving management companies. It stated that control by management companies should be closely examined; and we find the result of that examination in clause 15 of the bill. The committee recommended that legislation should include power to investigate and obtain information from the funds and associated companies. That aspect is covered by clause 7 of the bill. The committee further recommended that there should be equal voting rights for shareholders; and we see that covered in clause 39. And so it goes on.

A series of complaints led to a serious inquiry and ultimately the preparaticn of legislation for introduction along the lines recommended in the report. These recommendations were taken up by the former Government and have been adopted by this Government, no doubt with some minor variations. The bill is not one, therefore, for the reasons I have given, that we have any wish to oppose conscientiously. The bill sets out to regulate these companies in the public interest and in the interest of their subscribers. In principle, I am glad to welcome the bill. Although I have a couple of amendments to move in Committee, of which I have given the Minister notice, I regard the bill as basically good and sound. It certainly needs to be carried through with all possible speed in the interests of the subscribers and the public. Without endeavouring to summarize the bill in the way in which the Minister did, I say merely that I welcome it and I shall have some more points to make at the Committee stage.

Mr ROZZOLI (Hawkesbury) [5.6]: I propose to deal briefly with a few aspects of the bill. This measure underlines the continuing administrative role which this Parliament has to play in the evolutionary process of devising new methods to resolve old problems. The first building society legislation was enacted in this State in 1840. Basically two types of societies have evolved — the terminating building society and the permanent building society. However, there is a further variation of those types of society known as the Starr-Bowkett society with which mutual home loan funds have a close affinity. However, the requirements of loan fund companies and the way they operate are distinctly different and therefore are deserving of this proposed legislation.

As the honourable member for Fuller has stated, the Opposition welcomes the bill and generally compliments the Minister on the structure of this measure and its various provisions. This much-needed measure will remove areas of doubt and give guarantees of credibility that are required by the public. I, like most members of this House. have received complaints about the actions of some loan-fund companies. As well, I have had representations expressing firm support for these companies. I have received letters of support from people who have invested money in the companies and have obtained loans from them in terms that have been satisfactory to

them. In addition, I have received complaints from people who have misunderstood what they were investing in. A claim has been made that a loan fund company is akin to a type of chain letter situation in that it relies on a continuing inflow of new members in order to finance its ongoing loan commitments. That is not a correct statement of the position. Nevertheless, the structure of the loan companies is highly complex and probably understood by few people.

One matter I should like to submit for the Minister's consideration concerns the constitution of the proposed advisory committee. As things stand it will be compulsory to have only one officer of a loan fund company as a member of the committee, although the structure of the committee can vary from five to nine members. I realize that there is nothing to stop the Minister from appointing more than one loan fund company officer to the committee. However, I feel that the Government could give an assurance, and thereby show its interest in the sound operation of these organizations, that it will consider stipulating that on a committee of five one member shall be an officer of a loan fund company, and if the number on the committee varies between five and nine, that two of them will come from loan fund companies. Legislation should have a specific provision to deal with voting rights. That matter should not be left unstated in a bill.

I should like to place on record in this debate the fact that a home loan funds action group has been established. As I understand the position, it is the only consumer body that has been formed to look at all aspects of the operations of the loan fund companies. I submit that in the future this group should be entitled to representation on the advisory committee. The secretary of that group—no doubt the Minister is aware of this fact—is Mr W. Howell of 42 Northcote Road, Lindfield. I understand that the group has 130 financial members, each of them having paid a $5 membership fee. Moreover, the group has received 242 inquiries from interested people. I realize that this group is of recent origin and I accept that it cannot necessarily be given representation on the proposed committee until it has proved its capacity to represent the consumer's point of view. The group consists of responsible people. I should like the Minister to give some consideration to including representatives of this consumer group on the advisory committee at some future date.

A further matter to which I draw the Minister's attention is the provision in the bill relating to the granting of loan priority numbers. One of the greatest faults in the operation of loan fund companies is the confusion of many small investors. They read the large print but neglect to make sure that they understand the finer details. Although to date the operations of many companies have been quite legal and correct, some people have managed to get into distressing circumstances by not understanding how the companies operate. The present legislation stipulates that a loan priority number will be allocated on the granting of an option, a qualifying share, or a loan entitlement share. I foreshadow that in the required advertising about an offer or allocation a person may read of a loan with a lower priority number than his own. The person will feel righteous indignation that somebody with a lower priority number has been offered a loan. He may not realize that as he is still at the option stage he is not entitled to an allocation.

I ask the Minister to consider providing at a later stage by way of amendment or regulation that on the granting of an option a person be given, for want of a better term, a member number which shall be used for the purpose of determining, should more than one person qualify for an issue of loan entitlement shares on a common date, the lowest share number to qualify for those shares. This proposal has a twofold purpose. One is practical in that it would determine the exact order of the allocation of loan entitlements at the date of qualification. The second is that it would make it quite clear to the person investing in the company who is only taking up options

that he is not on the immediate list for possible loan allocations. That would clarify the position for the general public. I realize that the system proposed by the bill will do that in practice. Nevertheless, public confusion must be reduced to a minimum.

Although I am not sufficiently concerned to move an amendment at the Committee stage, I wish to ensure that the privacy of people is sufficiently covered in clause 20, which deals with advertising. I suggest that the third line of paragraph (b) of subclause 20 (2) could be reworded so that the paragraph would read "the loan priority number allocated or deemed to be allocated in respect of the loan entitlement shares against which the offer has been made". Paragraph (c) could be reworded as follows, "the amount of the loan offered against that priority number". This would make certain that a person's name is not included in the advertisement, thus obviating a gross invasion of privacy.

Another subject to which I wish to refer is the continuing management of the companies. Where a new company structure is superimposed on an existing company the voting rights of option holders and shareholders should be balanced against the possibility of those rights having a disruptive influence on continuing management. Through malice, misunderstanding or ignorance a group of people with voting rights could upset the operation of a fund to its detriment. As has been said previously, the operation of the funds is quite complex. There should be some provision to ensure the continuation of management for, say, two years after the date of assent before people with voting rights are able to take action which may jeopardize a company. Further, existing management should be held responsible for the conduct of a company prior to the date of assent. Such a provision would work both ways. A company established after the date of assent would be formed in the usual way. Investors would come in with their eyes open. The election of directors and other constitutional matters would accord with long-accepted principles, and that should not be a cause for concern. However, when companies are given suddenly a new set of management rules there should be some sort of transitional period for their implementation. In view of the limited time left to me at this stage, I shall raise some other specific matters in Committee.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.16], in reply: I am grateful to the honourable member for Fuller and the honourable member for Hawkesbury for their contributions to the debate. In particular the honourable member for Fuller had a good deal to do with the recommendations of the committee that considered mutual home loan funds. I acknowledge that other members of his party have also played a part in the matter. I should like the honourable member to know that there is nothing new in the matters that he has mentioned. On 15th September, 1970, page 5820 of *Hansard* contains the record of a question I asked about mutual home loan funds and about advertisements of those funds. I was uneasy then about the secrecy that was ensuing and I attempted to get some action taken. The Hon. K. M. McCaw, who was at the time the Attorney-General, gave a reply to which he added later on the same day. That was four years before the Liberal Party woke up to the fact that something needed to be done in regard to those funds. At that time the head of Mutual Home Loans Funds of Australia Limited, Mr Reynolds, who has since died, wrote me a threatening letter for daring to ask about those funds and to call attention to the company's prospectus in Parliament.

Mr Coleman: Be careful.

Mr EINFELD: I have been most careful with the honourable member for Fuller. He should not provoke me otherwise I shall deal with him properly. I speak exactly the same about people who have died as I do about people who are alive.

A person can act wrongly when he is alive; that fact is not altered by his death. Mr Reynolds wrote me a threatening letter about what I said in Parliament in an endeavour to stop me saying anything further about his company. The poor chap subsequently died.

Mr Coleman: You should produce the letter.

Mr EINFELD: I shall deal with the honourable member in a moment. I was trying to treat him kindly. His committee was most deficient. Although it did a lot of things, it did not do all the things that the honourable member said it did. The draft bill that was produced when the honourable member was a member of the Government was deficient in a number of important ways. The report of the honourable member's committee said that the situation of management companies should be examined. I remind the honourable member that the bill does away with management companies. They were part of the whole problem. The honourable member did not deal with money that ought to be repaid when people want it repaid. My advisers and I have insisted that the bill provide that money be repaid within three years from the date that people want it back. Proper protection will be afforded for those people. The honourable member for Fuller tells me to be careful; he should have been a lot more careful when he examined the position. He should have realized that the position with home loan funds was most unsatisfactory.

Mr Coleman: The Minister is defaming a dead person. He should produce the letter.

Mr EINFELD: I am defaming the honourable member, and I suppose he will not be dead for quite a while. Some 10 000 people have invested $15 million in these companies. The Government is anxious to ensure that there is not a run on them and that there is no doubt about their operations. There is plenty of evidence that smart salesmen did have a go at those who invested money. Hardly a day passes without people writing and complaining bitterly about being misled into thinking that they would get a loan quickly.

That was the position for years while the former Government was in office. Despite the many complaints that were received since 1968, when the first company was formed, until 1974 the former Government did nothing to investigate the matter. People had invested in these companies, thinking that they would get a loan quickly, either at no interest or at the low rate of 2½ per cent or 4 per cent. Some of those loans have been sold at auction; one of the firms that auctioned them was Geoff K. Gray Pty Limited. I wrote more than once to a former Attorney-General, who is now the Hon. Sir Kenneth McCaw, and asked him to take action, but the former Government did nothing about the voting rights of shareholders. It set up a committee but nothing was done about this aspect until we put in the relevant provision in this bill. The honourable member for Hawkesbury said that shareholders should have only conditional rights. He said that continuity of management should be preserved for two years and that at the outset shareholders should not have an equal right to vote. Opposition members are mixed up in their thinking. That is not unusual.

Mr Coleman: The Minister is losing his sense of humour.

Mr EINFELD: I am not. I think it is terribly funny. The honourable member for Fuller claims that this matter is not covered in the bill, yet the honourable member for Hawkesbury says that we must be careful not to give too many voting rights. That is in the bill.

Mr Coleman: It is in the committee's report.

Mr EINFELD: If a committee's recommendations are not put into a bill, and a government is not serious about giving effect to those recommendations, what does it all mean? The honourable member for Hawkesbury said that there should be more than one officer of a loan fund company on the proposed committee if it is to have more than five members. We do not yet know how many members will be on it. We are investigating that matter. When this bill is passed and the registrar has the right to send inspectors to investigate loan fund companies, we shall soon know whether they should have a right to have more than one representative on the proposed committee. At the moment we do not know. We are all anxious to find out the facts.

The honourable member for Hawkesbury referred to the home loan fund action group. That group wrote to me and suggested that it should have representation on the advisory committee. I shall not appoint one now. We shall investigate that body, see who its members are, and find out its attitudes. In regard to priority numbers for loans, the law is well spelt out in the bill. I have given notice of my intention to move for the insertion of a new clause 19, which will give option holders the right to be told when their numbers are approaching so that they can immediately convert their options to shares and pick up the priority number that is allocated to them. The Government is anxious to make sure that all shareholders get the rights to which they are entitled in order of priority of investing for a loan. This is provided for in new clause 19 and in clause 20.

The honourable member for Hawkesbury referred to voting rights. There will be no ccntingency voting rights. Shareholders will have full voting rights, equally with the promoters' shares or anyone else's, as in any company. It was suggested that some shareholders might want to take over a company that has had continuity of management. That may be the danger inherent in the action group. I do not know; I am not suggesting that it is. If a fund is found to be viable and properly administered and managed, shareholders would be stupid to change its management. If a fund is badly administered, and not viable, and money has disappeared, shareholders will want to change the management.

The Government has made many amendments to the bill. We as a government are particularly interested in giving full rights to shareholders and option holders in those companies. We are determined that the funds will have to make a refund to applicants within three years of the lodging of applications. These provisions make the bill worth while, and I ask honourable members to support it.

Motion agreed to.

Bill read a second time.

In Committee

Clause 4

Page 8

"vested loan entitlement", in relation to loan entitlement shares in a loan fund company, means a right vested in the holder of those shares to obtain from the company a loan of an amount which, having regard to the memorandum and articles of association of the company and the prospectus under which those shares were allotted, is appropriate to those shares.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.25]: I move:

That at page 8, line 6, the word "and" be left out and there be inserted in lieu thereof the word "or".

This amendment is purely a drafting improvement.

Amendment agreed to.

Clause as amended agreed to.

Clause 15

[Certain persons prohibited from managing, etc., affairs or activities of loan fund company]

Mr **ROZZOLI** (Hawkesbury) [5.26]: I seek an explanation from the Minister of clause 15 (5), which relates to the exemption of certain people who promote the affairs of the company. Would it not be simpler and more in accord with the general objective of the bill to remove any possible instance of malpractice or anything of that nature by requiring that all contracts entered into other than under the terms of the bill—that is, by officers with a contract of service—be rescinded at the date of assent, and recontracted by companies to comply with the provisions of the bill? This would mean that everyone who had taken up options or shares of the company would have the contract made out by a person who was an officer of the company under a contract of service.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.27]: The provision has been framed purely to preserve continuity and not to alter things unnecessarily.

Clause agreed to.

Clause 19

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.28]: The intention is to insert in the bill a brand new clause 19 that will take care of some of the matters raised by the honourable member for Hawkesbury. I ask the Committee to vote against clause 19. Later in Committee, when all the provisions have been dealt with, I shall move for the insertion of the new clause.

Clause negatived.

Clause 20

[Loan fund company to publish certain information]

Mr ROZZOLI (Hawkesbury) [5.29]: The Minister, in reply to my earlier speech, did not comment on the application of clause 20 as it affects the question of privacy and he failed to give an assurance that names would never be advertised. I seek his assurance that that is the intention.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.30]: The bill does not require a person to be named. We shall try to avoid that occurring. Privacy will not be infringed by any action that we take.

Mr ROZZOLI (Hawkesbury) [5.31]: Clause 30 deals with liens over options and shares. It is a matter of concern to me that persons who forfeit their rights or surrender them, or persons who have a lien over options for shares and forfeit their rights to them, should have some machinery available whereby they are able to recoup the money they have invested, wherever possible. Several examples have been brought to my attention. My question is why liens over options and shares are to be excluded from the ordinary provisions dealing with forfeiture or surrender, and whether it would not be possible to apply those provisions to liens.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.32]: I shall have a look at this matter and give the honourable member for Hawkesbury an answer later.

Clause agreed to.

Clause 46

Page **62**

> but the amount so payable shall not become due until the expiration of a period of 3 years after the date of the forfeiture or surrender or, if any provision of the memorandum or articles of association of the company, or any relevant prospectus, provides for that amount to become due at a date before the expiration of that period, until that date has arrived.

Mr COLEMAN (Fuller) [5.33]: I move:

That at page **62,** all words on lines **6** to **12** 'be left out and there be inserted in lieu thereof the words

> and the amount so payable shall become due as soon as the company has negotiated a sale and effected the transfer. In the case of failure by the company to find a purchaser within 3 years the amount shall be paid at the expiration of that period.

The reason for the amendment is obvious. There is no provision in the bill for members of funds or option holders to realize their contributions earlier than three years. I do not see why in the circumstances envisaged by the clause a person who has forfeited or surrendered his rights should have to wait three years. I am aware that in his reply to the second-reading debate the Minister for Consumer Affairs and Minister for Co-operative Societies said he was proud of the fact that a period of three years had been provided in the bill. I can see what is in his mind, but the point of my amendment is that there should not be a necessity to wait for three years when the company has already negotiated a sale and effected the transfer.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.34]: This situation has been worrying me all the time. Persons have requested refunds and have been refused them or have had an offer made to them of an amount much less than that to which they would ordinarily have been entitled. If they do accept it, a long wait is involved. For a while their shares were being sold at auction, but there is no sale for them now. I do not want to accept the amendment because already there have 'been so many complaints about alleged trafficking in shares and loan priority numbers by directors and officers of loan fund companies that the Government would not want to encourage a company to deal in the sale and transfer of its own shares. In fact, there is doubt about the legal ability under the Companies Act of a company to sell its own shares.

In addition, the bill prohibits a company from selling shares or options when exercising a lien, and presumably this could apply when payments on options or shares were in arrears. Notwithstanding the foregoing, any subscriber can arrange for the private sale of his shares and options. Perhaps a company willing to provide such a service could arrange a sale by way of introducing parties, but in these instances the transaction is between the subscriber and the purchaser and the latter would make payment direct to the subscriber. If a company does not wish to provide such a service or a member cannot arrange a private sale, the forfeiture and surrender provisions outlined in the bill would apply. On forfeiture or surrender, options and shares are cancelled. It would follow that the loan priority number attached thereto would be cancelled also.

The bill provides for repayment of the forfeited and surrendered moneys at the expiration of three years after deducting authorized charges. This approach is regarded as the most desirable because it places all subscribers on an equal footing. The money has to be repaid by the company in three years but there is no reason why it cannot be repaid in three months. Until now nobody has brought forward evidence that he has been repaid any money at all—certainly in recent times. The money will have to be repaid in three years. There is nothing to say that it cannot be repaid in a shorter time. Second, there is no real market for the shares at the present stage because of the complaints that have been made. The amendment does not seem desirable and the machinery provided takes care of the normal situation.

Mr ROZZOLI (Hawkesbury) [5.36]: What is the position in regard to the one company that has operated a provision such as this of its own volition, giving twelve months in which to repay the shares and refund the balance of the money? It can be more and it can be less. What is the position of a person who has that sort of transaction in train? Does it lapse?

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.37]: The three-year provision is the limit. If a company wants to set up an exchange or sale market by which it can reduce that period, there is nothing to stop it from doing so.

Amendment negatived.

Clause agreed to.

Clause 64

Page 85

the company where paragraph (a) applies, or a majority of the directors who have ceased to hold office where paragraph (b) applies, may, not later than 21 days after the date on which the notice or copy of the instrument of appointment was served on the company, appeal to the Court against the direction or appointment, as the case may be.

(2) Any such appeal shall be made in accordance with rules made under the Supreme Court Act, 1970, with the Supervisor as respondent.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.38]: I move:

That at page 85, line 3, the figures "21" be left out and there be inserted in lieu thereof the figures "28".

I have three amendments of this nature which, though minor, will make the legislation conform with the general position regarding the rules of the Supreme Court.

Amendment agreed to.

Amendments (by Mr Einfeld) agreed to:

That at page 85, line 5, after the word "company" there be inserted the words "or within such extended period as the court may allow."

That at page 85, line 9, the words "as respondent" be left out and there be inserted in lieu thereof the words "joined as party".

Clause as amended agreed to.

Clause 72

Page 93

(2) If, on the winding up of a loan fund company, any surplus remains after all claims of creditors, both secured and unsecured, have been satisfied or provided for, other than claims of holders of shares in the company, and of options to acquire shares in the company, in respect of amounts paid up, or credited as paid up, in relation to those shares and options, the following provisions shall apply :—

Amendments (by Mr Einfeld) agreed to:

That at page 93, line 18, the words "in respect of" be left out and there be inserted in lieu thereof the words "in relation to".

That at page 93, line 19, the words "in relation to" be left out and there be inserted in lieu thereof the words "in respect of".

Amendment (by Mr Einfeld) agreed to:

That at page 94, after line 26, there be inserted the words

(7) A reference in subsection (2) to an amount paid up, or credited as paid up, in respect of shares or options to acquire loan entitlement shares includes any premium paid, or credited as paid, in respect of those shares or options.

Mr ROZZOLI (Hawkesbury) [5.42]: Clause 72 (1) (d) (ii) contains a reference to assets valued, at their current market value, of $5 million or more. This seems to be an extremely high sum. Some insurance companies are not subject to such a high figure in similar circumstances. A quick examination of the balance-sheets of several companies indicates that they may be operating on a smaller figure. I am concerned that the provision might make it possible for a malicious person to institute winding up proceedings. I ask the Minister the reason for fixing such a high sum.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.43]: This provision deals only with companies formed after the passage of this bill. Frankly, the whole purpose of the provision is to regulate

the present funds and to try as much as possible not to encourage the registration of other funds—at least at the present time. As the honourable member for Hawkesbury rightly says, it is a fairly high figure but it is meant to discourage the establishment of further funds at the present time.

Clause as amended agreed to.

Schedule 1 Page 96

**** 9. The maximum amount of loan that you may receive from the company is $ and you would be required to provide as security for that loan the following:—**

Mr COLEMAN (Fuller) [5.44]: I move:

That at page 96, line 10, the words "the following" be left out and there be inserted in lieu thereof the words "collateral of a nature and value suitable to the amount of the loan".

This is a simple but helpful amendment. The schedule requires security to be specified but in practice it is not always known some years before the event. For example, it could apply to home extension or property not in existence at the time of joining a fund. My amendment covers all possibilities. I submit it is a more workable method than that contained in the schedule.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [5.45]: The amendment would do exactly what the honourable member for Fuller said, and that is why the Government will not accept it. The proposed amendment contains a description of security that is too wide. It could permit security to be offered which was not substantial enough to protect other subscribers against possible loss. It could also involve companies in unnecessary and costly disputes about the adequacy of security. The registry has had considerable experience in its administration of credit unions with the difficulties that can arise where a wide range of securities may be offered. What is intended in schedule 1 is that companies should stipulate definitely that at least the security of a mortgage over real estate should be provided. This is the appropriate basic security for a substantial loan, and the loan fund companies in the past have primarily relied on this kind of security.

Amendment negatived.

Schedule agreed to

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societes [5.48]: I move:

That the following clause be inserted:

19. (1) In this section, "loan", in relation to loan entitlement shares in a loan fund company, means a loan of an amount which, having regard to the memorandum and articles of association of the company or the prospectus under which those shares were allotted, is appropriate to those shares.

(2) Subject to this section, a loan fund company shall not offer a loan to the holder of loan entitlement shares in the company which have a higher loan priority number than that allocated or deemed to have been allocated in respect of other loan entitlement shares in the company unless—

(a) the company has made a loan in relation to those other loan entitlement shares, either to the holder or to a former holder; or

(b) where the company has not made a loan in relation to those other loan entitlement shares—

(i) the company has offered a loan in relation to those shares, but the holder of those shares has refused the loan or has failed or has been unable to comply with the terms and conditions or any of the terms of conditions on which the loan is offered;

or

(ii) the holder of those shares is for the time being in arrear with the payment of calls or instalments in respect of those shares or has failed to pay any penalty or other amount that is for the time being due in respect of those shares.

(3) A loan fund company shall not offer a loan to the holder of loan entitlement shares in the company which have a higher loan priority number than that allocated in respect of an option to acquire loan entitlement shares in the company or qualifying shares in the company unless—

(a) the company has given notice in writing, by letter sent to him at his address last known to the company, to the holder of that option or those qualifying shares (being an option or qualifying shares in respect of which he is not for the time being in arrear with the payment of calls or instalments and in respect of which he has paid all penalties and other amounts (if any) that are for the time being due) advising him that, if he does not acquire the loan entitlement shares to which his option relates or, as the case may be, his qualifying shares relate with in such period as is specified in the notice, being a period of not less than 21 days, the company proposes to offer the loan to that holder of loan entitlement shares; and

(b) the holder of that option or those qualifying shares fails within that period to acquire the loan entitlement shares to which his option relates or his qualifying shares relate.

(4) Where the holder of loan entitlement shares in a loan fund company is offered a loan in relation to those shares and he refuses the offer, or fails or is unable to comply with the terms and conditions or any of the terms or conditions on which loan is offered, the company may offer the loan to the holder of the loan entitlement shares in the company which have the next highest loan priority number and so on until the offer is accepted, but any such refusal, failure or inability shall not affect the loan priority number allocated or deemed to have been allocated in respect of the loan entitlement shares of the first mentioned holder or the company's obligation to offer to him a loan in relation to those shares on the next occasion that the company makes offers of loans in relation to loan entitlement shares.

(5) If a loan has been offered by a loan fund company to all of the holders of loan entitlement shares in the company who are eligible by virtue of the memorandum and articles of association of the company to be offered loans by the company and none of those holders has accepted the loan, the company may vary the terms and conditions on which the loan is offered (including the rate of interest at which the loan is to be repayable), but, if the company exercises that power, the provisions of this section shall apply to the offer of the loan as if the loan had not previously been offered and the terms and conditions on which the loan is offered had not been varied.

Mr Einfeld]

(6) A loan fund company which contravenes subsection (2) or (3) is guilty of an offence and is liable on conviction to a penalty not exceeding $500.

This new clause replaces clause 19 in the bill to which the Committee has not agreed. This provision will clarify the position concerning priorities for loans and ensure that a person is always given priority for a loan when his entitlement number is reached.

New clause agreed to.

Adoption of Report

Bill reported from Committee with amendments, and report adopted on motion by Mr Einfeld.

POLICE REGULATION (AMENDMENT) BILL

Second Reading

Mr WRAN (Bass Hill), Premier [5.49]: I move:

That this bill be now read a second time.

As honourable members were advised at the introductory stage, the object of the bill is to insert in the Police Regulation Act, 1899, a new section 5A to require the Commissioner of Police to prepare, or cause to be prepared, not later than 31st July in each year, a priority list containing the names of sergeants who are to be recommended for promotion to fill vacancies expected to occur in the rank of inspector during the period of twelve months commencing on 1st October following the preparation of the list. The amendment is designed to provide a legislative basis for the right of appeal proposed to be conferred on sergeants whose names are either excluded from the priority list or whose Dames are placed lower on the priority list than sergeants junior in rank to them. The amendments also propose the insertion of provisions for the preparation of a priority list for the period from date of assent to this bill to 30th September, 1977, and for the preparation of supplementary lists if it appears to the commissioner that the original list does not contain sufficient names to permit all vacancies anticipated to occur before the next yearly list is prepared to be filled.

Provision is being made for the commissioner to appoint such panels or committees comprising members of the force of or above the rank of superintendent to assist or advise him in the preparation of the priority list. Panels and committees have been operating in this way and for some years the commissioner has been preparing a priority list. These provisions are formalizing the matter. Provision is also being made for the service of a copy of the priority list on sergeants whose names are included on the list and those qualified for promotion to inspector but whose names have been excluded and who are senior in rank to any sergeant whose name is included in the list. Service of the priority list will be effected by delivery in person or by certified mail to the last known address of the sergeant concerned. I commend the bill to the House.

Mr COLEMAN (Fuller) [5.50]: There is little reason to debate in detail the measure, which is the foundation for the Police Regulation (Appeals) Amendment Bill to come forward later this evening. The bill regularizes and formalizes existing practice, which has been, for the past three or four years, the preparation of a priority list. A points system, appraisement panels, interviews of individual officers, advice of the result of the interviews, including those who have not been placed on

the priority list, have all been introduced and they are now being formalized by the bill. The preservation of a priority list, as distinct from the old-style seniority list, is important. Such a list by definition involves abilities and merits that are not included in the idea of a seniority list, which is limited merely to seniority. In one sense the measure will lessen the importance of seniority. It is of utmost importance for the future of the police force that other principles be involved in appointments and promotions. The measure is welcome to the extent that it incorporates in a statute a recent departmental practice while preserving the best part of past practice.

Motion agreed to.

Bill read a second time.

Third Reading

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

POLICE REGULATION (APPEALS) AMENDMENT BILL

Second Reading

Mr WRAN (Bass Hill), Premier [5.53]: I move:

That this bill be now read a second time.

As I indicated to honourable members at the introductory stage, the principal object of the bill is to provide a right of appeal for sergeants of police who are passed over when appointments are made to the rank of inspector. The bill also provides for a simpler and informal procedure for the hearing of appeals in promotions matters generally. The proposed new sections 3 (1) and 3 (2) are largely a restatement in more detail of the existing right of appeal for police of or below the rank of sergeant 2nd class.

The existing Police Regulation (Appeals) Act requires an application to be made to the chairman of the Crown Employees Appeal Board, in the event of it not being possible to serve a notice on a member of the police force affected by a decision which is appealable, for directions as to the service of such notice. It is proposed to replace this requirement with the provisions of new section 3 (3) so that such a notice may be delivered to the member of the police force in person or by sending it by certified mail to his last known address. New section 3 (4) provides for the commissioner's decision to promote to be carried into effect notwithstanding that the time for lodgment of appeals has not expired or an appeal has not been determined by the board. In the past promotions have been delayed for a considerable period of time pending the hearing of appeals before the Crown Employees Appeal Board.

Promotion in the police force is to rank rather than position and provision is therefore being made in new sections 3 (6) and 3 (8) for the restoration of seniority of a successful appellant on his subsequent promotion to the higher rank. Such subsequent promotion would not take place until the appropriate vacancy occurs in the rank concerned. The Crown Employees Appeal Board is also to be permitted to hear two or more appeals and make a single composite decision. The provision relating to the right of appeal of sergeants, excluded from the priority list from which recommendations are made for promotion to the rank of inspector or placed in a lower position on that list than another sergeant junior to him, is included in proposed new section 4 (1).

Appointments and promotions to commissioned ranks are made by the Governor on the recommendation of the Premier and it is felt that it would not be appropriate to provide a right of appeal against decisions of the Governor. For this reason it is proposed that the right of appeal be in relation to the priority list which will determine the order in which recommendations to the Governor will be made. Until fairly recently promotions and appointments to commissioned rank had been on the basis of seniority which, in turn, gave rise to a high rate of turnover of senior officers by reason of retirements due to age after comparatively short service in those ranks. This was considered to be having an adverse effect on the management and efficiency of the force. With a view to improving the situation, in recent years, following the introduction of a merit rating scheme and the use of assessment panels, the commissioner has recommended a number of outstanding younger sergeants for appointment as inspectors. This, not unnaturally, has given rise to requests for the provision of some form of appeal.

Provision is also being made, similar to that in respect of the lower ranks, whereby promotions may be carried into effect notwithstanding that the time for lodgement of appeals has not expired or appeals have not been determined by the Crown Employees Appeal Board. It is hoped that the board will be in a position to determine at least some appeals before recommendations are made from the priority list. In the event of this not being possible, provision will exist for a successful appellant to have seniority in the rank of inspector that he would have had if the order of the priority list had been determined before any recommendations had been made from it. This will be effected by recommending him for promotion when the first appropriate vacancy occurs and providing for his seniority to be effective from a date prior to the appointment.

Provision is being made for the promotion appeals to be conducted without undue formality and in accordance with the rules of natural justice. This is a departure from the present more formal procedures of the Crown Employees Appeal Board, which will continue to apply to disciplinary and other appeals of that nature. The hearing of a promotion appeal will not be open to the public unless the chairman of the board so directs. The appellants may be present in person and, with the leave of the board, be accompanied by an adviser who shall not be a barrister or solicitor unless there is a question of law or mixed law and fact to be argued. The commissioner may be present in person or be represented by a member of the police force appointed by him for the purpose. Certain other procedural matters are dealt with in the bill and a number of subsections of section 6 of the existing Act are being deleted, these having been replaced by the proposed new provisions. I commend the bill to the House.

Mr COLEMAN (Fuller) [5.56]: The bill is one method of dealing with a problem that has concerned the former and present Governments and the various Ministers responsible over the years for the police. I refer to the sense of grievance of sergeants who feel that they have been passed over in promotion. It was a grievance that one had to acknowledge and about which something had to be done. As a background to the bill, I refer to the breakthrough that took place in 1968 when the chairman of the Crown Employees Appeal Board decided that it was outside his jurisdiction to hear appeals for promotion to or within commissioned rank, though the board could continue to hear other appeals. On the basis of that decision the Commissioner of Police could make appointments based more on merit and ability than on the principle of seniority, which the board tended to follow. It has been possible for the commissioner to make appointments that would not have been possible with the appeals system as we understood it.

Although it may not have been an entrenched opinion, there was certainly a strongly held view that any reversion to an appeals system must mean a return to the

seniority system which had prevailed for about thirty years from the early 1940's. The view was that one should set one's face against the principles involved in appeals. It became clear that if the merit system were to continue—and this is essential—it could occur properly only on the basis of giving some satisfaction to those sergeants who have a sense of grievance about the way things are happening. These men are solid sergeants—the backbone of the force—who contribute much to it and to the community. When such men have a sense of grievance about the promotion system the police force is to an extent weakened and the public less well served to that extent. In the past year or so an effort was made to find a way to permit sergeants passed over for promotion a right of appeal without reverting to the seniority system. The bill is in the form of a compromise. There may be an appeal to the Crown Employees Appeal Board, not on the basis of a seniority system but on the basis of a priority list.

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

Mr COLEMAN: Before the dinner adjournment I was telling the story, or theme really, in three parts. For 30 years the seniority principle reigned supreme. In 1968 there was a breakthrough when the chairman of the Crown Employees Appeal Board decided that he did not have jurisdiction to hear appeals within commissioned ranks or promotions to commissioned rank. In the early 1970's increasing importance was attached to the principle of merit rather than seniority. That was good, and there should be more of it. The one bad consequence—and it was a consequence that had to be dealt with, as this bill does—was that a number of sergeants felt aggrieved and wanted appeal rights.

The Premier has now introduced a bill which will allow appeal rights without going back to the old seniority principle. It is based on a priorities list. The bill will be welcomed by the Police Association, which represents the sergeants, as well as by the department. It provides for an appeals system based on merit. The compromise between those two principles is to be applauded. On this basis it will be possible to expand the developments of the merit system that have occurred in recent years, including the recommendations of the Daly committee, and at the same time to satisfy the grievances of people who feel that they have been passed over. A satisfactory police force cannot be built if a significant body of some of its best men—the sergeants—have a sense of grievance. By satisfying that complaint and building in the sort of system that is envisaged in this bill, it will be possible to follow the recommendations made by the Daly committee.

In my view, one of the bad features is that in the 30 years from the early 1940's, men at the top of the police force were more likely to be considering retirement than the reform of the Police Department. That may seem to be an over-statement, but that was the sort of risk involved in the old system. It is important to incorporate into the system some of the ideas that have been growing in the past few years, such as the recommendations of the Daly committee, while not alienating one of the best elements in the force—the sergeants. This bill is one of the compromises that were needed, and I am glad that the Premier has introduced it. It will satisfy a grievance and give a basis for a much-needed expansion of the merit system.

The name of the new Commissioner of Police was officially announced today. I congratulate Mr Wood on his appointment, which will have wide support both in the community and in the Police Department. I pay tribute to the retiring commissioner, Mr Hansen, who in his term of office introduced the principles that will be expanded by this bill. Mr Hansen has made a great and historic contribution to the police force, having enhanced its standing and quality. I pay tribute to him while enthusiastically welcoming Mr Wood as his successor.

I conclude with the point that this bill, when implemented, will give the new commissioner an opportunity to expand the merit system while satisfying the grievances of those who feel that they are not being fairly treated. We must look to that system, especially in the light of the Daly committee's recommendations. I welcome the informality of the appeals system, which comes well from a person of the Premier's legal standing. He is not going to make this an arena for lawyers. That was one of the weaknesses of the old system. That, too, is to be welcomed. In general, the bill is a step forward. Its principles are along the lines that the former Government was developing, though it goes beyond any decision that was finally reached by the former Government. I do not conceal that fact. But it is a move in the same direction. The Opposition gladly approves a bill that will provide a basis for the future progress of the department.

Motion agreed to.

Bill read a second time.

Third Reading

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

BILLS RETURNED

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

Conveyancing (Amendment) Bill
Gaming and Betting (Amendment) Bill
Liquor (Further Amendment) Bill
Real Property (Amendment) Bill

JOINT COMMITTEE UPON DRUGS

Message

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

Mr Speaker—

The Legislative Council, having taken into consideration the Legislative Assembly's Message of 18 November, 1976, concerning the Joint Committee upon Drugs, has, in this instance, suspended so much of its Standing Orders as would preclude agreement with the Assembly's resolution contained therein.

The Council concurs in the resolution and requests that its concurrence on this occasion shall not be drawn into a precedent.

Legislative Council Chamber,
Sydney, 23 November, 1976.

HARRY BUDD,
President.

ETHNIC AFFAIRS COMMISSION BILL

Second Reading

Mr WRAN (Bass Hill), Premier [7.38]: I move:

That this bill be now read a second time.

Before its election to office earlier this year my Government outlined its policy in relation to ethnic affairs. In the first instance I intimated that the administration of ethnic affairs would be brought under my control as Premier. I intimated also that the financial commitments to ethnic needs would be substantially increased. I undertook that, upon election, the Government would establish an Ethnic Affairs Commission. At that time we promised to set up the commission with broad and specific powers to enable it to assist the ethnic communities, and to complement the Commonwealth Community Relations Commission. In our policy undertakings, we drew attention to the problems presently facing migrants, and detailed the action we would adopt to assist in relieving these problems. We stated that the commission to be established would act as an umbrella for all those matters now within the various departments of government which affect migrants; that it would play an active role for migrants to ensure that their rights and interests are adequately catered for.

Since coming to Government the Division of Ethnic Affairs has been brought within my administration. That change was effected shortly after taking office. In his recent budget speech the Treasurer stated that funding for ethnic affairs would be substantially increased—from $125,000 to $750,000. This bill fulfils my Government's undertaking for the establishment of an Ethnic Affairs Commission. Since 1945 the face of Australia has altered markedly. One of the greatest factors bringing about change has been the influx of peoples from other countries of the world, who have sought to make a new life in this country. It is said that without immigration, the population of Australia today would be less than 8 million people. In fact, at least one Australian in every three is the product of the immigation which has taken place since 1945. Migrants have played their part in the industrial and commercial development of this country and we have gained from the intermingling of the cultural backgrounds from whence they came. In many and various aspects of our social life we have developed as a more cosmopolitan nation because of the influence of our newer members. And Australia has grown the more mature for it.

In fact, Australia has become one of the most cosmopolitan countries in the world. All of us are well aware of the social impact of this phenomenon; how there has been a greatly increasing social complexity, and where the dynamic interaction between the diverse ethnic components is producing new national initiatives, stimulating new endeavours, and ensuring great strength in diversity. In the national interest that strength must be ensured. We must discard any social philosophy that fails to accord all of our peoples an equal place in society, and an equal share in the opportunities in the nation. All ethnic groups introduced to this country by our migration programmes must be accorded that equality. It is simply a matter of justice and human dignity.

In the past, however, we do not seem to have done all that might have been done for ethnic Australians. Although we have been able to offer a freedom and a life style that may not have been available in their homeland, nevertheless it might be said that Australia in government and in society has sometimes been slow in coming to the assistance of the ethnic people when they most needed guidance and friendship. Too often the problems faced by newcomers, especially problems of language, education and health, have been permitted to continue unresolved. I know that the majority of Australians have learned to welcome migrants and to assist them where they can in their adopted country, but we still have discriminatory features in our customs and practices and, unfortunately, in some of our personal relationships.

There are many areas where government in the past has failed to come to the assistance of our newer citizens. There are insufficient interpreters at employment centres, and among trade union officials and shop stewards. Too little has been done

regarding the acceptance and recognition of oversea trade and technical qualifications. Special teachers need to be introduced into the education system for the provisions of special language teaching facilities. More and more flexible adult language courses should be provided; financial assistance should be provided for ethnic schools. There has been too little constructive encouragement for the ethnic groups to preserve their own traditional heritage and culture. Too little attention has been given to the need to educate all migrant families of the value of infantile vaccinations. Too little information has been made available to the ethnic people of the health and other basic facilities available. There are many areas where migrants are ignorant of the law, and too little has been done to inform them of their legal rights, and the places where they might receive free legal advice. There is an urgent need for a vast increase in the number of interpreters in the areas of employment, legal services, the courts, housing, social welfare and health. Far too little has been done to relieve the lot of the migrant housewife.

With this situation clearly in mind, therefore, the Government now moves to improve the position in this State. As I intimated, the Division of Ethnic Affairs has now been brought within my administration as Premier; the Government has allocated three quarters of a million dollars—an increase of 600 per cent—for ethnic affairs. Now, by this bill, we establish the Ethnic Affairs Commission.

One of the criticisms levelled against welfare programmes by underprivileged or minority groups is that governments of middle-class attitudes display a paternalism in deciding the needs and problems of the less fortunate. In some cases this criticism can be justified. In a democratic system such as ours, the only acceptable means by which disadvantaged groups may seek to reverse the forces militating against them is by participating in the processes by which the decisions that affect their lives are made. However, several recent studies of the participation of migrants in Australian political life reveal that migrant representation in local, State and federal government is negligible. One obvious reason for this is the ignorance and understandable apathy of new arrivals confronted by the complex and cumbersome Australian system of government.

It is an unfortunate fact that there is a paucity of ethnic people in senior positions in our society. There would appear to be no doubt that future generations of Australians of ethnic parentage will stand and claim their right to take part in the decision-making process, as they have done in the past. For the present generation, however, it is vitally important that in a world of such rapid change, people coming from different lands, from countries of different governmental structure, and from distinct cultural and religious backgrounds, should grasp as quickly as possible our customs and our parliamentary form of government. It is vitally important that they recognize and accept the opportunity to take part in our system of decision-making where that is possible.

By this legislation the Government has adopted an entirely new approach to participatory democracy for the ethnic people. At the one time the Government is achieving two things. First, through the Ethnic Affairs Commission, it will be consulting the ethnic people directly as to their needs and aspirations; second, perhaps more important, it is involving the ethnic people directly in the decision-making process. Not only those members of the Ethnic Affairs Commission—most of whom will be migrants—but any citizen will be enabled to present to the Government a case through the commission, comprised of members who enjoy an expertise, and share an empathy with those whom it is designed to assist. In this way the commission will look to the ethnic people for advice as to their needs. And in preparing this assessment ethnic people themselves will become more aware of the needs of the community as a whole.

The Government was concerned also to ensure that the increased funds allocated could be made available immediately in those areas where it was already patently obvious that the need existed. Naturally the report of the commission must take time. Without prejudging the findings of the commission, it will be appreciated that there are a number of identifiable areas where valuable work can be done to provide some immediate relief. Accordingly the commission as to be constituted by the bill will have a twofold purpose. On the one hand it will be empowered to make firm recommendations direct to the Premier in respect of urgent programmes capable of immediate implementation. On the other hand the commission will be charged with the responsibility of undertaking a searching examination of the needs and requirements of and the problems and difficulties experienced by the ethnic people of this State. By this means all ethnic people and groups—in fact all persons—will be entitled to present their views to the commission. The commission, upon a consideration of all matters presented to it, and upon examination of all other relevant factors, will then be in an ideal position to present a report to the Government as to what action will best serve the interests of the ethnic people of New South Wales.

I turn now to the detailed provisions of the bill. Clause 5 will constitute the Ethnic Affairs Commission and place the commission under the control and direction of the Minister who, in effect, will be the Premier. Clause *6* provides for the appointment of commissioners. It is intended that in addition to the chairman, there will be between six and ten other commissioners, appointed on the basis of their experience in ethnic affairs or in governmental administration. Because of the nature of the commission, clause **6 (4)** provides for the short-term appointment of the commissioners. It will be appreciated that to establish a commission and make provision for its powers on a permanent basis would be to pre-empt the findings of the commission itself. As I intimated earlier, the commission will not be subject to the provisions of the Public Service Act, **1902.** Clause **6 (8)** provides accordingly.

By clause 7 the chairman will be a full-time appointee. Clauses *6* and 7 will have the effect that the other commissioners will be appointed on a part-time basis. Clauses 7 (4) and **(5)** are designed to permit the appointment of a member of Parliament or a public servant as a part-time commissioner, were that thought to be considered desirable. Clause **8** relates to the vacation of office by the commissioners. Clause 9 relates to the conduct of meetings of the commission. Four commissioners will form a quorum for the conduct of business. The decision of the majority of commissioners present will be a decision of the commission; and the chairman will have a second and casting vote. Clauses **10** to **12** will preserve the rights of public servants and certain other persons who may be appointed as chairman and, in certain cases, provides that they be entitled to reappointment in their former employment upon ceasing to be chairman. This is a normal provision in the establishment of a commission of this type.

By clause **13** staff may be appointed to the commission under the provisions of the Public Service Act, **1902.** Clause **14** requires the commission to investigate the situation and functions of the commission, and ethnic affairs generally, to report its findings to the Government within a period of twelve months and to recommend the legislative, administrative or other action that the commission considers necessary and practicable with respect to ethnic affairs. It will be noted that the commission is to direct its attention particularly to the promotion of integrating the different ethnic groups in the community. Clause **15** requires the commission to examine and make recommendations to the Minister on ethnic affairs matters of its own motion, or upon the request of the Minister in referring matters to it.

Clauses **16** to **20** will facilitate the operations of the commission, provide for the making of regulations, and make provision for the salary of the chairman. As I

foreshadowed, this bill is not intended to fulfil all the needs of the ethnic communities. No Government could expect to achieve that end without a much greater awareness of what those needs are and what are the most effective means of overcoming them. But this is a step—a huge step—towards that goal, which at the one time facilitates the provision of some immediate assistance in those areas most urgently requiring assistance. Moreover, it will place in the hands of the ethnic people themselves a major role in determining how we—as thoughtful and responsible Australians --can best help our ethnic brothers and sisters.

We should like to be doing more immediately, but programmes of this nature must be planned so as to obtain the greatest benefit from those resources available to us. The bill represents much more than any previous Government has done—or ever attempted to do—for the ethnic communities. I commend the bill to the House.

Mr DOYLE (Vaucluse) [7.52]: As the Leader of the Opposition intimated at the introductory stage, we intend to support this measure. After taking advantage of the opportunity to look at the provisions of the bill, we see no reason why we should seek to amend it. However, the Opposition cannot help feeling somewhat put out by the attitude taken by the Government. Though the Government has made the audacious claim that it has been the soulmate of ethnic people for many years, the fact is that it has just discovered their existence. The Premier adopts the strange attitude of thinking that things only come into being when he happens to notice them. However, the reality is that many thousands of ethnic people came to this country in the 1950's when the Premier was still a humble solicitor, more concerned with costs than ethnic affairs. In 1952 the Liberal Party formed the Migrant Advisory Council, under the chairmanship of the Hon. Eileen Furley. That body flourished from the time of its inception, and it is still flourishing. Recently I attended a meeting of the council and found the Hon. Eileen Furley to be still in the chair after twenty-five years of service to migrants.

In 1952 the Australian Labor Party endeavoured to form a similar body. However, at that time there was an acute shortage of sympathy for the migrant cause within the Australian Labor Party. That organization wilted on the vine after only two or three meetings—it went out of existence. That did not happen to the Migrant Advisory Council established by the Liberal Party. Under the guidance of the Hon. Eileen Furley that council has prospered. Since that body was established it has advised and helped many thousands of newcomers to settle happily in our community. Hence it was not surprising that evolving from that beginning a Liberal government first set up a Department of Ethnic Affairs. The late Steve Mauger, who was the first Minister for Youth, Ethnic and Community Affairs, founded the first Consultative Council of Ethnic Affairs, the original twenty members of which were appointed by the Minister. A Liberal Minister in a Liberal-Country party government first embarked on a plan to create a body to speak on behalf of ethnic people as a group. Moreover, the first twenty members of that council were all of ethnic origin.

It is not surprising that from this early catalyst ethnic people were able to form the Ethnic Communities Council with a membership of ethnic organizations rather than of individuals. Recently that body had its first annual general meeting at the Ashfield town hall. On that occasion I was happy to attend and to pay $10, which enabled my wife and myself to be admitted as associate members. Prior to the creation of the Ministry for Ethnic Affairs, the Leader of the Opposition—as he said at the introductory stage—suggested the formation of the State Immigration Advisory Committee. At that time the Leader of the Opposition was Chief Secretary. The function of that committee was, first, to attract skilled tradesmen among migrants to New South

Wales and, second, to deal with problems affecting migrants. The committee was the first of its kind in Australia. From such a beginning it is only a matter of evolution that a commission for ethnic affairs should be formed—and we support that concept entirely.

It is a little galling to hear the Premier and some Government members speaking as if, by some unknown right, they have recently become custodians of the future of ethnic people. Past events indicate otherwise. Nowhere was this more apparent than at the first annual meeting of the State Immigration Advisory Committee, when about 80 per cent of the eighty or ninety delegates elected that night were supporters of the Liberal Party. This was so apparent that left-wing members of the Labor Party, who always whinge when they take a beating, were most vocal about the so-called unfairness of the ballot—although they were not sure why they claimed it was unfair. In that way the ethnic people of New South Wales showed their awareness of the fact that the Liberal Party pioneered the way for ethnic people in this State. Those people are not fooled by the noisy ballyhoo of the Premier in transferring the Department of Ethnic Affairs to the Premier's Department. That council will probably suffer from ministerial neglect through being placed under the guidance of a busy Premier. Be that as it may, ethnic people know to whom they owe or do not owe gratitude.

I propose now to direct some remarks to the bill. The setting up of the commission is an excellent move and it is a natural evolutionary development from the establishment of the Ethnic Communities Council. I appreciate that the inaugural council will have a twofold role in the first twelve months of its operation: first, to act in an advisory capacity to the Government in respect of the needs and aspirations of the ethnic community; second, and equally important, to hold an investigation into the needs of ethnic people and the role that the commission should play.

I realize that the Government has limited the chairman's term to a period of one year as it believes there will probably be a rethinking of the commission's role at the end of that time. However, the Opposition expects the chairman's term to be lengthened at the end of the first year. There is little likelihood of a sufficiently competent person accepting the position of chairman of the commission if he knows that he must devote his full time to the position and yet be subject to annual re-election. Possibly the Government takes the view that the man most suited to do the investigations might not necessarily be suitable for maintaining and directing the work of the commission. I should like the Premier to deal with that matter in reply. A period of one year seems an unusual choice for the first term of a chairman. Most men who hold the sorts of positions from which one would want to appoint the commissioner are in receipt of salaries that would make them more relucant to step aside if their appointment was for only one year. No doubt, if the Premier were listening to me, he would tell me in reply why the Government has chosen the period of one year.

Mr Wran: I will reply.

Mr DOYLE: I thank the Premier. The Opposition has one misgiving about this measure—a misgiving that is held by a number of ethnic people. At the introductory stage the Leader of the Opposition made a plea to the Premier to exercise great care in selecting the chairman and members of the commission. The commission can be either a bridge to better understanding between the ethnic community and the rest of Australia or it can create a gap, with the ethnic people, on the one hand, polarised and complaining, and, on the other hand, older Australians resentful and mistrusting.

The chairman of the commission could do great harm and negate its purpose if he were a political appointment intent on exaggerating the disabilities and hardships suffered by ethnic people rather than concentrating on a determination to integrate with the Australian way of life as quickly as possible. Further, one must keep alive their language and culture, which I believe has been the wish of the majority of new arrivals in Australia. In the postwar years the migration programme to Australia has been one of the truly great migration exercises in the world's history.

The net migration figures reveal that up to August there have been 2 169 819 migrants enter Australia from over sixty countries. That great number of people has been absorbed in the Australian community and work force without any minority groups bringing with them to any significant degree politics from the land of their origin and without forming settlements or villages of one particular nationality, as one finds in America. I recall when travelling through the Rockies coming across a Swiss village. The Swiss language was spoken exclusively and the whole village was 100 per cent Swiss. Due to the activities of the Department of Immigration in Canberra, mainly under the guidance of Liberal governments, this sort of thing has not happened in Australia. Also, it has not occurred as a result of the determination and resolve of ethnic people themselves. They deserve the admiration of Australians everywhere. The ethnic people have worked hard to become absorbed into the community with the least social friction. One would hope that if Australian families underwent such an upheaval as have migrant families they would behave abroad as well as the ethnic community has behaved in settling in Australia.

According to the definition of poverty chosen by the Henderson commission, 10 per cent of the total Australian community is below the poverty line and the figure for migrants is only 12 per cent. Although the total figure is not one of which we can be proud, the fact that there is only 2 per cent difference between the ethnic community figure and that for the total Australian community is a matter of some satisfaction. I should assume that it takes two years before an immigrant in Australia can fit into the employment scene to the best possible advantage. When one takes that time lag into account, it is clear that the fact that ethnic people represent only 2 per cent more in the figures stated in the Henderson report is indeed some source of satisfaction.

From what I have said it can be seen that it would be a tragedy to wreck or even to impair a scheme that has been as successful as the migration programme over the past thirty years. If a chairman or commissioners were to be selected from among the well-known psychopathic stirrers in our community, who would be determined to make the commission a political football and thus the architect of its own destruction, a great wrong would be perpetrated. On the other hand, if men and women of vision and sympathy to the difficulties of integration and who should be ethnic themselves and of not too long duration in Australia, there will be a great opportunity for an improvement in the lives of our ethnic community. The Opposition in supporting the measure wishes sincerely that this should be so. It is up to the Government to make it so by refraining from making political appointments to the commission.

Mr PACIULLO (Liverpool) [8.5]: The Ethnic Affairs Commission Bill is the first legislation of its kind to deal with problems encountered by migrants to be introduced by any State government. Whether the Opposition likes it or not, we have now moved from lip service to positive action. Action is what the bill is all about. No other State government will be as involved as the New South Wales Government with the problem of assisting the integration of migrants after they have arrived from countries where language, culture, climate, working and living conditions often are so different from ours.

The legislation to set up an ethnic affairs commission is innovative and typifies the philosophy and progressive attitude of the New South Wales Labor Government. In the short term, legislation of this type will regain for our State a position of leadership, of showing the way—a reputation that New South Wales once held over other States. The bill is so designed that its provisions to assist ethnic people will create also advantages for all people who reside in New South Wales. That is a most important point. Its specific aim is to set up machinery to provide equal opportunities for migrants and thereby facilitate their total integration into our community.

The bill embodies the implementation of the Premier's undertaking given during the May election campaign, namely, that in dealing with matters which affect the community the Government would consult the people concerned and would involve them in the decision-making process relating to legislation which served their interests and welfare. With this undertaking in mind, the Government, by widespread advertising in the news media, invited submissions from members of the public. Over thirty submissions were received before the drafting of the bill commenced. Among these were submissions from the Australian Federation of University Women, the Greek orthodox community, the University of New South Wales, the Australian Chinese Community Association, the Good Neighbour Council of New South Wales and so on.

It was particularly pleasing to receive a submission from the Good Neighbour Council, which intimated its support for the establishment of the commission and offered its co-operation. I support the remarks of the honourable member for Vaucluse in that the Government acknowledges the great work that the council has done over many years to assist migrants to settle in Australia. These submissions almost unanimously supported the Government's initiatives and suggested various attitudes that should be adopted in planning the scope and activities of the Ethnic Affairs Commission. On behalf of the Government I express appreciation to all those individuals and organizations that forwarded to me submissions for consideration in the preparation of the bill.

I spoke before of the Government's initiative in introducing a bill that will have such far-reaching benefits for the whole community. Through the Ethnic Affairs Commission it will be able to promote better understanding, tolerance, respect and co-operation between migrants and Australians and among ethnic groups within the oommunity. Many have vastly different beliefs and ideologies. They come from countries where national hatreds and suspicions are more real and intense than we have experienced or could ever feel in Australia.

One of the main tasks of the commission will be to reduce barriers that foster suspicion between different ethnic groups and to encourage respect for different cultures. Immigration has always been a major force in Australian life and development. It has not always been steady and popular. Indeed, Australia has sometimes been likened to a boa constrictor—taking huge gulps of immigrants when times are good and immigrants plentiful and then quietening down for digestion during periods of recession or war. Since World War II immigration has been an essential component in the development of Australia.

The problem of integration of migrants has not hitherto been faced squarely by the Commonwealth Government or by individual State governments. Since mass immigration of Europeans began in the late 1940's, the population of Australia has risen to 133; million—an increase of 53; million people over what the numbers would have been without immigration. Contrary to the remarks of the honourable member for Vaucluse, the Liberal-National Country party federal governments have not accepted—and, it appears, never will accept—the responsibility of ensuring integration of migrants once they have landed in Australia. At a conference of Ministers concerned with immigration and ethnic affairs in Melbourne on 22nd October last, at

which I was part of the New South Wales delegation, the federal Minister for Immigration and Ethnic Affairs the Hon. M. J. R. MacKellar, who chaired the conference, spelt this out very clearly when he said:

> As I understand it we (the Commonwealth Government) do have the responsibility in terms of entry into Australia, in terms of immigration programmes deportations and the like temporary entries and so forth. However, when does a migrant cease to be a migrant? . . . the integration of people who have come to make Australia their home into the total Australian society, that is a very different kettle of fish entirely. In this area of ethnic affairs the Commonwealth's attitude is that we do not want to be involved in the delivery side of things. We see ourselves more in the information gathering-research area and we want to work very closely with the State governments.

In other words, Mr MacKellar was saying that the responsibility of the national Government for migrants ends immediately they amve. Its attitude is: "We have brought them here. You, the States, see they manage all right—although we still want to know what is going on." It is at this point, after migrants have been brought to fill job vacancies, that the Commonwealth Government washes its hands of the responsibility to assist them—although it has been entirely responsible for their presence in Australia with the States having absolutely no say whatsoever.

Many migrants, because of economic pressures, have not had the opportunity to pause and acquire even an elementary understanding of English that would better equip them to become fully participating citizens of Australia. Now the New South Wales Government for the first time is facing up squarely to a problem of which the federal Government has washed it hands. New South Wales, the premier industrial State in the Commonwealth, has a greater proportion of ethnic people than any other State. Professor Price, the noted demographer, has estimated that in Sydney alone in 1974 there were over 600 000 ethnic people whose mother language was not English. Represented in New South Wales are more than 60 different ethnic groups from Europe, Asia, North and South America, Africa and the Middle East, India and South East Asia, and the Pacific Islands. In the ethnic community it is a case of you name it, we have it.

It would be true to say that most migrants have settled in metropolitan Sydney or in the cities of Newcastle and Wollongong. Because of the large proportion of ethnic people in the cities, they are, for the most part, scattered throughout the community. The concept of small enclaves no longer applies. Some groups are very small, some are large, and many are fragmented. All have something to contribute to the life and development of the community, and we have a responsibility to provide them with the means to integrate into our Australian way of life.

The Ethnic Affairs Commission will study carefully not only the problems of small ethnic communities and the larger ethnic groups, but also the problems relating to industry, education, welfare and community life. One of its most important functions will be to create a link between ethnic people, the community and the Government, and to come up with answers to general and specific problems. Australia today is not a homogeneous society in which immigrants and their descendents constitute 5 million or 40 per cent of the total population. More than half of them speak languages other than English and differ in cultural heritage, values and social affiliations from Anglo-Australians of British or Irish descent.

The basic philosophy of the Ethnic Affairs Commission is to settle people happily into the Australian environment by minimizing divisions through lack of communication and through mutual appreciation of varying attitudes and cultures. No nation

or state can afford to alienate a significant proportion of its population. If it does, it will suffer the consequences. Alienation and segregation foster crime, prejudice and social unrest. Social research conducted in New South Wales and other Australian States has confirmed that these conditions exist, and that Australia's ethnic community is disadvantaged. For instance, they are disadvantaged in respect of services that they cannot use because of communication barriers. English language classes and the entire migrant education programme available for ethnic people need updating to provide for a multi-cultural society. Differing languages create communication barriers which are major obstacles to integration and understanding of each other's problems. They also breed suspicion and mistrust. Because of its isolation, Australia has always been a monolingual society.

In the area of health services and preventive health programmes, the New South Wales Government recognizes the problems of migrants and is working towards providing services acceptable and appropriate to different ethnic groups with varying social and cultural backgrounds. This is most important, not only in health services in hospitals but also in preventive health programmes. A recent survey of immunization of pre-school children conducted by the Health Commission of New South Wales showed the following rates of immunization for different ethnic groups: Italian 45.5 per cent; Greek 52.1 per cent; Yugoslav 57.1 per cent; Maltese 59.1 per cent; and Lebanese, Jordanian and Syrian, 26 per cent. The immunization programme was for diphtheria, whooping cough and tetanus—all 100 per cent preventive, with tetanus having a 50 per cent mortality rate. The New South Wales average for immunization over the whole population is 75 per cent.

Apart from concern for suffering and the tragic loss of life that might follow if young migrant children are not immunized, the Government has a moral responsibility to ensure that non-English speaking migrants, whom we have accepted as citizens of Australia, are made aware of our preventive medical health services. The figures I have quoted reflect an appalling situation that needs to be rectified. I am confident it will be rectified by the Ethnic Affairs Commission once the bill becomes law. Apart from the responsibilities of government to prevent unnecessary sickness and loss of life, it would be an interesting exercise to estimate how much of the taxpayers' money would be unnecessarily expended in hospital care and curative treatment, as well as the health resources that would be necessary, if this situation were allowed to continue.

Another area that involves costs and a waste of resources for the State is workers' compensation and the treatment of migrants injured in industrial accidents. The huge sum of more than $100 million was expended last year in workers' compensation in New South Wales. Research is 'being carried out into injuries to migrant workers. This report will undoubtedly show that the major portion of this $100 million is paid out to migrant workers and is out of all proportion to the number of migrants in the work force. If the Ethnic Affairs Commission can help prevent industrial accidents among migrants so that workers' compensation pay-outs are reduced by even 1 per cent, it will save the State $1 million. That is more than the total expenditure provided in the Budget for ethnic affairs.

The needs of ethnic people are the same as those of other members of the community. Any of their special needs generally arise from differences in language or culture and the difficulties of adjusting to life in a new environment. The Government recognizes the fact that these differences exist, and that they are often more strongly felt between the ethnic communities themselves. The Government is not seeking to give any minority groups advantages over the general populace. The benefits will be for all people living in New South Wales. In fact, the definition of ethnic affairs, according to the bill, is matters pertaining to the existence of different ethnic groups in the community. That includes English-speaking migrants.

Mr Paciullo]

What we are seeking is to rid minority groups of disadvantages that mitigate against successful integration. We have learned from experience in other countries that have suffered disastrous social and economic effects through internal conflicts resulting from ghettoes and concentrations of people, who felt—rightly or wrongly—that they had no common interest with indigenous people. Divisions based on racial distrust were allowed to fester in those countries. That experience fortifies our determination to unite our community and to establish the means whereby people from the ethnic community itself can participate in minimizing and eliminating these disadvantages.

A united community, motivated by social justice and compassion, is the greatest advantage that any government can offer its people. I put it that nothing is so fundamental or of such long-term importance for our futures. A community in which crime and violence are nurtured by racial and ethnic hatred can suffer disastrous consequences if these conditions are allowed to continue. We have only to remind ourselves of what has happened in the United States of America, and what is happening in Africa and other countries, and to contemplate the possibility of similar developments in Australia, to realize how important this legislation really is.

The people who make the most significant contributions to our society are those who are not motivated by resentment or feelings of having been treated unjustly. They are people who have had the opportunity to make the most of their talents and skills, people who are allowed to preserve their individuality and self-respect whilst being able to observe for themselves the positive aspects of our Australian way of life. I put it that in a relatively short time the establishment of the Ethnic Affairs Commission will achieve much in this direction. I strongly support the bill.

Mr DARBY (Manly) [8.25]: I do not like commissions. I do not think any commission established by State legislation will do much good in the field of ethnic affairs. I have no intention of opposing the bill, but I am constrained to make a few observations on it. The bill will set up a commission under a paid person. It will have the job of making recommendations that it considers will assist in the integration of ethnic communities, preserve their dignity and remove disabilities that are now being suffered by them, though these are undefined. Under our system, whereby life is conducted without written permission, without a document to say that one can or cannot do certain things, when a person comes to Australia he has equal opportunity. That is explained to him, partioularly when he gets his naturalization papers.

To say that this bill will provide equal opportunities for migrants is almost to say that we are sorry that this is a country which does not provide equal opportunities. The Government is asking Parliament to restate the obvious, and to do so bureaucratically. It intends to create a new bureaucracy and to run things for people who will be represented by only a few, and will be influenced only by those who make a noise. The natural inclination of people who belong to our society is to carry on with family life, to have an occupational absorption, to enjoy cultural and leisure activities and not to be associated with some kind of organization or commission. That is our natural way of doing things.

The honourable member for Liverpool said that we must promote better understanding and tolerance of migrants. Understanding and tolerance were instilled in our hearts, minds and souls when we were born. It ill behoves a parliament to say that those qualities are to be promoted through a commission. They cannot be taken from us, and they cannot be artificially created in us. This Parliament's function is to make laws, but for heaven's sake do not think that we have to regiment everybody by trying to make laws that will fit all circumstances. They will not. Perhaps the Labor Party has

its treatment of migrants on its conscience. In the post-war years large numbers of migrants came here without any knowledge of the English language and without any wealth. The only possessions of some of them were the clothes that they had on their backs. Former Labor governments shamefully treated migrants with academic qualifications and were content to have them work as labourers. I remember that for years Liberal members in this House pleaded with Labor governments to recognize European academic qualifications and to allow migrants possessing them to become professional people in Australia. We as a parliament have that on our conscience, but the situation would not have been any different if there had been an ethnic commission at that time. Whether people are treated justly or unjustly is the responsibility of Parliament, not a commission. If Parliament is seeking expert advice, it does not set up a commission consisting of people who might be harmed or disadvantaged; it establishes a parliamentary select committee consisting of honourable members who are objectively concerned with the question—not people subjectively working among themselves.

The Government should ask itself who are the ethnic groups from the Adriatic to the Danube—Croats, Serbs, Slovenes, Macedonians, Yugoslav+

Mr Keane: They are all the same.

Mr DARBY: No. One cannot expect them to be happy in each other's company if they emphatically call themselves by the name of one of those groups. The biggest mistake made by people who try to assert parliamentary authority or guidance upon ethnic groups is their incapacity to realize that those groups are not one crowd of people. They are multifarious. They bring with them from the country they leave their political, religious and social beliefs—all infinitely different from those found here. To think that one person can speak with authority for and has the capacity to understand all ethnic migrants in Australia is just plain silly. It cannot be done. It is an impossibility. Whoever might be the political appointee who becomes commissioner for ethnic affairs, he will have a tremendous if not impossible task to try to reconcile the various streams and groups of migrants who were not born into the English language and have come to Australia. The Minister administering ethnic affairs might well scratch his head and do some compromising in getting to know each of those organizations--or perhaps I should say lack of organizations, as the case may be.

For anyone to think that a parliament of ethnic communities can be established and made to function shows no real understanding of the homelands, the history or the ambitions of those people who come to Australia from Europe. Some years ago the Commonwealth Government sponsored the Good Neighbour Council, an amorphous affair of not great bureacratic capacity, though it existed to help where help was need and to give advice here and there. Migrants who could not speak the English language knew they had a ready ear of sympathy and an offer of assistance from the Good Neighbour Council. That council still functions though one wonders what is to happen to it. It offers any migrant with a difficulty or a worry someone to whom an approach could be made. Integration does not mean isolation. It does not mean defining a person as one of ethnic origin. We call all migrants Australians so let us be Australian in sentiment, attitude and generosity to all. Let us tell migrants as soon as they set foot on our soil that we have tolerance and understanding and that is our kind of life. If we try to regiment them into an organization such as this we shall find ourselves up against all sorts of problems.

In twelve months there will be a report from the proposed commission. I shall be most interested to read it. I wish the commission success but for the reasons I have

given have my doubts about its worth. Meanwhile, my advice to those people who might have a point of view to put to the proposed Ethnic Affairs Commission is to go direct to the Minister in charge of the matter with which they are concerned. If they want the Hungarian language taught in high schools they should approach the Minister for Education, and so on. It is far better to do that than to create and support an ethnic affairs commission. Why is there not a dairymen's commission, a primary producers' commission or a fishermen's commission? When commissions of this sort are set up the community is living in a hide-bound, tight and restrictive situation which is continental rather than British in its political philosophy. The Premier understands enough about the history of mankind and the development of civilization to realize the significance and truth of what I am saying. We do not want to encourage continentality or a code-Napoleon in our way of life. We want to be as free as the British and as amorphous and tolerant as is envisaged by the British constitution. I look forward to seeing what will happen as a result of this measure.

Mr WHELAN (Ashfield) [8.37]: In contra-distinction to the honourable member for Vaucluse, I congratulate the Premier, first, for introducing this legislation which is unique in State Parliaments in Australia and, second, for his personal deep interest in and concern for the welfare of migrant groups that have settled in Australia. In New South Wales more than 400 groups are represented in an organization known as the Ethnic Communities Council. I am proud to say that that council had its inaugural and formation meeting in Ashfield Town Hall. This measure is a far cry from the actions of the Government of this State in 1847 when the Government of that day refused to allooate funds for expenditure on immigration. This year the expenditure on immigration is in the vicinity of $625,000. The Wran Government is to be commended in this respect.

I point out to the honourable member for Vaucluse that the Labor Government of New South Wales has shown a great deal of interest in the welfare of members of the ethnic community. Additionally, if it were not for the Whitlam Government, radio station 2EA and the Commission for Community Relations would not exist. Had it been left to the Fraser maladministration to set up radio station 2EA it would not have got off the ground. If it were not for the continued objections raised by migrant groups to the Fraser Government's proposals, radio station 2EA might not be in existence today. The Opposition in this Parliament, when in Government, paid migrants scant regard. I tried to find references to the ethnic interests displayed by the previous Government and had some difficulty in doing so. I found a brief mention of ethnic affairs in the Governor's Speech last year and a further short reference to the subject by the former Minister in charge of the portfolio. The coalition Government spent only $125,000 in assisting ethnic communities. The bill goes a great deal further than that, and for that reason must be commended.

The importance of the bill appears also from the fact that Australia is one of the newer nations of the world, and that one in every three Australians is a product of post-war immigration. Interestingly, half the population will soon be under the age of 25. Unlike the honourable member for Manly, I believe that the problems we have with ethnic communities are recognizable and solvable; they are solvable by integration, not by sweeping them under the carpet, and by legislation such as the bill now before the House. We have in the work force more persons who were born overseas than has any other nation except Israel. Australia has some seventy different national groups. I note that the Minister for Industrial Relations, Minister for Mines and Minister for Energy has already established an ethnic community service to enable migrants who have difficulty in understanding their position in the work force to solve their problems.

A second most important effect of the legislation reflects the fact that Australia is in probably the most populous and restless region in the world, and what we do has far-reaching effects. Again unlike the honourable member for Manly, I believe that people who come to Australia to settle permanently with their families come with only memories of the bitterness they left behind when they set out to start a new life in a new nation.

The history of the Ethnic Communities Council is interesting. It began with an inaugural meeting at Ashfield town hall some years ago under the charter of the Australian Assistance Plan—again, a philosophy and an organization dismantled by the Fraser Government. The council still meets at Ashfield. It has its annual general meeting in Ashfield town hall. The Ethnic Communities Council is a strong organization of some 400 members of varying political persuasions. Unfortunately, several members of the Ethnic Communities Cou cil claim that the executive officers do not represent the many ethnic groups in our community. Knowing the ramifications of this important piece of legislation, I feel sure that common sense will prevail and that the political overtones now so evident will be removed. If the organization becomes fragmented, the ethnic communities will suffer greatly.

In order to understand the magnitude of the resettlement of ethnic communities, honourable members should know that in the Ashfield electorate I recently attended an induction of prefects at Ashfield Boys' High School, at which the multicultural and multi-national character of the residents of Ashfield was demonstrated. I had the privilege that day of inducting school captain Joe Petruzzi. As his name indicates, Joe's parents are Italian. The vice-captain was Luigi Cosenza, and the second vice-captain was George Limperopolis. Such is the multi-national character of that school and of other schools in the area.

I might make special mention of St Vincent's School in Ashfield, which my son attends. He is in second class. Twenty of the thirty-three students in that class take special English courses, and the teachers at the school are doing a wonderful job in an endeavour to improve the English and to ensure the integration into the Australian way of life of those children and their parents. Recently I had the pleasure of attending a function at Croydon Park school, which also is in the eleotorate of Ashfield. I was delighted to see a cultural exhibition arranged between Croydon Park school and a school in Soviet Russia and to witness a presentation to a child at the Croydon Park school for her contribution. The presentation was made by the Russian Ambassador on behalf of the Russian Government. The ambassador was amazed to find that the girl could speak fluent Russian. Her parents came to Australia from Russia many years ago. I could refer also to International Day at Summer Hill primary school, where thirty national groups are represented. Some 400 children attend the school, and when International Day is held, there are as many parents in attendance. International Day is an important part of the school's activities.

Ethnic communities have problems not only in the field of education but also in regard to such things as understanding the cost of living, the consumer price index, and other aspects of the life style of the Australian people. I should like to suggest to the proposed commission that we must build into our education system a method of ensuring continuing participation by ethnic groups in formulating and implementing education policy. By that I mean that where there are predominantly ethnic groups, they should be able to form themselves into a council and report to the parent council, which would be representative of all groups. Additionally, I believe there is a need for a total schools programme to refleot the multi-national character of today's society. There is a need to make all teachers and all non-migrant children sensitive to the values and life styles of ethnic minority groups in order to counter the disturbing incidence of discrimination, rudeness, devaluation and rejection experienced by ethnic students.

Mr Whelan]

There is no doubt in my mind that the commissioner will need the support of the Ethnic Communities Council, which is a flourishing organization consisting, as I have said, of persons of varying political persuasions. However, I add a note of caution, and an expression of personal disappointment. At the annual general meeting of the council, organizations were conscripted simply to get the numbers. When that happens control can come into the hands of a group of people of the one persuasion. I believe that common sense will prevail and that those who have only a scintilla of interest in ethnic communities will leave the ethnic communities to run themselves, which they can do properly.

The bill is the first stage of the development of a basis of goodwill, common sense, and imagination for relationships between the ethnic communities and the community as a whole. I am sure that the commissioner and everybody in the ethnic communities will now realize that their primary responsibility is to Australia and that objeots above those sought by political parties and minority ethnic groups must be recognized if the Australian family of nations is to become a reality. The involvement of the full spectrum of peoples is needed, and my belief is that the bill will go a major way towards the achievement of this aim. The real job will rest with the commissioner and his team of part-time commissioners. They can be assured of more than passing interest by the community in the welfare of ethnic groups. I commend the Premier and the Government. I am proud to be a supporter of a Government that has introduced this unique piece of legislation—unique because its like is not known in any other State in Australia. I am probably not far from the truth in saying that the Liberal Government of Victoria will soon be copying this piece of legislation, just as it is in the habit of copying other pieces of legislation introduced in New South Wales.

Mr TAYLOR (Temora) [8.49]: The proposal to establish the Ethnic Affairs Commission represents a forward step, provided the commission is non-party-political. I am sure that everybody concerned with ethnic groups genuinely wants to do what has to be done, and that is to set up a two-way system of communication between ethnic groups and the community as a whole. It is not a matter of talking about ethnic groups being downtrodden and poor relations. Many of those who constitute our ethnic groups are highly successful people, and they are certainly capable of occupying positions of responsibility such as that of commissioner for ethnic affairs. They need to be able to represent the problems of those in the ethnic groups who are not so fortunate as they are, and they need to be able to attract people to them.

There are problems of education, welfare and in understanding people with language difficulties. I know that the Government is working on those matters. The measure should be looked at carefully on a non-party-political basis. I do not suggest that the commission be non-political—if it is to be a success it will have to deal with this Government and future governments. I am not happy with the idea of a tenure of office of one year for a commissioner. I am worried that if the period is so short the best sort of people to be commissioners will not be attracted. The Premier may have an answer to that. Many people in the ethnic field look to the commission with a great deal or hope. No one would want a situation in which, because of the short tenure of office, the best possible people are not available.

Sometimes we get party politics intruding into our discussions in this place; that is what we are here for, but the bulk of those in ethnic groups are not interested in party politics. Though a large number of them might support my side of politics on one issue, on the next issue they might support the Government. They look at the way in which an issue affects them. Many of them have seen far too much of politics. That is why they came to Australia. These people who have their own cultures and attitudes need understanding. Only in this way can they get their story over. A

great deal more will be achieved by people talking with them and trying to understand them than trying to convince them that they should support one political party or another.

The Liberal-Country party Government recognized ethnic groups. At least it made a start. I am the first to admit that it did not go far enough, that the work should probably have been accelerated and that more money should have been made available. That happens in many areas. When the Liberal-Country party Government came to office nothing was being done in this field. At least it made a start. I am glad to see that the Government is making available more money to recognize this large number of people in our community. In the main they are valuable and wonderful members of our society. The commission should work, provided that it does not become too party-political. There needs to be security, so that people can learn to understand that they can talk with this group of people. Only in that way will the various ethnic groups orient themselves to the commission. I support the measure, with the only criticism that the duration of office of the commissioner for one year may lead to the State not getting the services of the best commissioners possible.

Mr MAHER (Drummoyne) [8.54]: I am delighted to have the opportunity to comment on legislation to establish an ethnic affairs commission. I rise to speak because I have the privilege of representing an electorate in which there is a large number of citizens who were born overseas, and in many cases do not speak English in their own homes. I congratulate the Premier on bringing forward the legislation. I am delighted to know that there has been no rushing into the programme. The commission is to report after deliberating for a year. In the meantime it is to investigate matters involving ethnic affairs and subsidiary problems.

I was disappointed with the proposals put to the House by the honourable member for Manly who stressed that as everyone has equality of opportunity in his opinion, there was no need for a commission. I know from my experience in local schools that children from families in which English is not spoken do not have equal opportunity in large classes, particularly in convent schools and secondary schools where class loads are high and remedial teachers are few. Girls are particularly discriminated against. That has been my experience. The girls cannot get employment or, if they do, it is not satisfactory employment. The problem must be faced. The commission will investigate areas of difficulty and it will face the problem.

I was pleased with the comments made by the honourable member for Ashfield concerning the Ethnic Communities Council of New South Wales. The president of that worthy body is Alderman Bill Jegorow of the Ashfield council who represents the Haberfield ward in my electorate. He and his committee have had great success in involving many migrant minority groups that had never been involved before in any ethnic organization or council of any type. Some of the small fringe groups that previously remained aloof have become involved. For the first time those bodies have joined together in the Ethnic Communities Council. I pay tribute to Alderman Jegorow for the work he has done. He was encouraged by Mr Grassby and the former federal Government.

The Ethnic Communities Council embraces political opinions of all shades. It embodies a broad spectrum of ethnic groups. Two-thirds of the ethnic groups are financially affiliated. The aims of the council are equality of opportunity for Australians and the preservation of cultural heritages for all Australians—not just ethnic groups. I have been assured as late as today by Alderman Jegorow that the council looks forward with great hopes to the establishment of the commission that the bill envisages. The Ethnic Communities Council believes that it will work in close harmony

with the commission that the Government proposes to establish. I pay tribute also to the work of Franca Arena on the council in its formative stages. She has played an important part in furthering the interests of migrant women. The need for the establishment of the commission was brought home to me quite recently when dealing with the problem of an Italian-speaking constituent who found that a form he had signed in the Public Transport Commission last January was a resignation.

Mr Doyle: On a point of order. Might I suggest that the Government is using the bill as a reason for canvassing every aspect of ethnic affairs, though those aspects are not directly related to the bill. Unless honourable members are brought back to the bill we shall be here all night.

Mr Maher: On the point of order. The purpose of the bill is to establish a commission to investigate ethnic affairs. The matter I was commencing to open up is an example of why the commission is needed. I proposed then to explain the whole purpose of the legislation.

Mr SPEAKER: Order! Part III of the bill clearly indicates that there is a wide area to which honourable members may address themselves. All honourable members who have spoken tonight have done just that. The bill provides in clause 14 for the commission to conduct investigations and report to the commissioner. Clause 15 contains provision for the commission to report on certain other matters. The honourable member for Drummoyne has indicated some of the problems facing ethnic groups and therefore is quite in order.

Mr MAHER: I was not attempting to canvass a lot of the problems experienced by migrants. I am sure that all honourable members have experience of the sort of problems that face migrants. I propose to highlight one problem that perhaps is not too difficult for the honourable member for Vaucluse to follow. In January an Italian gentleman in my electorate signed a form that turned out to be a resignation from the Public Transport Commission. This man was a bit upset when he found out what had happened. At the time he was on light duties and in ill-health; in fact, he should have been invalided out of the service. I referred this man to the Ethnic Affairs Department which had been established by the former Government. I had been informed that this department was operating quite efficiently. Officers of the department made a number of inquiries about this matter. Initially they told me that previously they had got into trouble when investigating similar matters involving other government departments. They said that the whole of their activities and investigations were hampered and restricted by virtue of the fact that they were dealing with another department.

This proposed legislation will take the Ethnic Affairs Commission and its whole range of activities outside the control of the Public Service Board. Ethnic groups were given this promise during the election campaign and they agreed to go along with it. The story of this Italian gentleman who signed the resignation form is still continuing. I kept pressing for information in respect of what had gone on, and during the hiatus between 1st May and 5th or 7th May, I received a letter from the Director of the Department of Youth and Ethnic Affiairs to which was annexed a letter from the transport division of the Public Transport Commission. That letter stated that my constituent had earlier been dismissed after being convicted over an incident involving a bus conductress. I became most concerned about this issue because it had never been raised before. I did not know whether this man had assaulted or raped this woman—in fact I did not know anything about what had happened.

I was unable to obtain the transcript of evidence concerning his offence. After a great deal of inquiry I ascertained that this bus conductress had impounded this man's bus pass, some sort of an altercation followed, words were exchanged and she

claimed that he had pushed her. Though he was fined over that incident, the message I got was that he was convicted of an offence involving a bus conductress. This man has still not received justice-and the incident happened in January. As late as yesterday I was in contact with the department trying to resolve this matter. This man, who is in bad health, is on an invalid pension; in fact, he should have been invalided out of the department. He signed this form of resignation—he was unable to read English—which was completed by a departmental disciplinary officer. When he went out of the department he received a lump-sum payment in respect of superannuation contributions. This is the first matter I intend to refer to the commission for inquiry. I am most concerned that I could be totally sidetracked by a message concerning an alleged offence against a bus conductress.

I congratulate the Premier on the matters that he says the commission will be investigating. It will investigate questions concerning the teaching of migrants' languages in schools; it will investigate problems concerning pre-school education. This matter concerns my electorate to a great extent. There is no pre-school in Haberfield or Abbotsford. Children, who flood these schools at the age of five, speak Italian or an Italian dialect. At Drummoyne most of the children arriving at the schools speak Greek. The teachers are not trained to teach children English; having been trained to teach the three R's, these teachers have to grapple with the difficulty of teaching English to small children. The result is that other areas of education are often neglected.

I have always told migrant groups in my area that they can be loyal Australians and still retain their cultural heritage, their language, their traditions and their religion. I look to the commission to remove all hurdles in the way of these people retaining their traditions and their heritage. I congratulate the Ella Community Centre in Haberfield on the work it is doing in the integration of Italian people in that area. I congratulate it also on the work it is doing in respect of teaching the Italian language to Australian residents of Haberfield and I congratulate the local schools that teach Italian.

It was encouraging to hear the Premier assure the House tonight that the Italian and Greek schools in my area will obtain sufficient money. Many of these schools are being run on a shoestring. Children have to attend school during the daytime and then go to a Greek or Italian school while their Australian friends play football or other games. The Government has pledged to introduce ethnic languages in primary schools. I hope that ultimately this teaching will be extended to infants schools not only for migrant children but also for Australians who will be able to learn different languages. I feel that I have said enough to indicate my support for the bill. I congratulate the Premier. I know that the aims of this bill are integration and not assimilation.

Mr WRAN (Bass Hill), Premier [9.6], in reply: I wish to thank honourable members who, with one exception, have supported the bill and conceded its aims and aspirations fully. The only discordant note came from the honourable member for Manly. Quite frankly, it was difficult to follow the thread of the honourable member's argument. However, I do not think that his views on this matter—at least—can be taken seriously. One matter that was the subject of query by more than one member concerned the possible reluctance of people of capacity and talent to apply for a commissionership on the commission if the term of office was only twelve months. What must be understood is that the commission is charged within the first twelve months with pursuing its investigations in accordance with the terms of the 'bill and reporting to the Government. To provide other than for an initial term or a succeeding term of twelve months at this stage would be to pre-empt the findings of the commission on one of the matters that it is charged to investigate. This bill, as I said at the introductory

stage, is highly innovative. The Government will not shrink from introducing amendments that flow from recommendations of the commission and from the experience that the commission and the Government—indeed the ethnic groups—have gained in the twelve months from the assent to this bill.

Motion agreed to.

Bill read a second time.

Third Reading

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

ANTI-DISCRIMINATION BILL

Second Reading

Mr WRAN (Bass Hill), Premier [9.8]: I move:

That this bill be now read a second time.

The protection of fundamental rights and freedoms of the individual is of paramount importance to governments. The principle that all human beings are born equal, have a right to be treated with equal dignity, and a right to expect equal treatment in society is a principle firmly upheld by my Government..

One of the greatest contributions to the world unrest is the conflict of people of different races, the intolerance that has prevented the peaceful co-existence of people of different nationalities and the prejudice that has blighted their mutual respect as human beings, each for the other. These intolerances and prejudices are reflected today in confrontations taking place in different parts of the world. This bill is an attempt, as far as legislation can, to end intolerance, prejudice and discrimination in our community. Tonight the Government introduced the Ethnic Affairs Commission Bill. Already the Government has appointed the Women's Advisory Council and in the future it will establish a family and children's services agency.

I am sure that in the long term these bodies will achieve a great deal in effecting positive improvement for the underprivileged and in influencing societal attitudes. I look to the time when people of any colour, race or sex are accorded equality without resort to the protection of the law. It is my firm view that the pervasiveness of discrimination in our society can be eradicated only by positive action, particularly in the field of education. Eventually, positive programmes will be the means by which that intolerance and prejudice inherent in our community will be removed. In an ideal world, no remedies for discrimination would be required. There would be no problems caused by intolerance and prejudice. Unhappily, that is not the case.

In a consideration of the principles to be embodied in this legislation the Government had the benefit of the experience of other places in the world where legislation of this nature had been introduced. It invited also the participation of the community in the preparation of this legislation. The bill deals with race and sex discrimination as well as discrimination on the ground of marital status. At the same time, the Government recognizes also the problems of persons who are unjustly treated by reason of other areas of discrimination. Accordingly, in addition to discrimination on the grounds of race, colour, descent, national or ethnic origin, and of sex or marital status, the bill also defines discrimination on the grounds of age, religious or political convictions, physical handicap or condition, mental disability and

homosexuality. These provisions are highly innovative and their effect will be to provide for the first time a relief to persons who have been subjected to unjust discrimination on any of these grounds.

The Government has given careful consideration to the inclusion of these matters in the legislation. It sought to extend the protection of the law in these circumstances, while recognizing that the full implications of the proposals were wide and there were a number of complex issues that justified close examination. It recognized the need for further research in these areas. For these reasons the bill makes provision for the definition of discrimination on these grounds, but does not, at this stage, specify those areas where discrimination is rendered unlawful and thus liable to remedy. The bill provides for the prescribing of these areas by way of regulation which will be proclaimed after recommendations to the Government by the Anti-Discrimination Board. Adequate time will be allowed for members to consider the implications of all such regulations, and they will be open to disallowance before they take effect.

As I mentioned in the introductory debate, this measure, being highly innovative, is thought by us to be one which, at the end of, say, twelve months, will be fit for further examination by the Parliament, and perhaps for amendment. Certainly, we shall welcome during the first twelve months of its operation the participation of all sections of the community, including the Opposition, to make this new legislative aim worthwhile and workable. We know the public supports the principles embodied in the bill, and realize the importance of public support for the implications of applying those principles. We know also that an educative rather than a punitive approach is the long-term answer to problems of discrimination. Nevertheless, it is important that victims of discrimination have the protection of the law. With these matters in mind, the Government will proceed to appoint a Counsellor for Equal Opportunity and the Anti-Discrimination Board as soon as practicable.

I turn now to the detailed provisions of the bill. By way of broad outline, part I of the bill deals with preliminary matters. Parts II, III and IV deal with discrimination on the grounds of race, sex and marital status respectively. Part V deals with discrimination on other grounds. Part VI prescribes other unlawful acts. Part VII deals with general exceptions. Parts VIII, IX and X deal with the constitution of the office of Counsellor for Equal Opportunity, the Anti-Discrimination Board, and the functions of the counsellor and the board. Part XI relates to miscellaneous provisions.

Part I contains preliminary provisions relating to the short title, commencement, division in parts and interpretation of the bill. It provides that the proposed Act binds the Crown. Part II deals with racial discrimination. Clause 6 (1) provides that the word race includes colour, nationality and ethnic or national origin. Clause 7 defines discrimination on the ground of race as including any less favourable treatment or segregation suffered by a person because of his race, a characteristic that appertains generally to persons of his race or that is generally imputed to persons of his race. Division 2 of this part deals with specific instances of discrimination in relation to employment and ancillary matters. Clause 8 relates to discrimination against employees and applicants for employment in the normal relationship of employer-employee. It will be noted that the clause itemises all the circumstances in which it is considered that discrimination could take place, and renders those circumstances unlawful.

Clause 8 (3) provides that this clause does not apply to employment for the purposes of a private household. Clause 9 renders unlawful discrimination against commission agents or acts against persons seeking engagement as commission agents. It will be seen that the circumstances defined in this clause and in a large number of

other clauses in the bill bear a similarity to the provisions of clause 8. Clause 10 relates to discrimination against contract workers. The term contract workers is defined in clause 4 as an employee who, under a contract of employment, performs work for an employer who has undertaken to perform that work for another person. Clause 11 relates to partnerships. Clause 12 regulates discrimination in trade unions. Clause 13 relates to bodies empowered to confer, renew or extend professional or trade qualifications. Clause 14 relates to discrimination by employment agencies.

Clause 15 provides that there are cases where the drawing of a distinction between different classes of persons is reasonable. That clause deals with one class of conduct where this situation occurs. Where there is a genuine occupational qualification for a certain class of person or for a person of a specific race or colour it would not be intended that the provisions of the bill would prohibit the engagement of such a person or class. Accordingly this clause provides an exception in cases of genuine occupational qualification in the areas of entertainment and art generally, and in restaurants and other places where food and drink is provided, where a person or persons of a particular race are required for reasons of authenticity. Clause 15 (d) excepts the employment of persons for the provision of services promoting the welfare of a certain race of people, where those services can most effectively be provided by a person of the same race. Clauses 16 and 17 also provide exceptions in specific cases. Clause 18 relates to education, and renders unlawful any discrimination in the admission to any education authority of students on the ground of race or the access to any benefits to be provided by that authority. Clause 19 prohibits racial discrimination in access to places and vehicles which the public otherwise is generally permitted to use.

Clause 20 relates to the provision of goods and services. I draw attention to clause 4 where services is defined to include services relating to banking, insurance and the provision of grants, loans, credit or finance; services relating to entertainment, recreation or refreshment; services relating to transport or travel; services of any profession or trade; and services provided by a council or public authority. Clause 21 deals with discrimination in the provision of accommodation. Clause 4 defines the word accommodation as including residential or business accommodation. It will therefore be unlawful to discriminate in the provision of board and lodgings, residential or business accommodation on the ground of race. An exception is made in the case of small premises, providing accommodation for no more than six persons, where the person providing the accommodation or his near relative intends to continue to reside on the premises.

Clause 22 is intended to cover the situation where certain assistance is given to people of a certain race. It may well be justified that special services be given to certain classes of people, for example members of an ethnic community, or members of the Aboriginal race, who for various reasons are entitled to special assistance. Clause 22 will provide that such assistance would not constitute discrimination against other members of the community. Clause 23 provides an exception in the selection of sporting teams or in the rules of competitions of organized sport.

Part III of the bill deals with sex discrimination. By way of introduction I might indicate that the areas where discriminatory conduct B regulated are, in general terms, similar to those dealt with in the part relating to racial discrimination. The intention of clause 24 is to exclude from any consideration on the grounds of sex, the issue of the age of the parties involved. Clause 25 defines sex discrimination against either male or female. Clause 26 relates to sex discrimination in employment in a simiiar manner to racial discrimination. However, it will be noted that subclause (3) excepts employment for the purposes of a private household, or where

the number of persons employed by the employer, disregarding any persons employed within his private household, does not exceed five. This provision is intended to relieve an employer with a small staff from incurring the expense of making extra facilities available for members of both sexes where such an imposition would be unreasonable. Clause 27 relates to sex discrimination against commission agents; clause 28 to discrimination against contract workers; and clause 29 to partnerships. Clauses 30, 31 and 32 deal with discrimination by trade unions, qualifying bodies, and employment agencies respectively.

Even more than in those cases where race is relevant are there circumstances where the sex of a person may be a genuine occupational qualification. Clause 33 makes provision for these types of circumstances. Clause 33 (2) outlines those situations where being a person of one particular sex is a genuine occupational qualification. Division 3 of this part extends to other areas of sex discrimination. Clause 34 relates to education in a similar manner to that in which it was covered in the race discrimination provisions. Clause 35 renders unlawful the exclusion of members of a particular sex from places where liquor is sold. Clause 36 relates to the provision of goods and services; clause 37 to accommodation. Again it will be noted that there is an exception to clause 37 in relation to small premises where the person providing the accommodation or his near relative intends to continue to reside on the premises. Clauses 38 to 42 provide exceptions to the provisions relating to sex discrimination. Discrimination in favour of women in connection with pregnancy or childbirth is excluded by clause 38.

It is not intended that this bill should regulate wage fixing, or infringe upon the jurisdiction of industrial tribunals. Clause 39 provides accordingly. One area in which serious problems occur in this field is that of superannuation. The field of superannuation is a complex one and, it would appear, not one in respect of which legislation should be introduced without a close examination of all relevant factors. It is, I am sure, one of those areas where the Anti-Discrimination Board will be anxious to satisfy itself as soon as possible as to whether unjustifiable discrimination exists. For these reasons an exclusion is provided by clause 40.

In respect of clause 33, which is the provision relating to occupational qualification, clause 39, which provides an exclusion in relation to wages and salaries because of their industrial content, and clause 40, which relates to superannuation, it is the Government's intention that the Anti-Discrimination Board look at the factors relevant to each of those matters soon after it is established. Further, it is the Government's intention in due course to make unlawful discrimination in respect of wages, salaries and superannuation because of sex or any other ground and to bring it within the purview of the general intention of the legislation. Because of drafting difficulties, the fine lines that need to be drawn and repercussive effects on a whole range of other statutes, the Government considers that a more satisfactory result will be achieved in the first twelve months if those sorts of matters are committed for examination and report back to the Government by the Anti-Discrimination Board. In this way ultimately we shall have a much more effective and lasting legislative code. The same observations apply to clause 68, which provides certain exclusions in respect of registered clubs.

If I may continue in chronological order, another associated field is that of insurance which is covered generally by clause 36 of the bill. Clause 41 provides an exception to these provisions where the insurance company can show that any distinction drawn between the sexes is based upon actuarial or statistical data from a source on which it is reasonable to rely; and it is reasonable having regard to the data and any other relevant factors. Clause 41 also requires the insurance company to disclose to

the person seeking any policy the source on which the actuarial or statistical data is based. By clause 42 the provisions of the bill do not apply to sex discrimination in sport.

Part IV of the bill relates to discrimination on the ground of (marital status. Clause 43 defines this type of discrimination. The provisions of clauses 44 to 50 are similar to clauses 26 to 32 in respect of which I have already spoken. In the area of discrimination in employment, clause 51 makes an exception with discrimination against a person on the ground of his marital status in relation to a job which is one of two to be held by a married couple. Division 3 relates to discrimination in other areas, and differs from the provisions dealing with sex discrimination in that it deals only with the provision of services and accommodation. Clauses 54 and 55 are similar to clauses 39 and 40.

Part V of the bill deals with discrimination on other grounds. Those grounds are, age; religious or political conviction; physical handicap or condition, or mental disability, and homosexuality. Part VI of the bill makes provision for other unlawful acts. Clause 61 deals with victimization; that is, conduct detrimental to some person who has exercised his rights, or has taken other action under this legislation. Such conduct will render the offender liable to penalties similar to the penalty for discrimination. Clause 62 renders discriminatory advertisements unlawful, where the advertisement indicates, or could reasonably be understood as indicating, an intention to do an act that is unlawful by reason of the bill. Clause 63 relates to aiding unlawful acts, and clause 64 deals with the liability of principals and employers. Part VII makes provision for exceptions which are general to all forms of discrimination.

Many of the statutes of New South Wales in their present form are discriminatory. It is, therefore, proposed in clause 130 that the Anti-Discrimination Board to be established undertake a review of the legislation of the State, and of governmental policies and practices, to identify discriminatory provisions, and to report these matters to the Government. Clause 65 provides that in the meantime this Act shall not apply to the provisions of other Acts, or to instruments made or approved under any other Act. That clause also makes similar provision in respect of orders of the board, or of a court. Clause 66 excepts from the general provisions of the bill any provision made in a charitable instrument. For example, a will which set up a trust for the relief of the Aboriginal children of New South Wales shall not be struck down by this Act. Clause 67 provides that the provisions of the Act shall not apply to religious bodies, or the appointment of personnel in religious bodies or religious orders.

As I have already mentioned, the bill isolates specific areas of discrimination where it is considered that discrimination occurs. It will be noted that there are certain areas, particularly where personal relationships are closely affected, in which exceptions are made in the bill. Clubs registered under the Liquor Act, 1912, are bodies established for the furtherance of the aims and objects set out in the memorandum of association, or rules of the club. By their very nature, clubs are personal groups, and a large number of clubs are discriminatory in essence; they are, in fact, the legal identity of associations of persons bound together by common interests. We have, for example, clubs of different nationalities, or clubs based on a common religious bond. Some clubs are restricted to women. The Government has given careful consideration to this aspect, and it recognizes the problems that sometimes exist in clubs where discrimination occurs in areas other than in the furtherance of the club's aims and objects.

My colleague the Minister of Justice and Minister for Services is presently reviewing the law relating to registered clubs, and in that exercise the position will be further considered. The whole position relating to clubs, discrimination, and the range

of exceptions that will be provided in respect of clubs is to be referred to the Anti-Discrimination Board for investigation and early report to the Government. At present, however, it is not intended that the provisions of this bill shall apply to registered clubs. It would also appear undesirable that the bill should extend to service organizations, or to charities or other voluntary bodies working within the community. Clause 68 gives effect to these intentions.

Part VIII of the bills deals with the office of Counsellor for Equal Opportunity. The effect of clauses 70 and 71 is that the counsellor shall be appointed for any period, being not less than seven years, as is specified in the instrument of appointment. The counsellor is independent of the Public Service Board and the provisions of the Public Service Act. He may be removed from office only in accordance with the strict limitations laid down by clauses 73 and 74. Provision is made in clause 77 for the appointment of an acting counsellor during the absence of the counsellor. Clause 78 provides for the employment of staff to assist the counsellor.

Part IX relates to the Anti-Discrimination Board. By the provision of clause 81, the board will consist of one full-time member and two part-time members. Because the board will exercise quasi-judicial functions, the Government has determined that the president of the board shall be, or have the status of, a judge of the District Court. Any person is eligible for appointment as a member of the board--other than the president—except those persons specified in clause 83 (2). Clause 84 contains the normal provisions for a board of this type relating to vacation of office. The members of the board, like the commission, shall not be subject to the control of the Public Service Board or the provisions of the Public Service Act. Clauses 88 and 89 will make provisions for the remuneration of the members of the board.

Clauses 90 and 91 will provide for the appointment of alternate members of the Discrimination Board who may act as members during the absence of the appointed members. Because all three members are required to form a quorum of the board, it will be seen that the illness or other absence of a member would prevent the board from operating. Clauses 90 and 91 are intended to overcome this situation. It may be, of course, that the pressure of work cast upon the board will require it to sit often enough to justify the appointment of a greater number of part-time members, or more than one full-time member. The Government will carefully follow the operations of the board, and will quickly take appropriate action if this should prove to be the case.

Clause 92 of the bill is designed to preserve the rights of the president, if he is a judge, upon his retirement. Clause 93 achieves a similar purpose should the president be a public servant prior to his appointment. Clause 95 permits the appointment of a registrar to the board, and for staff to the registrar. The registrar will receive complaints, will arrange hearings of the board, and maintain the records of the board's operations.

Part X of the bill relates to the functions of the counsellor and the board. Divisions 1, 2 and 3 deal with the functions of the counsellor and the board in relation to complaints. A complaint may be made by an individual either on his own behalf or as a representative of a class of persons. A complaint may also be referred to the board by the Minister, At the same time, the board, under its general powers, may inquire into, or may cause investigations and inquiries to be made into any matter of discrimination or alleged discrimination.

Private complaints, either in relation to individual matters of complaint, or in respect of representative actions, are to be lodged with the registrar or the counsellor within 6 months of the occurrence of the alleged wrong, although provision is made

for the lodgment of a complaint after the expiration of that period of time where the circumstances justify it. The registrar, upon receipt of a complaint by him, refers it to the counsellor for investigation. Similarly, any complaint referred by the Minister shall be the subject of investigation by the counsellor and, if necessary, for inquiry by the board.

Where a private complaint is made, one of several situations may arise. First, the complaint may be withdrawn. Second, the counsellor may be satisfied that the complaint is frivolous, vexatious, misconceived or lacking in substance. In such a case the counsellor may decline to entertain any complaint. Clause 99 provides that in these circumstances, he is to advise the complainant accordingly, advising him of the reason for declining to entertain the complaint. He shall also advise the complainant that he has a right to request the counsellor to refer the matter to the board. Where the complainant undertakes this course of action, the counsellor is required to refer the matter to the board, together with a report related to the inquiries made by him into the matter. Clause **100** provides accordingly.

The main feature of the counsellor's functions is to attempt to settle, by conciliation or otherwise, the subject of the complaint. He is obliged, by clause 101 (1), to endeavour to resolve a complaint in this way wherever that is possible. Clauses 102 and **103** relate to the conciliation proceedings. It is desired that as far as possible the counsellor be enabled to intervene in the dispute between the parties. It is desired to ensure that the proceedings be as informal as possible, so as to provide the most amenable atmosphere for compromise. For this reason, clause **102** provides that a complainant or respondent in conciliation proceedings shall not be represented by any other person except by leave of the counsellor. Clause **103 (2)** provides that evidence of anything said or done in the course of proceedings shall not be admissible in subsequent proceedings under this part relating to the complaint. If, despite the counsellor's efforts, the complaint is found incapable of resolution by conciliation, clause **103** provides that where the counsellor is of the opinion that the complaint cannot be resolved by conciliation; has endeavoured to resolve the complaint by conciliation but has not been successful in his endeavours; or is of the opinion that the nature of the complaint is such that it should be referred to the board, he shall refer the complaint to the board together with a report relating to any inquiries made by him into the complaint.

Division **3** of this part relates to the functions of the board in relation to complaints. It is intended that the board shall have very wide powers in respect of the procedure of its hearings, and the amendment of complaints made to it. Clause **106** makes provision for single inquiries into several complaints; clause **107** relates to joinder of parties; clause **109** relates to the granting of leave to appear as a party to persons not directly involved in the complaint the subject of the inquiry; and clause 110 permits the board to give leave to persons other than members of the legal profession to represent a party to an inquiry. The board has wide powers under clauses **111–114** concerning representative actions. Clause **117** gives the board wide powers in relation to its conduct. This clause provides that the board shall not be bound by the rules of evidence, and may inform itself on any matter it thinks fit; that it shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms; and may give directions relating to procedure that, in its opinion, will enable costs or delay to be reduced and will help to achieve a prompt hearing of the matters at issue between the parties. Clause **108 (1)** provides for the giving of notice of hearings to parties and will give parties to the inquiry the right to call and give evidence, to examine and cross-examine witnesses, and to make submissions to the board. Clause **108 (2)** makes provision for the hearing of inquiries in the absence of a party, where that party, upon service of notice upon him, has failed to appear.

Clauses 111 to 114 relate to representative actions, that is, actions made on behalf of a class of persons. The express provision for representative actions is novel in this country in this field. The field of discrimination is one of a number of areas in the law where class actions, or actions by a person or persons on behalf of a class of persons, provides advantages not available to the ordinary complainant. In areas where an individual citizen would be incapable of legally enforcing a right against a large corporation, perhaps a multi-national corporation or government authority, the class action allows a large number of citizens suffering the same damage to band together and to contribute jointly towards the immense costs that may be involved before their persistence is finally rewarded. At the same time, class actions may be of advantage to provide a test case, thus avoiding a multiplicity of actions.

Representative actions present a number of complex legal problems. It is necessary, on the one hand, to be able to define the class of persons who may claim an interest in the proceedings and are thus able to benefit from the result. On the other hand, justice demands that the respondent to any action be entitled to his normal legal rights. The Government has therefore determined to deal with the matter in this way: a complaint may be made as an individual complaint or as a representative complaint. Where a representative complaint is made, the board, under clause 111, shall determine, as a preliminary matter, whether that complaint should be dealt with as a representative complaint. Where it is not so satisfied, it may proceed to deal with the complaint as an individual complaint. On the other hand, where, during proceedings, the board is satisfied that a complaint has been wrongly made as an individual complaint, it may amend the complaint so that it may be dealt with as a representative complaint.

Before determining whether a complaint may be dealt with as representative, there are a number of matters to which the board is required, by clause 112, to cast its attention. It is possible, although I feel unlikely, that this form of action could be availed of by extreme elements in the community to achieve purposes other than those for which the legislation is intended, that is, to remove discrimination. Accordingly, clause 112 (1) provides that the board shall not permit a complaint to be dealt with as a representative complaint unless it is satisfied that it is a bona fide complaint. Subclause (2) specifies those matters in respect of which the board should be satisfied before determining whether a complaint is or is not bona fide.

Those matters are itemized in clause 112 (2) (a), and I invite the attention of honourable members to these provisions. Subclause 2 (b) provides that notwithstanding that the requirements of paragraph (a) have not been complied with, the board may yet determine that a complaint is made in good faith where the justice of the case demands that the matter be regarded accordingly. There may be other cases where two or more persons may seek to obtain different remedies from the same conduct. One person may choose to make a representative complaint; another may choose to make an individual complaint on only his or her own behalf. Clause 114 covers this situation by providing that nothing in this part prevents both a representative action and an ordinary action from being dealt with in respect of the same course of conduct the subject of the complaints.

The most important means provided by this bill for the removal of individual discriminatory acts is by conciliation between the parties with a view to settling the complaints. For this reason where a complaint has been referred to the board as being incapable of settlement by conciliation, nevertheless the board also has the further opportunity to deal with the matter in this way. Clause 115 gives the board power

to attempt to resolve matters by conciliation, and for this purpose it is entitled to adjourn the inquiry and to take such other steps as to it seem reasonable to effect an amicable settlement.

Clauses 116, 117 and 118 make reference to evidentiary provisions. Clause 116 empowers the board to receive in evidence the transcripts of other proceedings, to adopt any findings of relevant tribunals, and to receive into evidence the report of the counsellor, which is to be made available to the parties to the inquiry. Clause 117, to which I have already made reference, relates to the inapplicability of the rules of evidence in proceedings. Clause 117 (2) provides that the president, who may be the only legal member of the board, shall determine any question relating to the admissibility of evidence and any other questions of law or procedure. Clause 118 provides that the onus of proving any fact which would entitle the respondent to rely upon any exception made by the bill or by regulation, shall lie upon the respondent.

The powers of the board in respect of its inquiries are governed by the provisions of clause 119. I now deal with the powers of the board in the orders it can make. In the first instance, clause 121 empowers the board to make an interim order pending or during the hearing, which will have the effect of preserving the ***status quo*** pending the determination of the matter by the board, so that a person threatened with dismissal from his employment on an alleged discriminatory ground would be able to seek an interim order to prevent that dismissal until the complaint is heard.

Clause 122 is an important clause. It invests the board with the power to enforce its findings. The clause provides that the board, after holding an inquiry, may dismiss the complaint the subject of that inquiry, or find the complaint substantiated and do any one or more of the following. Except in the case of representative complaints, or complaints referred by the Minister, it may order the respondent to pay to the complainant damages not exceeding $20,000 by way of compensation for any loss or damage suffered by reason of the respondent's conduct. It may make an order enjoining the respondent from continuing or repeating any conduct rendered unlawful by this bill or regulations. Except in the case of representative complaints, or complaints referred by the Minister, it may order the respondent to perform any act or course of conduct to redress any loss or damage suffered by the complainant. It may make an order declaring void in whole or in part and either ***ab initio*** or from such other time as is specified in the order any contract or agreement made in contravention of this bill or the regulations. Or it may decline to take any further action in the matter. In this way the complainant is provided with a remedy for the wrong suffered.

So far as damages are concerned, the sum of $20,000 is the maximum amount within the jurisdiction of the district court, and it appeared appropriate that the same sum should be set as the maximum for this tribunal. The wide discretion to be given to the board also relates to costs. Clause 123 provides that though in normal circumstances each party to an inquiry shall pay his own costs, where the board is of the opinion in a particular case that there are circumstances that justify it doing so it may make such order as to costs and security for costs, whether by way of interim order or otherwise, as it thinks fit. Clause 124 and clause 125 relate to the enforcement of orders of the board. By clause 124 any award for damages may be registered as a judgment debt in a civil court and enforced by process from that court. Clause 125 provides that the disobedience or noncompliance of an order of injunction or specific performance may result in the imposition of a monetary penalty. ***[Quorum formed.]***

Mr Doyle: It is the Premier who is on his feet, you know.

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

Mr WRAN: Clause 125 requires the board to give reasons for its decisions and orders. Clause 126 provides for appeals against orders or decisions of the board to the Supreme Court. A party aggrieved by a decision or order may appeal to that court. The Supreme Court, on an appeal, has the same function as the board in hearing and determining the matter, and may make any order that the board would have been able to make in the matter.

In addition to its role in relation to complaints, the board has a more general function in the elimination of discrimination and the promotion of equality. It is the function of the board to act in an advisory capacity to the Government in this field, and clauses 128 to 131 relate to this advisory role. Clause 128 empowers the board to adopt all necessary measures to inform itself on matters of discrimination, to consult with other people, both government and non-government, to disseminate knowledge on these matters, to hold public inquiries and to develop appropriate programmes. Clause 129 empowers the Minister to refer matters to the board for advice. It may be that advice is sought on proposed legislation by the Government, or regarding a practice, an alleged practice or a proposed practice of any class or persons which may be in contravention of the Act. In this way the Government may have the benefit of advice of the board before determining a course of action in the matter.

Clause 130 provides that the board shall, as soon as possible after the commencement of the Act, undertake a review of the legislation of the State and governmental policies and practices, with a view to identifying circumstances where discrimination on a ground referred to in the bill occurs, and to make a report of its findings within twelve months. I have previously made reference to this clause in discussing the provisions of clause 65. Rather than delay the introduction of the bill for a considerable period to permit the necessary research to be undertaken to locate discrimination in statute law or in governmental practices, this task is left to the board which will report to the Government within twelve months and, on a continuing basis, make recommendations on what amendment is necessary. CIause 131 provides for the board to prepare an annual report, which is required to be laid before both Houses of Parliament as soon as practicable after receipt by the Minister.

Part XI of the bill contains the miscellaneous provisions. Clause 132 relates to the legal effect of any contravention of the bill. Clause 133 contains a normal type of provision for obstruction of officers constituted by the bill. Clause 134 provides that any monetary penalties provided for under the bill may be prosecuted in a court of petty sessions. Clause 135 deals with exemptions. It will be noted that the bill contains a number of exceptions to its provisions where it would be 'unreasonable to compel compliance with the **Act** immediately, and where some time may be extended to such a person to give him an opportunity to make arrangements which would then comply with the provisions of the bill. For this reason provision is made for the granting of exemptions by the Minister for a specific period. There is no provision for exemption for an unlimited period.

When dealing with clause 60 I made reference to the provision in the bill for making regulations. Clause 136 gives this power and requires the Minister to take into consideration recommendations by the board before recommending any regulation to be made. I draw attention also to the fact that clause 136 (3) permits the Parliament to disallow a regulation by providing that the regulation does not take effect until the expiration of fourteen days after it is laid before each House of the Parliament, or at some later time specified in the regulation. Clause 137 provides for amendments to the Statutory and Other Offices Remuneration Act, 1975, to permit

the tribunal to make recommendations on the salary of the president of the board, and to the Defamation Act, to permit the publication of information contained in reports made by officers of the counsellor or the board, and for information given by the public to the counsellor or the board.

The Government is not under any illusion that this bill is a panacea for all the problems relating to discrimination in our community. It is well aware that the elimination of intolerance and prejudice, the promotion of equality and the complete eradication of unjust discrimination on grounds such as race, colour, sex and the other grounds covered by the bill will not be achieved overnight. The Government will concede that this provision for individual remedies is a step-by-step mopping-up of isolated pockets of discrimination rather than an attack on the cause of that discrimination. But this legislation must be assessed on a much broader basis than that. This Government has initiated positive programmes which will achieve something really worth while for those in society who for far too long have been ignored by government.

The positive powers in this bill, in the introduction of the Ethnic Affairs Commission Bill, in the establishment of the Women's Advisory Council, and in the proposals being considered by the Government for the setting up of a family and children's services agency, are but some of the constructive moves by this Government towards a more equitable society. Not only does the bill provide individual remedies where discrimination has occurred but also the passage of legislation of this nature is itself recognized as having an influence upon the citizen in his social conduct, and it tends to undermine societal prejudices.

The Government is confident that the measure reflects a just and reasonable approach to problems caused by discrimination in the community. It is our strong view that freedom from unjust discrimination is as basic to the citizen, and as vital to the community, as the freedom of expression, the right to religious and political freedom, and the freedom from arrest. I am proud to introduce this measure. I am confident that this legislation is the most enlightened, and will be the most effective, legislation in this field in Australia. I am proud also to give effect to our policies by bringing in this bill, which lights a path to social equality in this State. I commend the bill to the House.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [10.2]: At the outset, on behalf of the Opposition I say without qualification that we are as opposed to discrimination as are the Premier and his Government. However, as history shows that we have managed to muddle along in this State and in this Parliament for something like 121 years without anti-discrimination legislation, there is surely no reason why we should now be rushing this bill through. If we proceed with such haste, in a very short while this Parliament, that is, the Government and the Opposition, may well be judged to have been foolish or shortsighted. Put simply, the Opposition does not want a botch of a bill. We want legislation that will achieve the important objective which is the intention of the legislation and apparently the intention of the Government. Let there be no doubt about that. We would want that objective achieved by the consensus of this Parliament, not by the weight of political numbers. For this reason we sincerely believe—in fact we plead—that the Government should leave the bill on the table of the House for several months so that it can be examined and scrutinized in detail.

The Opposition's examination of this measure has necessarily been hurried and rushed. We would beg the Government to treat it in the same manner as all other pioneering legislation is treated—or has traditionally been treated here—that is, by allowing a reasonable time for its examination both by Parliament and the community.

Later I shall be moving that the second reading be deferred for three months. This is surely an occasion when the mother State of the Commonwealth can display to the rest of Australia its maturity and responsibility. Surely the Government, if it is genuinely interested in outlawing discrimination, would want a situation wherein this Parliament reaches a consensus—that is, with both the Government and Opposition agreeing without argument on this pioneering legislation. Give us breathing space; let us slow down the pace a little so that the legislation can be examined. Give us that breathing space and I am sure that in three months we can gather in this Parliament and say to the rest of Australia that we in New South Wales, both Government and Opposition, have reached consensus on this legislation.

The Opposition is an anxious as is the Government to be a party to this legislation—and this is important—but not in its present form. Is that too much to ask? To speak out against a bill to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons would seem to be opposing the very beliefs and ideals that are the essentials of liberalism. Yet I am most critical of this bill—this catch-all of trendy catchcries that masquerades as a serious attempt to deal with, indeed to abolish, that anti-social offence, discrimination, in all its manifold and manifest forms. It masquerades as a serious attempt to deal with an insidious canker that thrives on ignorance, prejudice, fear, apathy and inertia. Does the Premier really believe that on an issue which should surely rise above empty politicking, in a bill of this length and complexity, introduced in this House on Thursday, 18th November, available in its printed form on Friday, 19th November—a form differing materially from a preliminary and sketchy notice previously circulated, with a second-reading speech today, 23rd November, taking up the attention of members for only one and a half hours or so, he has practised anything but the greatest discrimination against meaningful debate and the proper use of this House as the voice and conscience of the citizens of New South Wales?

Let there be no mistake. The Liberal Party by its very nature is opposed to all forms of discrimination. The Liberal Party endorses, as I should hope every honourable member here present would endorse, the Universal Declaration of Human Rights, proclaimed on 10th December, 1948, by the General Assembly of the United Nations, both in whole and in part, which provides in article 7:

> All are equal before the law and are entitled, without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

But actions speak louder than words, although, of course, we need the inspiration of such words. The Liberal Country party Government, when I was Premier and when I was a Minister, could be proud of its record in the fight against discrimination. We amended the Public Service Act to remove discrimination against women. In 1975 we set up the ethnic affairs division within the Department of Youth, Ethnic and Community Affairs together with the consultative council on ethnic affairs, to help, among other aims, in the fight against racial discrimination. When I was Minister for Labour and Industry I removed a number of discriminatory sections from the Factories, Shops and Industries Act and my Apprentices Act effectively eliminated all discrimination in the provision and conditions of apprenticeship. Then there was the women's advisory board, which we appointed, charged with the responsibility, in effect, of ascertaining and reporting upon all discrimination against women, and making recommendations thereon.

Sir Eric Willis]

In early 1975, as Minister for Education I appointed a committee to examine sexism in education, to examine the equality of opportunities for boys and girls and, in particular, the effects of sex-role stereotypes on those opportunities. Public comment and involvement were invited by press advertisements. The Deputy Leader of the Opposition, when Attorney-General and Minister of Justice, established a permanent privacy committee, an innovation of significant and growing benefit to the citizens of New South Wales. Invasion of privacy can be a most serious discrimination against the rights of the individual. It was hi's initiative, also, that led to moves to amend the Jury Act, making jury service compulsory for women as for men. The abolition of discrimination can bring duties and responsibilities as well as rights.

I remind the House, only briefly, of some of the actions we took when in government—all practical, all positive. Tonight, however, I am concerned with the future, not the past. I see little future for this bill in its present form, and I emphasize those words. It is typical Wran Government packaging—all glitter and show, but when the wrapping is removed little of value is to be found inside. Had the Premier seen fit to allow the bill to lay on the table for some time, to allow honourable members an opportunity to give this serious subject their serious attention, to allow members of the public to put forward their views, through their local members, should they so wish, I should have had greater respect for the sincerity of the Premier's intentions. The bill, in the form in which it is presently before us, cannot command respect. We on this side of the House are in no disagreement with the contention that discrimination must be countered at every level. That is what we did when in government.

There are moral arguments and economic arguments against discrimination. Morally, it is unjust, a denial of human dignity and a belittlement of human rights. In economic terms, if discrimination is exercised on a sufficiently wide scale, then manpower and womanpower cannot be used to the full. If whole categories of the population are underemployed as a result of discrimination or if there are depressed sections with little purchasing power, the population as a whole must be affected. Lack of equality in finding and keeping jobs affects earnings and potential improvement in living standards. It affects not only those directly involved as agents or as victims. It affects us all, including those who may not come within the scope of employment or occupation but nevertheless, are a part of the general climate of opinion and thus have an important bearing on the success or otherwise of anti-discrimination policies. Most forms of discrimination are closely inter-related; to deal with one alone is not enough. That may have been the intention behind this catch-all of a bill but we all know to where the road paved with good intentions leads.

Before I examine specific clauses of this bill, let me refer to some of the causes of discrimination outlined in the ILO publication, entitled ***Fighting Discrimination in Employment and Occupation.*** They read almost like a list of the Seven Deadly Sins, but they are five in number:

Hatred—which may spring from historical causes

Prejudice—which is a matter of emotion rather than reason

Ignorance—with prejudice, the facts are disregarded, with ignorance, they are unknown

Fear—that jobs might be endangered or wages depressed

Intolerance—again unreasoning and emotional and relating particularly to religion and politics.

It will be apparent from the list that the removal of legal disabilities is not the only problem and, frequently, not the most immediate problem. Workers and employers—indeed individuals at all levels—may not always realize that they are committing acts of discrimination. Community attitudes must be changed.

The first consideration in this bill is part II, racial discrimination. At an ILO Meeting of Experts on Discrimination in Employment and Occupation in 1966, the view was expressed that measures to counter racial discrimination "should, in general, be based on economic, rather than ethnical, racial or other criteria and, in any case, careful attention must be paid to the psychological and ideological factors involved". Racial discrimination in employment may result in hardship arising from unemployment, under-employment or poorly paid employment. But the strong emphasis on punitive enforcement, not only in this part hut indeed throughout this hill, is an approach designed to exacerbate employer-employee relations. It is a potential cause of industrial dispute; it does little to recognize that, in this area of discrimination particularly, many of the real problems arise out of the unthinking actions and prejudices of individuals.

I am tempted also to criticize the Premier's "pride and joy" as being scarcely worth the paper on which it is written, in the sense that proof of discrimination will be difficult and it will be ever so easy for a person who wishes to do so, to discriminate by using grounds not mentioned in the bill as being prohibited. For example, such a person who wanted to discriminate against a person of a particular race could do so by claiming that it was the person's language, appearance or dress that caused him to discriminate. Such discrimination is not prohibited.

Part III deals with sex discrimination. Part IV deals with discrimination in regard to marital status. In both those areas the Government has drawn heavily on the United Kingdom legislation. As to the provisions on marital status, I point out the problem that arises in the definition itself. There is the extraordinary situation that marital status now includes people who cohabit with the opposite sex, even though there is no prohibition that I can see that prevents a single or divorced person because they are living with another person from obtaining employment. It is a further gratuitous attack on the institution of marriage and the family to reduce it to the status of mere cohabitation. We shall move to delete this provision.

Sex discrimination is the area of greatest fraud in the measure by the present Government. Those areas that have been of greatest concern, such as finance and the obtaining of credit, are totally omitted. The reasons for this are manifold but surely the women of this State are entitled to some explanation other than mere cynical omission. Then, certain areas of concern to some women's organizations have been totally omitted from the bill. One can easily conceive of the pressures that were brought to hear on the Premier but one would have thought a little more frankness before the election was indicated.

Third, the greatest area of cynicism is the general exceptions in part VII. All Acts now discriminating either for or against women and any future amendments to those Acts are totally outside this provision. The provisions, for instance, under industrial awards, factories and shops Acts, and so on will remain. Those provisions of the Teaching Service Act which give benefits for wives of teachers but not husbands, will remain. But the greatest fraud is the extreme terminology used by the bill in referring to sex alone. Any employer or prospective partner oan choose other criteria such as appearance or perhaps measurements or clothing as dishonest exclusionary factors. It would not be possible to prove discrimination on the grounds of sex on the part of the employer, and thus the whole measure can be easily frustrated.

Clause 39 preserves present discrimination on salary; clause 40 preserves it on superannuation. We believe the provisions on superannuation should be included in the insurance provisions and in Committee the Opposition will probably move in that direction. Clause 54, referring to salary discrimination on grounds of marital status being permissible, seems to be contrary to the minimum wage decision—a couple of

years ago—of the Commonwealth Conciliation and Arbitration Commission. The women of this State have been defrauded and are rightly annoyed at being sold down the river by an Act that will make little difference to them and will thus delay the implementation of the proper reforms we on this side of the House should have wanted in this important legislation. Women are rightly incensed at this failure to deal with their problems and will well remember this provision when next they go to the polls.

I come now to part V, with its catch-all heading, "Discrimination on Other Grounds". I have dealt with race, sex and marital status. I come to the other grounds that are lumped together in the other parts of the bill. The Government has, without prior notice, added elements to the bill so bizarre that one wonders whether they are an escape hatch—an invitation to reject the bill for the exercise in instant gimcrackery which it so largely is. As to age discrimination, I ask honourable members whether, in the wisdom of their mature years, with the experience and expertise that time alone can impart, they really wish to be treated no less favourably than the tyro of 20? Surely the Premier does not expect the House and the community to take clause 56 at face value. Does he expect us to believe that because clause 56 says so he wants employers and others to regard a boy of 1 year of age, a man aged 21, one aged 51, and another aged 81 as all being the same? How absurd!

I turn now to religious and political convictions. Religious intolerance, like racial prejudice, is a matter of emotion rather than reason and all the more difficult, therefore, to counteract. The greater likelihood of discrimination on religious grounds arises either in those countries in which religion features strongly in the life of the nation or in places in which the State itself is opposed to religion. With respect to political conviction, discrimination is least likely to lead to action in countries whose citizens enjoy substantial liberty of the subject, and Australia must be counted as one of those lucky countries. In the meantime, are we to heed clause 57 which prohibits discrimination on the grounds of religious or political conviction? For example, will the head office of the Labor Party in New South Wales be prevented from excluding members of the Liberal Party who apply to work there—and so on?

The bill does not make any reference to the commonest form of discrimination in our society today, that is the discrimination exercised by trade unions against law-abiding citizens who, for reasons of their own, do not wish to join a trade union. In my opinion this horrid form of discrimination should be banned, just as much as any other form of discrimination, but apparently the Premier is not the least bit concerned about it. Accordingly, to remedy that apparent oversight by the Premier, we propose to move a suitable amendment in Committee.

I propose to deal now with physical handicap or mental disability. In this area, above all others referred to in the bill, surely we must look beyond empty rhetoric to the facts. Earlier I quoted from the Universal Declaration of Human Rights. I refer honourable members to the Declaration of the Rights of the Child, which was proclaimed on 20th November, 1959. Principle 5 of that declaration reads:

> The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Do we then, under the proposals in clause 58 of this bill, abruptly cease to give that special care to those whose physical handicap or mental disability carries through from birth to death? Do we turn our backs on them, waving the magic wand of this legislation telling them, "We hereby remove all form of discrimination; now you are equal—and alone"? What a denial of compassion and caring, however well-intentioned in may be.

In asking honourable members to consider the danger inherent in this clause, I am reminded of the words of the American President, Herbert Hoover, who in his book, *The Challenge* to *Liberty* wrote: "No economic equality can survive the working of biological inequality". In more practical terms, some employers will be concerned about an employee's ability to do a job; others will be concerned for the employees' safety—but clause 58 appears to prohibit such considerations.

I propose to deal now with homosexuality. The difficulties of proving discrimination under the provisions of this clause must surely make it the nadir of the bill. I remind honourable members that—whatever the future may hold—at the time of this debate homosexuality conduct is unlawful. Is it not the classic case of putting the cart before the horse to propose that in relatively undefined circumstances it will be unlawful to discriminate against the individual who engages in unlawful conduct under another Act of Parliament? Clause 60 is a real gem. After referring in the preceding clauses to a ban on discrimination on the grounds of age, religion or political beliefs, physical handicap or mental disability—or homosexuality—but on no other grounds, clause 60 provides that the Government really does not know what to do about such matters. The Government asks Parliament to give it a blanket power to make regulations in respect of anything touching upon those grounds—virtually without limit or guidance. What an extraordinary way to go about tackling the problem. No wonder the Government wants to rush the bill through without proper debate or consideration.

I come now to what must be regarded as one of the most fundamental weaknesses of the bill—its overwhelming emphasis on enactment and enforcement, on penalty for performance of acts of discrimination. The bill has sixty-eight clauses dealing with discrimination—there are a few exceptions to this subject. It has ten clauses dealing with the mechanics of appointing a Counsellor for Equal Opportunity. The bill contains seventeen clauses dealing with the appointment of an Anti-Discrimination Board; and it has thirty-two clauses dealing with the functions of the counsellor and the board as they act upon complaints.

It is not until we come to clauses 128 to 131—that is only four clauses in all—that we discover what are called "Other functions of the board," and the first mention of what should surely be an important principle—that the prohibition of discriminatory practices is a first step only and that, within any legislation, the accent should be on positive action to promote equality of opportunity and treatment. Legislative provisions may well be insufficient protection in themselves. What this bill overwhelmingly fails to realize is that it is not enough simply to condemn discrimination; it is not enough to outlaw it. It is easy to say, "We are against discrimination". The real test is: "What are we actually doing to promote equality of opportunity and treatment?" Public opinion must be behind any anti-discrimination legislation. The policy must have been explained and advocated. Educational and promotional action is an essential complement to legislation.

Obligations imposed by legislation, even when enforced by penalties, cannot ensure the true observance of a policy of anti-discrimination which relies, so often, on the understanding and action of individuals. I refer again to the International Labour Organization Report of the Committee of Experts which states:

> There are cases where legal restraints have a limited effect only and where individual psychology is often the determining factor, for example, where a choice has to be made in the course of recruitment, promotion or dismissal, unfair preferences or distinctions are often difficult to prove and difficult to penalise.

Sir *Eric Willis*]

It is a pity that, in consulting the United Kingdom legislation on sex discrimination, the Government paid apparently little heed to those sections relating to the Equal Opportunities Commission. It is true that the name of the counsellor referred to in part VIII of this bill is the Counsellor for Equal Opportunity but the board is the Anti-Discrimination Board—a far more negative and restrictive title than the Equal Opportunities Commission of the United Kingdom and the equal opportunity board within the proposed Victorian legislation.

The restrictive and punitive motivation of the bill now before us is clearly shown when one compares those sections of the bill relating to the counsellor and the board with the sections of the United Kingdom Act relating to the Equal Opportunities Commission. The first section of the United Kingdom bill referring to the commission sets out the following duties:

(a) to work towards the elimination of discrimination

(b) to promote equality of opportunity between men and women generally and

(c) to keep under review the workings of this Act and the Equal Pay Act 1970 and, when they are so required by the Secretary of State, or otherwise think it necessary draw up and submit to the Secretary of State proposals for amending them.

The following section reads:

> The Commission may undertake or assist (financially or otherwise) the undertaking by other persons of any research or any educational activities which appear to the Commission necessary or expedient.

Only after this statement of positive duties does the Act go on to set the terms of reference for investigation of complaints and for penalties. Compare this enlightened attitude with clause 128 of the bill before this House, where after lengthy exposition in previous clauses of the punitive powers of the Anti-Discrimination Board, we read that for the purpose of eliminating discrimination and promoting equality and equal treatment of all human beings, the board may—I emphasize may—carry out research, acquire knowledge, arrange discussions and so on. What a pettifogging approach that is; what a denial of all the accumulated wisdom on record, readily available, through ILO reports, through the study of legislation in other democratic countries, through a study of human nature itself, complex and contrary though that may be.

I wish to make two points in regard to division 3 of the bill—the functions of the board in relation to complaints. First, I draw the attention of members to clause 118 and particularly to its final words "the onus of proving the exception in any inquiry lies upon the respondent". So much for that cherished concept of innocent until proven guilty. As it is obvious that this provision has been copied from the South Australian legislation, it is worth noting what the South Australian Attorney-General said, when commenting upon the provision in the South Australian Sex Discrimination Act, 1975:

> Although this provision is rather novel in the field of criminal liability, the Government believes that it is justified because of the extreme difficulty of establishing the basis on which a particular act of discrimination has occurred.

Surely emphasizing the difficulty in proving the case for the Crown highlights the difficulties that a respondent would experience in proving his innocence. Is this what the Labor Government here calls justice?

Second, I draw attention to clause 120 (1) where acknowledgement is made that the sweeping provisions of this bill may well offer a field day for mischief-makers or cranks, for personal vendettas or for timewasters. Certainly the threat of some penalty for such frivolous or vexatious complaints is contained in clause 120 (2) that the complainant may be ordered by the board to pay the costs of the inquiry. But will it be a sufficient deterrent or indeed sufficiently well known to act as a deterrent? Should there not be some further penalty, such as recompense for damage or prejudice to a respondent where an alleged offence is not proved or is dismissed? It may well be that initial publicity could work to the severe disadvantage of an accused respondent, despite the final decision of the board under clause 120 (1) that the complaint was "frivolous, vexatious, misconceived or lacking in substance".

By clause 122 (b) (i) the board may, if it finds a complaint substantiated, "order the respondent to pay to the complainant damages not exceeding $20,000 by way of compensation for any loss or damage suffered by reason of the respondent's conduct." There is no such balancing provision to compensate a respondent when the complaint is dismissed under clause 120 (1). Has any attempt been made by this Government, in its headlong rush to push this legislation through, to use the powerful force of public opinion and good will to attack the causes rather than the symptoms of the social disease of discrimination? Has there been any recognition that discrimination is bound up with the concepts relating to social and family life, which in themselves change with the general evolution of society? Has there been any recognition that employers' organizations and workers' organizations have a vital role to play in ensuring that a policy of anti-discrimination is accepted by their members? Such policy involves positive and practical action in all spheres of employment and occupation. The role of employers' organizations and trade unions can be vitally important because of their responsibilities relating to access to employment, conditions of work, training and advancement.

I say again, with absolute sincerity, that the Liberal Party and the Country Party, by their very nature, are opposed to discrimination, yet we cannot support this bill in its present form. I say again that in Government we took a positive and practical steps, in many areas, to counter discrimination. One such step I mentioned earlier. On the initiative of the honourable member for Ku-ring-gai a permanent privacy committee was established. This committee has been a quiet but outstanding success. It may well be that here we have the prototype for a permanent equal opportunities committee, a body that would proceed by precept rather than punishment, by persuasion rather than threat, with the right to recommend to the Government legislative action based on experience and practical knowledge and research.

Earlier I said that discrimination was an issue that should rise above empty politicking. Again and again I have avowed that the Liberal Party is opposed to all forms of discrimination. I shall prove both these points, should proof be necessary, by reminding members that when the Commonwealth Government on 15th June, 1973, ratified International Labor Organization Convention No. 111—Discrimination (Employment and Occupation), 1958, by that ratification Australia accepted the obligation of eliminating discrimination in employment and occupation on the grounds of race, colour, sex, religion, political opinion, national extraction and social origin. When that obligation was accepted and machinery to carry it out set up, it was with the full support of all State governments including the Liberal-Country party Government of New South Wales.

The machinery was set up with the full support not only of federal and State governments but also of trade unions and employer organizations. It was decided to

implement the national policy to eliminate discrimination in employment and occupation without imposing legislative sanctions. The first annual report of the national committee, that for **1973–74,** had this to say:

> Broadly the reasons for this decision were the constitutional division of legislative power in Australia; the solid support for the policy from the State Governments, trade unions and employers and the desire to effect a deep and lasting change in community opinion and attitudes as far as possible by persuasion.

Discrimination committees were set up for each State in addition to the national committee. The second annual report of the national committee, **1974–75,** stated:

> The ultimate sanction available to the National Committee, where by its good offices it is unable to successfully resolve a complaint, is a report on the matter to the Minister for Employment and Industrial Relations, who may table the report in Commonwealth Parliament.
>
> There has been only one case so far where a report of an unresolved complaint has been made to the Minister. The committee notes with some satisfaction, however, that in this case action was taken by the organization concerned to cease the discriminatory practice soon after advice was conveyed that a report had been made to the Minister. This action meant that tabling of the report in the Parliament was no longer considered appropriate. The National Committee believes that this illustrates the value of the conciliation-based machinery. On the other hand it cannot be denied that in some instances the action has been achieved only after a very considerable effort, over quite a period, by State and National Committees.

Does this not illustrate that the overall big-stick approach of the bill now under debate is misconceived and misguided? I quote again from the second report of the national committee:

> The Committee is pleased to record that not infrequently the discriminatory aspects of such action had apparently not been appreciated and when brought to attention, the matters were quickly remedied.

The report then states:

> The National Committee believes that the removal of discriminatory policies and practices depends as much upon the development of a community education programme as upon the existence of machinery to receive and investigate complaints of discrimination.

My last quotation from this most enlightening report relates to statistics. Even in areas of important principle it is necessary, at times, to be coldly practical. The report stated:

> Of the complaints considered by the Committees during the year, the allegation of employment discrimination could not be sustained in some **48** per cent of cases.
>
> Of new complaints received, **14** per cent were considered appropriate to be handled by other existing machinery (e.g. appeals machinery, industrial tribunal or arbitration inspectorates); a further **7** per cent of cases were subsequently withdrawn by the complainants.

Those complaints totalled **69** per cent. If the Government wishes to explore and deal with areas of discrimination beyond employment and occupation, I return to my my suggestion that the permanent privacy committee could well be the prototype for

an equal opportunities committee, which would work in close co-operation with the national and State committees on discrimination in employment and occupation. Despite the good intentions that may have provided the motivation for this bill, it is not deserving of uncritical support in its present form; it is hasty, ill-conceived and ill-balanced. Its attempts to provide the ultimate panacea are reminiscent of fairground quackery. I am forcibly reminded of George Orwell's book *Animal Farm,* where high hopes and good intentions led to the declaration that I am sure the Premier recalls quite well, "All animals are equal but some are more equal than others."

When I read clause 65 I wonder, indeed, whether the doubts I have expressed about this bill—about its form and efficacy—were not also in the mind of the Government. What other explanation fits clauses 65 (a) and (b) so well? Clause 65 states:

> Nothing in this Act affects anything done by a person in compliance with
>
> (a) any other Act, whether passed before or after the date of assent to this Act
>
> (b) an instrument made or approved under an Act referred to in paragraph (a).

The bill has no effect on any other law of the land, past or future. It stands on its own, but does nothing to eliminate any discrimination in any present or future law. My doubts are reinforced when I turn back to clause 60, which has the sidenote, "Making of regulations for the purposes of this Part." They are regulations which at present may not exist even in the imagination of the Government, and are certainly unknown to honourable members on this side of the House. Yet we are asked to give a blank cheque endorsement to regulations, which may be made under clause 60 (d) to grant the exemption of all persons, or any specified class of persons, from all provisions or any specified provisions of this Act, in all circumstances, and so on. The House may as well tear up the whole bill if it means what it says literally. On the one hand, says the Government, these are the provisions of the bill; on the other hand, we may decide these are not the provisions of the bill. On the one hand, these are the material circumstances; or then again, they may not be. This is the language of cloud cuckoo land. Also, after 62½ pages of the bill purporting to prohibit discrimination on various grounds, subclause (4) of clause 136 provides:

> (4) Without limiting the generality of subsection (1), the Governor may make regulations for or with respect to—
>
> (a) the forms to be used for the purposes of this Act or the regulations;
>
> (b) the fees to be paid in respect of the lodging of any complaint under Part X;
>
> (c) the manner of serving any notice or other document;
>
> (d) the procedure of the Board at any inquiry; and
>
> (e) exempting—
>
> (i) any person or class of persons;
>
> (ii) any activity or class of activity; or
>
> (iii) any other matter or circumstance,
>
> specified in the regulations from this Act or such parts of this Act as may be so specified.

Goodness me! I mentioned cloud cuckoo land. Perhaps I could go further and ask, in the words of Macbeth, have we been listening to a "tale told by an idiot full of sound and fury, signifying nothing"? If the bill is a measure of important social reform,

why should its passing leave no mark on Acts that have gone before or Acts that are yet to come? I am led to quote the epitaph that the poet, John Keats, wrote for himself: "Here lies one whose name was writ in water". The bill may be just as fleeting in its imprint on society. Why, then, do I ridicule it? Because, opposing discrimination, I regret that we have not before us a more effective piece of legislation, one that could and should transcend party differences. Perhaps the most pertinent comment on this bill is that its name is writ in water.

I am well aware that by expressing such opposition as I have tonight, I and the party I have the honour to lead may be misrepresented as standing against all measures to combat discrimination. That is not so. I have made clear our past achievements, I promise our future endeavours. What we oppose here tonight are unsatisfactory proposals that might spring from good intentions but will serve more to cohfuse than to cure the vexed problem of discrimination. In summary, my colleagues and I feel that too much haste is being used with this measure. We believe it would be wiser not to rush it through now, in a mad scramble that will enable nothing to be achieved other than the Premier's being able to say that he had fulfilled an election undertaking, leaving us to repent through next year because the legislation would not do what it purports to do. We believe that the Government, the Parliament and the community would benefit—especially those against whom there might be some discrimination —if the bill were left on 'the table of the House over the Christmas recess, so that people would have a better opportunity to study it than they have had since the bill was tabled last Thursday. Accordingly I move:

That the question be amended by leaving out the word "now" with a view to adding the words "this day three months".

Debate adjourned on motion by Mr Paciullo.

ALLOCATION OF TIME FOR DISCUSSION

Mr F. J. WALKER: On behalf of the Premier I give notice of business to be dealt with under Standing Order 175B: Anti-Discrimination Bill, second reading, Committee and report stages and adoption of report by 12 noon, Wednesday, 24th November, 1976; Consumer Claims Tribunals (Amendment) Bill, second reading, Committee and report stages and adoption of report by 5 p.m., Wednesday, 24th November, 1976; Stamp Duties (Amendment) Bill, second reading, Committee and report stages and adoption of report by 8 p.m., Wednesday, 24th November, 1976; General Loan Account Appropriation Bill, second reading, Committee and report stages and adoption of report by 10 p.m., Wednesday, 24th November, 1976; and Transport (Amendment) Bill, second reading, Committee and report stages and adoption of report by 10.30 p.m., Wednesday, 24th November, 1976.

ADJOURNMENT

Business of the House—Blue Mountains Planning Scheme

Mr F. J. WALKER (Georges River), Attorney-General [10.47]: I move:

That this House do now adjourn.

I indicate to honourable members that this House will be sitting next week.

Mr R. J. CLOUGH (Blue Mountains) [10.48]: I bring to the notice of the Minister Assisting the Premier, representing in this House the Minister for Planning and Environment, the situation in the area covered in my electorate by the Blue Mountains city council. Some eight years ago the council indicated that it would prepare a planning scheme for the area under its control, and over a period of five years the plan was prepared and brought forward for exhibition in June, 1973. Three years later, the objections to the plan have not been finalized by council and there are many cases of hardship caused to ratepayers within the Blue Mountains city council area, particularly those who own non-urban land.

In its wisdom the council zoned large areas of land that had been prematurely subdivided into building blocks, as non-urban blocks on varying acreage requirements from 2 to 50 acres. In particular, it zoned an area known as Yosemite Park as non. urban land on a minimum acreage of 25 acres, on which owners could build what is known as a country dwelling. As most of the blocks in this area are of >building-block size only, it is obvious that the zoning placed on the land made it impossible for owners of such land to erect dwellings on it and it would be only a matter of time before the land was vested in the council owing to the inability of owners to pay rates on it, or council obtained it under section 160A of the Local Government Act, which permits a person to transfer to a municipal council land on which he cannot pay rates, thus absolving the council from the necessity to purchase such land.

My purpose in raising this point tonight is that at a meeting last night of the Blue Mountains city council seven blocks of land were offered to the council by their owners. Five of those owners had owned the land concerned for more than ten years. These people had purchased the land prior to 1968 and some as far back as 1964. During this period they had consistently paid rates and in only two instances were rates outstanding. One person owed one year's rates and another owed two year's rates. It was suggested that the council should purchase the land so that people might realize on property they had bought at a time when it was zoned restricted residential.

The council, in its wisdom, determined not to purchase the land for consolidation purposes and recommended that the owners be informed of the provisions of section 160A of the Local Government Act and further that council would accept parcels of land under the terms of that provision. On behalf of people who have been disadvantaged in this regard by the planning scheme evolved by the Blue Mountains city council I seek the assistance of the Minister Assisting the Premier who represents in this Chamber the Minister for Planning and Environment. I ask the Minister to make representations to his colleague to require the Blue Mountains city council to determine objections lodged against the exhibited town plan and also to come to my electorate and see for himself the plight of the people affected by this planning scheme.

Mr HAIGH (Maroubra), Minister Assisting the Premier [10.53]: I am most disturbed to hear the comments brought before the House by the honourable member for Blue Mountains. I am aware of his great interest in endeavouring to overcome problems suffered by the people in his electorate and other people by conditions forced upon them by a planning scheme developed by the Blue Mountains city council. Some of these problems have already been drawn to the attention of my colleague the Minister for Planning and Environment. However, it would appear that there are other facets that previously have not been so clearly expressed. The honourable member for Blue Mountains has been most lucid in explaining the difficultiesinvolved. It is a matter of grave concern to the Government that town planning schemes should be exhibited effectively. It is unsatisfactory that prior to any final determination of a planning scheme persons who in all honesty bought land with a view to using it for urban purposes or to build a residence should be prohibited by the planning scheme from building a dwelling.

In the circumstances referred to by the honourable member for Blue Mountains is would appear that the proposed planning scheme would prohibit these landowners from establishing dwellings upon the land. I was most interested to hear the honourable member's comments about the Yosemite Park area where owners are not permitted to build on areas of land comprising less than 25 acres.

In view of the Government's concern about matters of this sort, I am sure that the Minister for Planning and Environment would be anxious to visit the site with the honourable member for Blue Mountains and investigate personally the problems to which reference has been made. I shall certainly ask the Minister to consider doing so. I was intrigued to hear that the Blue Mountains city council had been asked to acquire some land that had been bought by ordinary people—not speculators but honest, average members of the community—who intended to build a house, but because of the council's planning scheme were unable to do so.

Mr McGinty: Land on which they have paid rates, too.

Mr HAIGH: That is so. Suddenly they found that a planning scheme had been advertised, and that it precluded them from building a house on their land. No doubt they were given advice by their legal representatives at the time they made the purchase. When they found that they could not build, they offered their land to the council. It is not good enough for the council to say that as a result of the operation of the Local Government Act, landowners may relinquish liability for the payment of rates by vesting their land in the council. I believe that if people buy land knowing that it is zoned for a particular use, and then find that a council planning scheme is advertised—though not prescribed—which restricts the use that can be made of the land, the council should compensate them.

I commend the honourable member for Blue Mountains for his zeal in dealing with this matter. If the same zeal had been apparent in the years before he was elected, the problem would not have developed. The landowners in question are confronted with difficulties today because of a lack of concern in the previous Government about the actions of the Blue Mountains city council. I assure the honourable gentleman that I shall refer this matter immediately to the Minister for Planning and Environment and will ensure that he is fully apprised of the circumstances. This is a matter of concern to the Government.

Motion agreed to.

House adjourned at 11 p.m.