Legislative Assembly

Wednesday, 24 November, 1976

Petitions—Questions without Notice—Loan Fund Companies Bill (third reading)—Representatives of the Legislative Assembly on the Senates of the Universities of: Sydney, N.S.W., New England, Newcastle, Macquarie and Wollongong—Local Government (Rating) Further Amendment Bill (Int.)—Consumer Claims Tribunals Amendment Bill (second reading)—Anti-Discrimination Bill (second reading)--Bills Returned—Stamp Duties (Amendment) Bill (second reading)—General Loan Account Appropriation Bill (second reading)-Allocation of Time for Discussion—Adjournment (Tamworth Freight Centre)—Questions upon Notice.

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

Mr Speaker offered the Prayer.

PETITIONS

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

Gambling Casinos

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

(1) There are at present sufficient legal gambling outlets in the State of New South Wales.

(2) During the last recently recorded period of a year the amount spent or invested in gambling exceeded the sum of $4,000 million.

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

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

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

Petition, lodged by Mr Brown, received.

Abortion

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

(1) That as taxpayers we object to the use of funds for abortions under the guise of health payments and/or benefits.

(2) That no pressure should be brought to bear to hinder the prosecution of those participating in criminal abortion.

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

Petition, lodged by Mr Rogan, received.

Traffic Lights for Fennell Bay

The Petition of residents of Fennell Bay and Bolton Point situated in New South Wales respectfully sheweth:

The necessity for installation of Traffic Control Lights at the intersection of Main, Bay, and Macquarie Roads, Fennell Bay, due to the ever-increasing volume of traffic and the dangers imposed upon our children daily as they venture to and from school.

Your Petitioners therefore humbly pray that your Honourable House will consider seriously this petition and have these lights installed before a life is lost.

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

Petition, lodged by Mr Hunter, received.

QUESTIONS WITHOUT NOTICE

EMPLOYMENT OF SCHOOL-LEAVERS

Sir ERIC WILLIS: My question without notice is addressed to the Premier. Has a special committee of Cabinet been conferring for some time with a view to establishing government initiatives to assist school-leavers to obtain employment? Is the Premier yet in a position to announce the details of any programmes of assistance or advice regarding employment to young people who are about to leave school? Furthermore, is the Government considering any action—is the Premier listening?

Mr Wran: I am listening.

Sir ERIC WILLIS: I do not know how the Premier can listen to two people at once. The Premier never answers any questions I ask hi.

[Interruption]

Mr SPEAKER: Order! Will the Leader of the Opposition continue with his question?

Sir ERIC WILLIS: Yes—when I have the Premier's attention.

Mr SPEAKER: Order!

Sir ERIC WILLIS: Is the Government considering any action to supplement the federal Government's youth employment subsidy scheme?

Mr WRAN: I only ever have to listen with one ear to what the Leader of the Opposition says because he has said it all so many times before. It is true that there is an interdepartmental committee. It is equally true, as the Leader of the Opposition—if he were at all in contact with his federal colleagues—would know, that only last Friday there was a meeting in Melbourne of Ministers for Industrial Relations to discuss youth subsidies. It is true also that the Minister for Industrial Relations in New South Wales made a number of proposals which the federal Government is considering. Because of ministerial and Government comity it would not be appropriate at this stage to reveal any details of the proposals. Let me say that what the federal Government is considering at the behest of the New South Wales Government is the provision of the sum of $8.5 million in order that the great blow to the tens of thousands of young men and women who will be thrown on the labour market in the next few weeks will be cushioned.

One of the more significant initiatives that the Government has under consideration in the State—irrespective of whether the federal Government pursues its hopeless economic strategies or not, and irrespective of whether the federal Government comes to an agreement with the New South Wales Government in respect of school-leavers subsidies and general schemes for their assistance—is to provide places for several thousand school-leavers within the Department of Technical Education. In other words what the Minister for Industrial Relations and the Minister for Education have in mind is a pre-apprenticeship scheme in order that young men and young women who leave school in the State and are deprived by the Fraser Government of the dignity of a job will at least be able to go to technical college for a year, whether the course chosen be that of a plumber, hairdresser or bricklayer. The year for which the young person attends technical college will count, in whole or in part, towards the period of apprenticeship. A whole range of initiatives is well under way. The Minister for Industrial Relations in this State is waiting upon word from his federal counterpart, the Hon. A. A. Street, who up to date is proving himself meritorious only in saying things that are untrue, and for which there is no justification, in respect of the Newcastle State Dockyard.

GOSFORD HOSPITAL

Mr McGOWAN: My question without notice is addressed to the Minister for Health. Is the Minister aware that Gosford hospital is suffering a severe shortage of hospital beds—in an area undergoing rapid growth in population? Does the population include a large number of retired people who, in their twilight years, are likely to bring about a requirement for hospital beds in excess of the requirements of ordinary population growth? Will the Minister inform the House what action he is taking to increase the number of beds at Gosford hospital in order to satisfy the needs of the people in my electorate?

Mr STEWART: I should like to compliment the honourable member for Gosford on his assiduity in representing the people of his electorate. I am sure the citizens of Gosford must be delighted to have a member of the Australian Labor Party returned as their representative. Although he has been the member for Gosford for only the short time since 1st May, he has already proven himself to be a strong advocate for the people of the district. There is certainly a shortage of hospital beds at Gosford and in the Central Coast generally, as there is in other areas in New South Wales with expanding populations, including the outskirts of Sydney. Gosford

is particularly hard hit as the whole area was ignored for many years by the previous Government. Some extensions have been made to the Gosford hospital in an endeavour to alleviate the crisis.

The inner metropolitan area has a surplus of some 1 000 beds above requirements and it is estimated that by 1980 the surplus of beds in the metropolitan area will reach 1200. However, there is a longstanding paucity of beds at Gosford and on the Central Coast. The Government's intention is to provide extra accommodation at Gosford hospital and to proceed immediately with the construction at Kanwal of the new Wyong hospital.

MR Healey: I started it.

Mr STEWART: Just prior to the last elections the former Minister for Health put a plaque on a rock at the site of the hospital. I do not know whether that could be regarded as having started the hospital but it surprised the entire population of the Central Coast. On Monday I shall be attending the annual general meeting of Gosford hospital where I shall make an announcement regarding the proposed development of the Gosford hospital and the construction of the Wyong hospital. I am sure the honourable member for Gosford and his electors will be most pleased by the announcement I shall make.

YARRAWARRAH LAND BALLOT

Mr PUNCH: Last Thursday did the Minister for Lands say in this House that it was expected that 40 per cent of blocks offered for ballot in the Yarrawarrah area would be disposed of almost immediately? Is it a fact that almost half of the applicants are single persons ineligible under the rules of the ballot? Have they been allowed to remain in the ballot only to boost the acceptance rate after being told privately that they will get a block if they marry within the next six months, which is quite contrary to the original terms and conditions? Is it a fact, also, that the other 40 per cent of applicants nominated by the Minister as being declared ineligible are people who have withdrawn or have been rejected mainly because they cannot afford to meet the repayment terms and purchase conditions?

Mr CRABTREE: I am amazed at the ignorance of the Leader of the Country Party. One would have thought that the former Minister for Lands could have told him that the decisions in relation to the blocks at Yarrawarrah were made not by the Minister but by a Sand board. The honourable member, who blatantly misled the House last week, knows that the decision of that land board is not yet final. Last Thursday I said that in my opinion at least 60 per cent of the people in the primary ballot would be allocated blocks. Outside the primary ballot are another 150 applicants; they too will be considered. I know that it galls members of the Country Party to learn that at Yarrawarrah decent, young Australians will get a block of ground. They do not want them to have a say in Australia; it is against the policy of that party. The Leader of the Country Party is more interested in establishing large dairy farms and handing out quotas to numbers of farmers.

This Government is interested in seeing that people who really need a block of land on which to build a home will get one. The Leader of the Country Party well knows that when his Government was in office, fewer than 6 per cent of the blocks offered at Yarrawarrah were taken up, so he need not come here twice with all his nonsense and get his head knocked off. He is a blockhead. I emphasize to the Leader of the Country Party that this Government will abide by the decision of the land board. I have made no decision in. this matter.

Sir Eric Willis: You have no option, have you?

Mr Punch: The Minister is trying to change it.

Mr SPEAKER: Order!

Mr CRABTREE: There is another division in the ranks of the Opposition—Stainless Steel and Sourpuss. I agree with the Leader of the Opposition; I cannot change it. Yet his colleague, with his double standards, is accusing me of making decisions that rightfully are made by a land board. The young people of New South Wales are assured that the disposal of land by ballot is an initial policy. With the establishment of the Land Commission, land will be made available on more attractive terms.

APPRENTICES—ELECTRICITY COMMISSION OF NEW SOUTH WALES

Mr HUNTER: I ask the Minister for Industrial Relations, Minister for Mines and Minister for Energy a question without notice. In view of the Minister's recent statement in the House that apprenticeship intakes had greatly improved this year, is such an increase reflected in the number of apprentices taken on by the Electricity Commission of New South Wales? Can the Minister say how many apprentices will be taken on at Central Coast power stations in the coming year?

Mr Dowd: On a point of order. Mr Speaker, there is a question on the *Questions and Answers* paper dealing with apprentices for the year 1977. It has remained unanswered for two months. I submit that the question asked by the honourable member for Lake Macquarie deals with a matter that is covered by that question.

Mr Hunter: On the point of order. My question refers specifically to the Electricity Commission.

Mr SPEAKER: I cannot find the number of the question on notice. Perhaps the honourable member for Lane Cove can tell me the number?

Mr Dowd: I seem to recollect that it is Tuesday, 19th October, or some time like that in the distant past.

Mr SPEAKER: Order! The question on notice is a general one relating to apprentices. The question asked by the honourable member for Lake Macquarie is a specific one in respect of a certain instrumentality. I propose to allow it.

Mr HILLS: It is a fact that I said that compared with last year there has been an increase in the number of apprentices taken on by employers. I said also that the employers were to be congratulated because of their attitude in taking on additional apprentices. This Government is receiving co-operation from employers because of the initiatives taken by the Premier and the Government. I am convinced that the impact of young people coming on to the labour market that will occur shortly will be cushioned much more effectively because of this co-operation. The Electricity Commission of New South Wales proposes in the new intake to take on eighty-five apprentices. Normally the figure would be about sixty-three. In other words, there will be an increase of approximately 35 per cent.

Of the eighty-five who will be coming into the Electricity Commission service, about twenty-two will be employed on the Central Coast, which includes the Wangi Wangi power station in the honourable member's electorate of Lake Macquarie. The Electricity Commission is also negotiating with the unions that have members employed in the Electricity Commission. It has always been the practice to recognize that

apprentices taken on by the commission shall continue in the commission's service after completing their time. In negotiations that are now in progress the unions have agreed that any apprentices who may be taken on in excess of the eighty-five shall, at the termination of their training, go out into general industry. Thus, with the co-operation of the unions and the Electricity Commission, the Government will be training even more apprentices than the number required for its own services.

R-FILMS AT DRIVE-IN THEATRES

Mr GRIFFITH: My question is directed to the Minister of Justice and Minister for Services. Is he aware that in recent months R-rated movies have become particularly explicit in terms of horror, violence and sex? Is he aware that it is virtually impossible to determine the age group of people visiting drive-in theatres where these films are being shown? In view of the arrangements between the Commonwealth and the States, will the Minister discuss with the Commonwealth film censor a new rating for films not suitable for exhibition at drive-in theatres?

Mr MULOCK: I am aware of concern that has been expressed at the showing of R-rated films at drive-in theatres. On the question of difficulty of policing the age group, representations that have come to me suggest that this is not so, but certainly on the general issue I had discussions with the Commonwealth film censor two or three months ago. Following those discussions I wrote to the various Ministers concerned with the question of film censorship throughout the Commonwealth, and as a result of those initiatives, arrangements were made for a meeting to take place on Friday, 26th November, at which this matter was one of the matters to be discussed. Information was received last week to the effect that this date did not suit a number of Ministers, and as a result the matter will be dealt with at a meeting of Ministers from all over the Commonwealth, including the Commonwealth Minister, which will be held as early as can be arranged next year.

AIR HIBISCUS INCORPORATED

Mr KEARNS: My question is directed to the Minister for Sport and Recreation and Minister for Tourism. Is he aware that a firm trading under the name of Air Hibiscus Incorporated is advertising ship and jet plane services to the United Kingdom, the United States of America and Europe at extremely low rates? Is there a grave risk that members of the public in New South Wales will lose money paid for services that may not or oannot be provided if they book with this firm? Is the Minister aware that this firm is not registered in New South Wales under the Companies Act of 1961 or the Business Names Act of 1962? What action will the Government take to ensure that members of the public are protected from the operations of this firm?

Mr BOOTH: The points outlined in the honourable member's question are correct. Air Hibiscus Incorporated is advertising travel services at very low rates—for instance, to the United Kingdom from only $495; to the United States from only $429; and to Europe from only $549. Further, the company appears to have entered into some rather unorthodox arrangements to provide such cheap services. Members of the public are entering into nebulous arrangements if they book with this firm, because authorities are not aware when the advertised services are likely to begin operating.

The firm Air Hibiscus is advertising and trading from premises at 11th floor, Union Carbide House, 157 Liverpool Street, Sydney, in contravention of the Travel Agents Act, 1973. The firm is not registered in New South Wales under the Companies

Act, 1961, or the Business Names Act, 1962. It is interesting to note that the advertisements for Air Hibiscus Incorporated were lodged by a Michael John Bartlett, who is well known to the Travel Agents Registration Board. Mr Bartlett and Christine Sylvia Bartlett are the directors of a company known as Travellers Facilities Pty Ltd. The board has commenced prosecution against this company which has been charged with carrying on a business of a travel agent in New South Wales without holding a licence under the Travel Agents Act. The company has entered a plea of not guilty and the adjourned case will be heard at the central court of petty sessions on 26th November, **1976.** The board has also initiated prosecution against Michael John Bartlett for carrying on the business of a travel agent without a licence in respect of Air Hibiscus Incorporated.

The board has already received complaints from the public regarding the Air Hibiscus advertising which is questionable and misleading as well as being poorly prepared. I am raising this matter so that members of the public will be aware of the firm's existence and possible dangers. I stress that members of the public should always deal with registered travel agents to ensure they are protected.

EXPRESSWAYS

Mr McDONALD: I ask the Minister for Transport and Minister for Highways a question without notice. Is it a fact that the Urban Transport Advisory Committee report, which was released by the Willis Government in March last, recommended that the Commonwealth declare the Kyeemagh–Chullora county road as an export-major commercial road under the National Roads Act, and that special funding be requested? Did the URTAC report also state that, when such funds were made available, the planned extensions of the Warringah freeway, including the link to Lane Cove, known as the F2, be made the next priority? Now that the Commonwealth Minister for Transport, the Hon. P. Nixon, has stated that the Commonwealth Government has $6 million waiting to be claimed by the Minister for this top-priority road, irrespective of the Simblist inquiry into the Botany Bay port development, will the Government, first, acknowledge the findings of the URTAC report; second, take up immediately the available $6 million for the Kyeemagh–Chullora county road; and third, thence proceed with the Warringah freeway extensions rather than vacillating further on Sydney's urban road programme?

Mr COX: It is true that the former Government set up an urban transport study into freeway development. Of course, it came about ten years too late. A number of recommendations were made, one of which was that an export road should be constructed from Kyeemagh to Chullora, and that when money for that export road was available, priority should be given to the Manly–Warringah expressway. It is true also that the Minister for Transport in Canberra has made a statement that something like $6 million is available for the export road to Chullora, which is part of the Botany Bay development.

Since that statement was made I have taken up the matter with the federal Minister for Transport and have recommended that $2.5 million be allocated to the Wollongong area for export roads, and that the rest of the money be used on the Hume Highway. I am awaiting a reply from him, but I am reasonably certain that he will agree with that proposal.

[Interruption]

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

Mr COX: In respect of expressways generally, as the honourable member knows, a committee is inquiring into expressways and has made specific proposals, which will be going to Cabinet soon. It will be then up to Cabinet to make a decision on those matters. When the decision has been made, it will be made public.

SYDNEY HOSPITAL

Mr ROGAN: Has the attention of the Premier been invited to claims that he supports the closure of Sydney Hospital? Will the Premier inform the House whether there is any substance in those claims? Will he inform me and the House of the true position in relation to the future of Sydney Hospital?

Mr WRAN: My attention has been invited to the reports referred to by the honourable member for East Hills. There is no substance in the published reports. The fact is that no material has been placed before Cabinet in respect of Sydney Hospital, and none has been placed before me in respect of the future plans for that hospital. If the Minister for Health places proposals on Sydney Hospital's future before Cabinet, they will be subject to the widest public scrutiny. All interested parties will have an opportunity to know what is in them and to comment and to make submissions on them so that ultimately the future of Australia's oldest hospital will be determined in a rational way and not in the sneaky, devious, underhand way it was dealt with by the previous administration. Above all, in matters involving the public interest, and particularly in matters of public health and administration in this State, the community is entitled to its say in the determination of such questions as the future of Sydney Hospital. Any person who at this moment endeavours to pre-empt what will be the Government's view is engaging in futile speculation. I repeat, the Government will make no decision on Sydney Hospital unless there is full public involvement of all interested parties in the recommendations that come from the Health Commission of New South Wales.

POISON ARROW FROGS

Mr SINGLETON: I ask the Minister for Lands whether *Dendrobates pumilio*, commonly known as poison arrow frogs, have been imported into New South Wales and are now being held at Taronga Park Zoo. Are these the most venomous frogs in the world? Do they secrete a powerful venom strong enough to kill a person? Are the frogs very mobile, and does the male frog piggyback tadpoles to a new pool if the water dries up? If these frogs escape, could problems be caused to the Australian environment greater than those caused by the importation of carp, argentine ants, rabbits, lantana, prickly pear, foxes, donkeys, camels, water hyacinth and cane toads? In view of the danger, will the Minister order the destruction of these frogs?

Mr F. J. Walker: On a point of order. Despite the fact that the question is amusing, it is long and seems to be getting longer. In view of its length, I submit that the question is out of order.

Mr SPEAKER: Order! I understood that the honourable member for Clarence had finished asking the question.

Mr SINGLETON: That is so. On the point of order. This is a serious question, and it deserves a serious answer.

Mr SPEAKER: Order! I am willing to allow the question if the Minister for Lands is able to answer it in a reasonably brief time.

Mr CRABTREE: I congratulate the honourable member for Clarence for asking this question. I have been rather busy directing my attention to endangered species of fauna such as the freckled duck and the yellow-footed rock wallaby. Also, I am aware that there have been moves by Taronga Park Zoo to import new species of animals and reptiles from other parts of the world. Perhaps I should add that at times I have seen a lot of frog-like species in this House, especially when progressive legislation has been introduced by this Government. I am not aware of the particular attributes of this poisonous frog which is supposed to be likely to attack people. I shall have inquiries made and let the honourable member know the result of those inquiries in due course. If he so desires, I shall contact the curator of Taronga Park Zoo and try to obtain from him one of these frogs as a pet.

AUSTRALIAN ASSISTANCE PLAN

Mr PACIULLO: My question without notice is directed to the Minister for Youth and Community Services. On Friday last did the Minister convene in Sydney a meeting of State social service Ministers to discuss the Australian Assistance Plan? If that is so, will the Minister inform the House of the outcome of that conference?

Mr JACKSON: On Friday last I did convene in Sydney a conference of social service Ministers to discuss the Australian Assistance Plan and problems associated with the Commonwealth Government's vacating its responsibility for the continuation of that: plan. This is the third occasion during question time on which I have had an opportunity to refer to the Australian Assistance Plan. I am happy to announce that with the exception of Western Australia, Ministers from every State attended this conference. The Western Australian Minister could not attend because of a prior engagement but he sent his apology and expressed support for the aim of the conference. The conference was delighted to have present an executive member of the Legislative Assembly of the Northern Territory and also the deputy secretary, Department of the Capital Territory, representing the Hon. A. A. Staley, Minister for the Australian Capital Territory. The conference was indeed indebted to Senator Margaret Guilfoyle for arranging for the director general and the deputy director general of the Commonwealth Department of Social Security to be present at the conference.

The Ministers were unanimous in their decision that the State Governments are not in a financial position to fund regional councils established under the Australian Assistance Plan. The Ministers were adamant that in 1973, when this plan was initiated, a scheme of funding through the various State departments should have been established. The Ministers were unanimous in their decision also that the Commonwealth should be called upon to make available to the States block funding so that the States may finance the regional councils and further regionalize the scheme, eventually bringing about complete regionalization throughout the Commonwealth. All the resolutions were positive and have been conveyed to Senator Guilfoyle and the Prime Minister.

On at least two occasions the Premier of New South Wales has indicated to the Prime Minister the concern of voluntary and religious organizations interested in social development and social welfare in this State, following the Commonwealth decision to phase out its responsibility to this plan. The Premier has made a direct request to the Prime Minister for a reconsideration of the Commonwealth's attitude towards the plan. In view of an answer given by Senator Guilfoyle in reply to a question asked in the Senate recently in relation to this matter, we believe that the door is still open for the Commonwealth to reconsider its decision. Many people representing a large number of bodies with various political affiliations, as well as the nine regional councils

in New South Wales and the regional councils in the other States, are most concerned at the Commonwealth's decision. Religious and voluntary organizations are deeply concerned that the Commonwealth is to vacate its responsibility to social development and social welfare by not supplying the States with bulk finance in order that they might carry on this work. I am indebted to the honourable member for Liverpool for affording me the opportunity to answer his question and make these details known to the House and the public.

LITERACY AND NUMERACY

Mr DARBY: I wish to ask the Minister for Education whether he has studied the report on the inquiry into literacy and numeracy, which was published recently. Does the Minister recognize that the standard of numeracy and literacy in schools at the present time is much lower than it was a few years ago? Is he willing to issue to the schools the arithmetical norm with which he was familiar when he was a young teacher so that he can compare the difference in numeracy today with that of a few years ago?

Mr BEDFORD: It is true that the report on literacy and numeracy in the central metropolitan region, which was commissioned in October, 1975, is now to hand. Although I have not studied the report in detail, I have read a precis of it. It is clear that there is no real way of knowing whether the present levels of literacy and numeracy compare with those of previous years. This is the first study undertaken in depth, using proper measurements and scientific methods, to establish levels of literacy. People show a tendency to argue about this matter in emotive terms. Some people rely upon their memory, saying: "I was at school, fifteen, twenty or thirty years ago. I could do long divisions in money when I was in sixth class yet my child today cannot handle those sums."

One thing that must be pointed out is that children today can handle some of the bases of logarithms and so on, which is part of the mathematics programme in the modern approach made to that subject in this computer age. The report to which the honourable member for Manly refers indicates that although we should not be complacent, we should certainly not panic about the situation. It is clear from the findings contained in the report that we now have a basis upon which we can really work. This particular report was preceded by the Australian Council for Education Research national report some months ago, which used samples across the whole of Australia. On this occasion the study involved about 12 500 children in the central metropolitan region of Sydney, which indicates that it was conducted in some depth. Now that we have this sort of a basis upon which to work, we shall be able to measure the effectiveness of our remedial measures in the area of literacy and numeracy between now and when the next survey is conducted.

The other important feature of the survey is that it has shown us that we must direct our efforts on a regional basis in literacy and numeracy; the results will possibly vary from region to region because of the various factors that have affected this particular survey. Now that we have this basis we can look at our teaching methods and the area of education. The report is the result of a worthwhile study and the first real scientific effort that has been undertaken in this field. Perhaps in five years the question asked by the honourable member for Manly today might be more appropriate in the sense that we shall then be able to compare more realistically the results then with those of this initial survey.

MODERATOR TEST PAPERS

Mr FLAHERTY: I ask the Minister for Education whether it is a fact that last week the honourable member for Hornsby made allegations, which received wide publicity, that teachers had deliberately cheated and coached their children in the 1976 moderator reference test. Is it a fact also that at that time the Minister told the honourable member publicly that if this statement were correct, the names of the schools and teachers should be stated? Did the Minister say then that if any case were reported to him, he would order an immediate inquiry? Has the honourable member presented any evidence to the Department of Education and, if not, was he talking hot air and seeking cheap publicity? If this is the case, what does the Minister propose to do?

Mr BEDFORD: It is true that last week the honourable member for Hornsby made a statement concerning cheating in the moderator test this year. Moreover, he went a lot further than the honourable member for Cronulla who, a few days earlier, had asked a question—fairly and reasonably—about whether cheating had occurred in the moderator tests this year. On that occasion, Mr Speaker, you will recall and indeed all honourable members will recall, that I undertook to make an inquiry through the department as to what evidence was available—and I shall deal with that evidence in a moment. A day or so later the honourable member for Hornsby, who was the former Minister for Education, whose behaviour in this matter was quite reprehensible, informed the press that teachers were cheats. Following that, a newspaper article was published, which resulted in a lot of concern to the teaching service and to parents—indeed throughout the whole of the education system. Although that claim was made, no proof was forthcoming. As I said before, such an action from somebody who has not held the important position of a Minister—and in this case specifically the Minister for Education—would be bad enough, but for a person who knew the intimate details and workings of the Department of Education to have made such a statement was quite unexpected—in fact reprehensible.

In plain terms, the honourable member for Hornsby is not telling the truth. Since being challenged whether evidence was available, he has had five days to collect, collate and prepare the necessary evidence and give it either to my office or to the Department of Education. However, up to this time no such evidence has been presented. In regard to the inquiries made by the honourable member for Cronulla, my advice just before coming into the House is that nothing has been found in the departmental records by way of complaints or hard evidence to support an allegation of cheating in the moderator examinations. I believe—to use the words of the honourable member for Granville—that on that occasion the honourable member for Hornsby was spouting hot air because he had no evidence, and without it he ought not to have acted in that way. This is a serious matter. It is bad enough if public acceptance of the moderator examination is in jeopardy—and I must say that it is a baby conceived by somebody else, whose napkins I have been changing ever since. At least the moderator test ought to be held in public regard, as being an examination used to test skills in order to find out grading arrangements in respect of children who are at present attending the schools of this State.

The claims are quite baseless. As a matter of fact they are as baseless as the claims made by the honourable member for Kirribilli and the Leader of the Opposition about the nonsense concerning the newspaper extract from *Pravda* in the examination paper on the Russian language. The Opposition has descended to finding all sorts of rubbish it thinks is spectacular but it is pure nonsense. If that is the only thing the Opposition can find wrong with the administration not only of the Department of Education but indeed of the Government, it is time that members of the Opposition had a long Christmas recess. All honourable members well know that with all types of

examination, whether it is a moderator or any other kind of examination, teachers, believing that they are doing the right thing for the children, will take every opportunity to see whether they can tip the examination questions. I have done that. I am sure that the honourable member for Hornsby who was once a teacher has done it—as has the honourable member for South Coast.

Teachers know that the students are facing an examination, whether it is an external examination or an internal test. The teacher tries to prepare the students for the examination. There is nothing wrong with that. In this case, the moderator having been administered in 1975 and again in 1976, teachers, no doubt, tried to find out whether there were ways and means of coaching the children for the moderator. There is nothing wrong with that. Teachers have done that since time immemorial and will always do that sort of thing. The other aspect to be mentioned is the matter of interschool jealousies. Schoolchildren will talk. They meet at the bus stops and at other places and one may say to the other, "My teacher told me that we will get this question in the examination". There is an immediate suspicion that the teacher has some prior information. It ill behoves members of the Opposition——

Mr SPEAKER: Order!

[Interruption]

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

Mr BEDFORD: The position should not be complicated by members of the Opposition taking the opportunity to take part in cheap political gimmickry in order to try to embarrass the Government. The embarrassment is the Opposition's. The challenge has been put fairly and squarely to the honourable member for Hornsby to trot out whatever evidence he has and to give it to the department so that it can be tested. He will not do that. He knows that he has based his allegations on stupid schoolboy or schoolgirl rumour. I have asked him on three occasions to produce the evidence. I repeat it for the fourth time. If the honourable member for Hornsby has the evidence or the information he should quickly trot it out. Officers of the Department of Education are waiting to see what the evidence is so that they can take appropriate action. The honourable member for Granville asked me what I was going to do about the matter. It is not for me to say what is to be done about it--except to say that I have issued the challenge. It is now up to the honourable member for Hornsby to put up or be quiet.

LOAN FUND COMPANIES BILL

Third Reading

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

REPRESENTATIVE OF THE LEGISLATIVE ASSEMBLY ON THE SENATE OF THE UNIVERSITY OF SYDNEY

Mr BEDFORD (Fairfield), Minister for Education [3.8]: I move:

> That Anthony Valentine Patrick Johnson, Member for Mount Druitt, be elected a Fellow of the Senate of the University of Sydney in pursuance of section 7 of the University and University Colleges Act, 1900.

The Act provides that one of the parliamentary fellows of the university senate shall be a member of the Legislative Assembly elected by that Assembly as soon as practicable after each general election of members of that Assembly. The honourable member for Mount Druitt has had many years of valuable experience in the commercial field prior to his election to the House in 1973. He is actively involved in community affairs. This is evidenced by his personal involvement with numerous sporting and charitable organizations. Since his election to Parliament the honourable member has contributed significantly to the deliberations of the House by virtue of his membership of a number of its committees. I am pleased to nominate him to serve on the Senate of the University of Sydney and I move accordingly.

Motion agreed to.

REPRESENTATIVE OF THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE UNIVERSITY OF NEW SOUTH WALES

Mr BEDFORD (Fairfield), Minister for Education [3.10]: I move:

> That Laurence John Brereton, Member for Heffron, be elected a member of the Council of the University of New South Wales in pursuance of section 8 (3) (b) of the University of New South Wales Act, 1968.

The Act provides that one of the parliamentary members of the university council shall be a member of the Legislative Assembly elected by that Assembly as soon as practicable after each general election of members of that Assembly. Since his election to Parliament the honourable member for Heffron has diligently represented the interests of his electorate, which includes the campus of the University of New South Wales. Apart from his parliamentary career he has had considerable experience in the electrical trade and in the field of industrial relations. I am sure the honourable member will make a real contribution as a member of the council of the university and accordingly I move his election.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [3.12]: I recognize that it has been the traditional practice for the Minister for Education in respect of appointments to the governing bodies of universities as representatives of the Legislative Assembly to nominate a member of the Minister's own party or of the coalition parties. Although I take no exception to the practice that has been followed in this instance, I should point out that there have been cases in which previous governments, including the one of which I was a member, had in mind that it would be a good idea in the case of those universities where there were people appointed by the Legislative Assembly of one political persuasion to have somebody else from another persuasion, for example as at the University of Newcastle, the University of New England, the University of Wollongong and so on. However, in this case I feel that the member appointed should be someone of whom the Legislative Assembly and all honourable members thereof can feel proud and about whom they feel no doubts whatever.

In respeot of the nomination of the honourable member for Heffron to represent the Legislative Assembly on the council of the University of New South Wales, I should like to raise two points. The first is that I understand—and I cannot guarantee it—that the honourable member for Heffron is a student of that university. Therefore, I question the propriety of an appointment by the Legislative Assembly of one of its members to the governing council of a university at which he happens to be at the same time a student. I wonder whether this is a breach of the traditional arrangement by which the only student representatives on governing bodies are those elected directly by the students.

The other point I wish to raise is that because of the glaring failure of the Attorney-General to table the file about which there was debate yesterday, even though he was challenged to do so by the Deputy Leader of the Opposition and myself, I regret to say that in the opinion of many people in this House and in the community the reputation of the honourable member for Heffron remains under a cloud and will remain there until he is exonerated of the charges for which the chief stipendiary magistrate of New South Wales felt the honourable member should stand trial. In these circumstances I want to express grave doubts whether it is at all desirable for the Legislative Assembly to appoint somebody who has such a large question mark hanging over his head.

Mr HATTON (South Coast) [3.15]: I wish to be brief in saying that I will not stand by and see a man tried by this Parliament and such a low form used. I have followed the case presented against the honourable member for Heffron as carefully as I followed the debate yesterday. I will not stand by as an independent member and see a position exploited where a member's character in this place is being besmirched over a wide area when the Government seeks to appoint, as is its right, that member to the council of a university.

Sir Eric Willis: It is not the Government's right.

Mr SPEAKER: Order!

Mr HATTON: I accept that it is the Parliament's right. I accept also that it is the right of the Leader of the Opposition to have his say. It is my opinion as an independent this is not a fair go. It is quite obvious that the honourable member for Heffron is not a student representative; he was not nominated as a student representative. As to the honourable member's being under a cloud, are we to take it that anyone in this Parliament who has stood trial and not been convicted by a court can have his reputation besmirched by somebody within the Chamber, and the matter used against him when his appointment by the Parliament is sought to a position of great responsibility, especially where his honour is a key factor in that position of responsibility? If it is, then I do not believe that it is a fair go and I wish to express my view on it.

Mr PETERSON (Illawarra) [3.17]: It was not my intention to speak on the motion but I have been prompted to do so by the continuation of the crucifixion tactics adopted by honourable members opposite against the honourable member for Heffron. Let me put the matter clearly and bluntly. The honourable member for Heffron does not have a stain on his character, and there is a resolution of this House that says that he has not. Because of the crucifixion tactics of the Opposition the Labor Party had to spend $38,000 to clear, in a magistrate's court, the name of the honourable member for Heffron. Obviously the Opposition wants to continue these smearing tactics in an effort to destroy one of the younger members of the House and of the Labor Party in which he has great potential for leadership. Honourable members opposite seek to do this without any regard for the normal standards of decency one should expect from parliamentarians. They seek to have members of the Labor Party spend many more thousands of dollars further to clear his name when that it not necessary. Instead of the Leader of the Opposition continuing to smear the honourable member for Heffron he might explain to the House how the Solicitor-General came to issue the document that was intended to be the start of a prosecution of the honourable member for Heffron. We have had enough of these filthy, despicable tactics by the filthy despicable members of the ruling class who sit opposite.

Mr SPEAKER: Order! I am a little concerned that this debate will re-open the debate that took place in this Chamber yesterday. Standing Order 151 is specific. I was hesitant to interrupt the Leader of the Opposition when he started to reflect

upon the character of the honourable member for Heffron. The motion before the House is straightforward and from now on I intend to keep the debate to the clearly defined question before the House.

Mr BEDFORD (Fairfield), Minister for Education [3.18], in reply: Once today I was compelled to use the word reprehensible and I believe that I have to use it again. The honourable member for South Coast and the honourable member for Illawarra were prompted to enter the debate because of the point raised by the Leader of the Opposition, which has been dealt with adequately by both honourable members. It is quite reasonable for the Leader of the Opposition to raise the question of whether the honourable member for Heffron's position as a part-time student at the University of New South Wales in any way affects his appointment to the council of that university. The other matter raised by the Leader of the Opposition is completely irrelevant and quite wrong. I, too, wish to indicate my displeasure at the Leader of the Opposition raising that particular matter. In response to his reasonable request concerning the position of the honourable member for Heffron as a student of the university, I inform him and the House that this matter was carefully checked with the Board of Higher Education which advised the department that it was in no way an impediment to his representing the Legislative Assembly on the Council of the University of New South Wales. The honourable member for Heffron will serve that university council well and faithfully on behalf of the Parliament, not just as a representative of the Labor Party. I have no hesitation once more in recommending the honourable member for Heffron as a member of the council of the university.

Motion agreed to:

REPRESENTATIVE OF THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE UNIVERSITY OF NEW ENGLAND

Mr BEDFORD (Fairfield), Minister for Education [3.20]: I move:

> That Brian McGowan, Member for Gosford, be elected a member of the Council of the University of New England in pursuance of section 10 (2) (b) of the University of New England Act, 1953.

The Act provides that one of the parliamentary members of the university council shall be a member of the Legislative Assembly elected by that Assembly as soon as practicable after each general election of members of that Assembly. The honourable member prior to his election to this Parliament had extensive experience in the field of education, not only in his capacity as a teacher for almost twenty years, but also as an active member of organizations associated with education. It is worth mentioning that the honourable member is a graduate of the University of New England and indeed, if elected, will be the first member of the university's council to obtain a degree through the university's department of external studies. I am sure he will contribute much to the deliberations of the council, and accordingly I have pleasure in moving his election.

Motion agreed to.

REPRESENTATIVE OF THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE UNIVERSITY OF NEWCASTLE

Mr BEDFORD. (Fairfield), Minister for Education [3.22]: I move:

> That Samuel Barry Jones, Member for Waratah, be elected a member of the Council of the University of Newcastle in pursuance of section 10 (4) of the University of Newcastle Act, 1964.

The Act provides that one of the parliamentary members of the university council shall be a member of the Legislative Assembly elected by that Assembly as soon as practicable after each general election of members of that Assembly. The honourable member's distinguished record of service to the people of Newcastle and surrounding areas well equips him for this position. His service has extended over a period of almost eighteen years during which time he has been a member of the Newcastle city council and the Hunter District Water Board, deputy chairman of the Shortland County Council and ultimately parliamentary representative for the electorate of Waratah. I am aware that the honourable member has long represented the interests of the University of Newcastle and, indeed, played an active part in the establishment of the faculty of medicine of the university. I therefore have pleasure in moving his election.

Mr PUNCH (Gloucester), Leader of the Country Party [3.23]: Although I acknowledge the right and the role of the Government to appoint representatives from this Chamber to serve on the council or the senate of any university in the State, I believe that in the case of the University of Newcastle the Government is going beyond the bounds of fair and reasonable representation.

Mr Petersen: What is wrong with the honourable member for Waratah?

Mr PUNCH: You would not understand anything about fairness. When the council was established the Minister for Education appointed as ministerial representative the honourable member for Wallsend. At the same time there was a representative from this Chamber on the council; that was I. Later I retired and entered the Ministry and the honourable member for Upper Hunter replaced me.

[*Interruption*]

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

Mr PUNCH: The representation was continued by the honourable member for Upper Hunter. The honourable member for Wallsend was subsequently reappointed —probably on two occasions—by the former Government. At that university, which is a most important one for the Hunter Valley and for Newcastle, there was a fair and wide representation from the political parties. There was one representative of the Government and one of the Opposition at all times. Now the present Government intends to leave the honourable member for Wallsend on the council. I commend that honourable gentleman for the great contribution that he has made to the university and I am not reflecting upon him in any way. He is one of the best members on the council and I am sure the chancellor would support that remark. But now, while leaving the Minister for Sport and Recreation and Minister for Tourism there as a ministerial representative, to appoint another Government supporter to the council as the representative of this Assembly is unwarranted, unfair and unreasonable. I register my protest on this appointment. The Minister should at the first opportunity replace the other Government appointee on the council with a member of the Opposition to make the representation equal in future years.

Mr BEDFORD (Fairfield), Minister for Education [3.26], in reply: It is true that the honourable member for Wallsend sewed on the university council at Newcastle but his was a ministerial appointment. That comes under a different section of the Act. The position comes up for review at a different time. Under the terms of the University of Newcastle Act it is necessary for this Parliament to nominate its representative, and that is what is being done today. I shall consider the matter raised by the Leader of the Country Party, but I must say there is some precedent for the Government's action.

At the University of Sydney there have been two former Government representatives, the ministerial appointee being the honourable member for Manly and the parliamentary appointee the honourable member for Vaucluse. The point raised by the Leader of the Country Party is well taken, and I shall examine it. However, the present motion is for a representative of the Legislative Assembly.

Motion agreed to.

REPRESENTATIVE OF THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE MACQUARIE UNIVERSITY

Mr BEDFORD (Fairfield), Minister for Education [3.27]: I move:

> That Heathcote Clifford Mallam, Member for Campbelltown, be elected a member of the Council of the Macquarie University in pursuance of section 10 (4) of the Macquarie University Aat, 1964.

The Act provides that one of the parliamentary members of the university council shall be a member of the Legislative Assembly elected by that Assembly as soon as practicable after each general election of members of that Assembly. The honourable member for Campbelltown has, during the years of his parliamentary service, actively promoted and sought improvements in all fields of education, and I am aware of his particular interest in the field of tertiary education. I am confident that his appointment to the Council of Macquarie University will greatly benefit the council's deliberations and I am happy to nominate him to serve on that council. I move accordingly.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [3.28]: The speech made by the Minister should be printed and distributed widely throughout the community. I am quite sure that if it were not written by the honourable member for Campbelltown it must have been written by someone close to him or the Minister wrote it under instructions. It is true that the honourable member for Campbelltown enjoys a reputation in this Parliament and throughout the community, but it is a reputation that few would envy. Indeed, I do not know anybody who thinks highly of him on either side of the House. I wonder whether this is a wise appointment. For many years the praotice has been to appoint a member of the Legislative Assembly to the Council of the Macquarie University as one of its fellows to enhance the stature of the university. Now it seems that the practice is to appoint a member solely for the purpose of enhancing the stature of that member, without regard to the damage done to the reputation of the university. By his own actions the honourable member for Campbelltown has a reputation so poor, so low, and he is held in such contempt by all members that no one here regards him with anything but loathing and contempt---except perhaps one or two of his political colleagues, to his face. His appointment to a wonderful university could do great damage to its reputation because when people learn that someone who is held in such low regard has been appointed to——

Mr SPEAKER: Order! I hesitate to interrupt the Leader of the Opposition. He has been here a long time and knows the provisions of Standing Order 151. An honourable member cannot reflect upon the character of another member. The motion concerns the appointment of the honourable member for Campbelltown to the Council of Macquarie University, and therefore allows some scope to talk about the honourable member, but the Leader of the Opposition must be careful how he phrases his remarks when referring to the honourable member for Campbelltown.

Sir ERIC WILLIS: I do not get any joy whatsoever from having to say this. I am speaking on behalf of honourable members on both sides of the House, and I only wish there were a secret ballot on this issue. If there were, the vote would be 95, 96, 97

or even 98 to one in favour of rejecting the nomination of the honourable member for Campbelltown as a representative of this Legislative Assembly on the Council of Macquarie University. I shall confine myself at this stage to saying that the honourable member's reputation as a garbage monger, muckraker and character assassin over such a long time is such that no one today has a lower reputation. Though his appointment to the council of the university will be of advantage to him, it will do great damage to the university. I regret to say that for the first time in memory, members of this Legislature will feel obliged to vote against such a nomination.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [3.32]: In the years that I have been in this Parliament and another Parliament I have never listened to a greater effort at character assassination than that made this afternoon by the Leader of the Opposition.

[Interruption]

Mr SPEAKER: Order!

Mr EINFELD: I regard the honourable member for Campbelltown as one of the most penetrating and smart members of this Parliament. Also, I regard him as a close, personal friend. I attest to the fact that he was unanimously selected, with delight and pleasure, by every member of caucus for this position. I think we are adding to the calibre of the university by sending him there.

Mr Webster: Rubbish!

Mr SPEAKER: Order! It is not incumbent upon the Chair to call a member to order by name. Whenever the Speaker calls for order, the exhortation is addressed to all members who are transgressing the rules and practices of the House. If a member persists in engaging in disorderly conduct he will be removed without being specifically named. The Minister for Consumer Affairs and Minister for Co-operative Societies has the call.

Mr EINFELD: I believe the honourable member for Campbelltown will add tremendously to the deliberations of the Council of the Macquarie University. The chancellor of that university, Sir Garfield Barwick, is another close personal friend of the honourable member for Campbelltown. When I say another, I mean as well as myself. The honourable member has plenty of friends on this side of the Parliament. His son is named after the chancellor of Macquarie University, Sir Garfield Banvick, who was Attorney-General in the federal Liberal Government when I was a federal member. Sir Garfield was an adviser to that "great" Governor-General, Sir John Kerr, and members now on the Opposition benches were delighted when he gave certain advice to that great personal friend of his. Let me say this. When this sort of abuse is hurled across the Chamber, I always ask myself from whom is it coming and evaluate the person responsible for it. When the Leader of the Opposition indulges in personal character assassination I do not take much notice of him. Character attacks of this sort come glibly from his lips. That is the normal way he works. Charles Dickens in Martin *Chuzzlewit* portrayed a character named Pecksniff: he described him as a canting hypocrite who spoke homilies of morality, did the most heartless things "as a duty to society" and forgave wrongdoing in nobody but himself. That is a good way to describe the Leader of the Opposition. I am delighted that the honourable member for Campbelltown is destined for this appointment to the Council of Macquarie University.

Mr MALLAM (Campbelltown) [3.35]: It is unusual for a nominee to speak on a motion such as this, but I feel constrained to do so in view of the attacks made upon me. During my first term as a member of this Parliament I attended a speech day at

Canterbury Boy's High School. When I entered the Hurlstone Park theatre, where the function was being held, the member for Earlwood was sitting on the stage. I said to the principal, Mr Watson, "What is he doing on the stage? I happen to be the local member". Mr Watson said, "He told me he is the member for the area".

Sir Eric Willis: You are a liar. Again you are lying.

Mr SPEAKER: Order!

Mr MALLAM: I said to Mr Watson, "As I am the member for the area I don't think I should sit in the audience". Mr Watson put the honourable member for Earlwood in the audience and I took my place on the stage. I know that incident hurt the member for Earlwood very much. This is the type of member who has abused me today. Later, there was a similar occurrence at a speech day of the Petersham Girl's High School. The principal, Miss Brownlow, invited me and the member for Earlwood to attend. The member for Earlwood told Miss Brownlow that he could not attend but would send along his colleague, a Mr Hollis. In pamphlets she had printed Mr Hollis was shown as an M.L.A. I said to Miss Brownlow, "You have been deliberately hoodwinked by the member for Earlwood. Mr Hollis is not an M.L.A." The next day in this Parliament the member for Earlwood said I was thin-skinned. The Minister for Education at that time dressed him down thoroughly. This is recorded in ***Hansard.*** All that I am saying is true. When I was elected to represent Campbelltown the former Government was in office. The member for Earlwood, who has vilified me today, walked into the returning officer's home while he was watching television and tried to stand over him to reverse his decision. The returning officer would not do it. That is public knowledge. The member for Earlwood then got the Minister for Lands to visit the returning officer at Campbelltown.

Sir Eric Willis: On a point of order. I am wondering whether it is I who has been nominated as a member of the Council of Macquarie University—not the member for Campbelltown. My point is that my character seems to be under attack.

Mr MALLAM: Mr Speaker——

Mr SPEAKER: Order! Are you speaking to the point of order?

Mr Mallam: No.

Mr SPEAKER: Order! I must ask the honourable member for Campbelltown to keep clearly to the motion before the Chair, namely, his election to the Council of Macquarie University. I feel that the honourable member had some justification in replying to some remarks by the Leader of the Opposition, but he cannot continue to attack the Leader of the Opposition.

Mr MALLAM: I was not attacking him, I was telling the plain truth about his character. If the member for Earlwood comes to Dulwich Hill, where he is always poking about, he will see a new high school—the Petersham Girl's High School. I come from a family that started the first school in Australia, the Sydney Grammar School. Not only my great grandfather but also my grandfather and mother were teachers. The father of the woman to whom I am married was Director of Education and my wife was a schoolteacher. I am closely associated with education. I am proud of my friendship with Sir Garfield Barwick, despite his politics. I am pleased to be nominated for membership of the council of this important university. The only crime of which I have been guilty in this House, if one wants to say that I have committed a crime, is, as the honourable member for Waverley said, that I have been penetrating

in my investigation of white-collar company crooks, who over the years have been defended by Liberal Party members. They defended the MLC and the H. G. Palmer group.

Mr Webster: On a point of order. The honourable member for Campbelltown not only is violating what we understand is a rule of debate but also is canvassing your ruling in persisting in his introduction of irrelevant matters. The motion relates to his appointment to the Council 04 Macquarie University. What has that to do with the MLC?

Mr SPEAKER: Order! I overheard the Leader of the Opposition put this question by way of interjection to the honourable member for Campbelltown: "Tell me your qualifications?" I listened attentively to what the honourable member for Campbelltown said. He then spoke of the reference of the honourable member for Waverley to the penetrating manner in which the honourable member for Campbelltown had acted in this House. So far the honourable member for Campbelltown is in order.

Mr MALLAM: May I say that I have been one of the forerunners in the setting down of policy adopted—carried unanimously in our party room—with regard to education in this State. It was carried by our party both in the State and federal fields. I have had an intense interest in education all my life. If there were better educated people in our community, there would not have been the manipulations by the Bartons and the MLC scandal; and there would have been no need for the mercenary crooks sitting on the Opposition side of the House to defend them. I am happy to be nominated for this position.

Mr COLEMAN (Fuller) [3.40]: I shall be brief in this matter. I speak as the member for the region or part of the region served by this university. I have worked with the university on a number of projects over the years and I know its importance and standing in the community as well as the struggles that it must face in the years ahead.

I rise to say only that this is a very sad day for the Macquarie University, and that the speech just made by the honourable member for Campbelltown is a good sample of the sort of contribution he will make to its council. Indeed, it is perfect evidence on which to base our opposition to his appointment, and the reason why honourable members on this side of the House will seek a division on this motion.

Mr PETERSEN (Illawarra) [3.41]: I have had a connection with the Macquarie University through my daughter, who until graduation this year was the chairperson of the Macquarie University students union. The relationship between the students union and the council of the university was hardly a happy one, because of the authoritarian nature of too many people on the council. I am sure that the students of the Macquarie University will welcome the appointment of the honourable member for Camp'belltown. Indeed, I am sure that their feelings will be the same as those that prevailed in caucus when we unanimously recommended his appointment to this position. The honourable member has forty-nine friends, and I am proud to be one of them, because he is a man whose integrity is completely 'beyond question—which is more than one can say for his predecessor on the council, the honourable member for Ku-ring-gai, whom I accused in this House on 11th November of lying four times to Parliament, twice to the press and once to a court of law. I suggest that the appointment of a man like the honourable member for Campbelltown, who has integrity, and is interested——

Mr Hatton: On a point of order. I take the point of order that, unless Standing Order 151 is closely observed, this debate will degenerate into one in which honourable members will vilify one another across the Chamber. I believe that the honourable

member for Illawarra is doing that now, and is using an approach similar to that used by the Leader of the Opposition when he spoke against the appointment of the honourable member for Heffron. My point is that this is not a fair go.

Mr SPEAKER: Order! I think the honourable member for Illawarra has finished his reference to the honourable member for Ku-ring-gai.

Mr PETERSEN: I conclude my remarks by saying that the honourable member for Campbelltown is one of the mod respected members of the Labor Party. During his long membership in this House he has stood up consistently for the rights of the underdog. As well he has pressed the needs of education and for the restoration of some of the balance that is needed in our society. I have much pleasure in supporting his nomination.

Mr BEDFORD (Fairfield), Minister for Education [3.45], in reply: I have been quite perplexed by the torrent of abuse that has come from honourable members on the Opposition benches who have spoken to this motion. Since I have been a member of this House motions of this kind have been simply moved and agreed to. I have been wondering why the Opposition is so upset about some of these appointments, but now I know.

Sir Eric Willis: You are dragging the bottom of the barrel.

Mr BEDFORD: No. The reason is that members of the Opposition were beaten at the last elections. They lost and have not yet got used to it. It has already been stated that the nomination of the honourable member for Campbelltown was unanimously adopted by caucus. It has been suggested that representatives of this Parliament on a university senate or council should have some background in education. Heaven help us if it were a requirement that representatives on all the senates and councils of universities must have had an involvement in education. If ever there were a community organization that needs broad representation it is a university. In this sense, not only the nomination of the honourable member for Campbelltown but also the other nominations that have been suggested by the Government fill requirements admirably.

Question—That the motion be agreed to--put.

The House divided.

Ayes, 49

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

Noes, 47

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

Question so resolved in the affirmative.

Motion agreed to.

REPRESENTATIVE OF THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE UNIVERSITY OF WOLLONGONG

Mr BEDFORD (Fairfield), Minister for Education [3.51]: I move:

> That the Honourable Lawrence Borthwick Kelly, Member for Corrimal, be elected a member of the Council of the University of Wollongong in pursuance of section 15 (3) (b) of the University of Wollongong Act, 1972.

The Act provides that one of the parliamentary members of the university council shall be a member of the Legislative Assembly elected by that Assembly as soon as practicable after each general election of members of that Assembly. You, Mr Speaker, have spent all your life in the Wollongong area and have displayed a keen and active interest in supporting and promoting local sporting and community organizations.

For eight years you have admirably represented the electorate of Commal in this Parliament. Your commendable service in this regard culminated in your appointment as Speaker earlier this year, a position which you occupy with distinction. I am confident that your deep personal interest in and concern for the Wollongong area will equip you to make a real contribution as a member of the council of the University, and I have pleasure in nominating you to serve on the council.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [3.52]: The Opposition gladly supports the nomination in the belief that you, Mr Speaker, will enhance the reputation of the University of Wollongong much more than the appointee to a university council dealt with immediately before this.

Mr PETERSEN (Illawarra) [3.53]: It will give me great pleasure, Mr Speaker, to welcome you to the Council of the University of Wollongong, having myself been elected by convocation. The two other members of the council elected in a similar manner are an unlikely pair, Mr Bill Burgess, manager of the steelworks at Wollongong, and Mr Bill Parnell, former president of the Students Union at that university. I am sure that you will enjoy the fellowship of and association with the present

members of the council, probably the most notable of whom is the Hon. R. F. X, Connor, former federal Minister for Minerals and Energy, who was elected by the council itself and who, as far as I know, is the only member of the Australian Parliament to be a member of a council of a university in New South Wales.

I was heartened to hear the Minister for Education say about a nominee for election to the council of another university that it is not advisable to have all educationists on such a body. As a twice unfinished B.A. myself, I appreciated the charity of his words. You, Mr Speaker, with your experience as a parliamentarian, as an activist working for the local community, and as an accountant, will be most welcome on the university council, and I take much pleasure in supporting the nomination.

Mr COLEMAN (Fuller) [3.54]: Plainly this is not a motion on which there will be a need to divide the House. It will have the unanimous support of honourable members. I rise merely to support what the Leader of the Opposition said in endorsing the remarks of the Minister. Until recently I was the representative of the Legislative Assembly on the Council of the University of Wollongong. Mr Speaker, I know the quality of the university that you will be joining, I know the quality of its council, of its staff and of its student body. I know of the great contribution that the university is making to the Wollongong area, to the system of universities in this country and, indeed, to the international system of universities.

I believe that you will make a valuable contribution to the work of that university, which enjoys the outstanding leadership at vice-chancellor level of Professor L. B. Birt, and of Mr Justice Hope who is an outstanding chancellor. I wish you well on the council. I have enjoyed my association with the university very much indeed. It gives me great pleasure enthusiastically to support the motion.

Mr JACKSON (Heathcote), Minister for Youth and Community Services [3.56]: I support the remarks of the members who have spoken on this motion. Mr Speaker, it is delightful to see the members of the Opposition at last recognizing your qualities. That was not always the case, as was apparent when they moved motions of dissent from your rulings earlier in this session of Parliament. I am well aware of your interest in the University of Wollongong. My knowledge goes back to the days when my predecessor in the electorate of Bulli was your late father. He, together with the honourable member for Wollongong–Kembla, played a major role in the development of that university. They showed enthusiasm in initiating a campaign for the establishment of a university at Wollongong. On 9th July, 1955, I was privileged to follow your late father's footsteps and to pursue the campaign he began. As a result of our persistence, the Labor Government of the day established the Wollongong University College.

You, Mr Speaker, and my other colleagues from the Wollongong area, played a major role in bringing about autonomy for the University of Wollongong. Although the Liberal–Country parties pledged at the 1965 election to make the university autonomous, they did little about the matter in government over quite a number of years until as a result of the persistence of members of the Labor Party they were compelled to grant autonomy. Until that stage the Wollongong University College was an adjunct of the University of New South Wales.

I compliment you on the part you played in bringing about that state of affairs. It is most fitting that you as Speaker of this House and as a member of Parliament representing an electorate in the Wollongong area should become part of the council of the university there. You will bring to the council a lifetime of experience in the Labor Party and in the trade-union movement, as well as outstanding administrative ability and considerable achievements in the sporting world. You were a senior person in a

number of sporting activities, particularly in the surf life saving movement. In the world of commerce 'before you entered Parliament you proved your administrative ability. For those reasons, and as a close colleague of yours over a long number of years, I compliment the Government for nominating you, and I compliment the members of Opposition, and the Parliament as a whole, for supporting your election to this important position. I have much pleasure in supporting the nomination.

Mr BEDFORD (Fairfield), Minister for Education [5.58], in reply: I thank honourable members for their kind remarks in support of the nomination of Mr Speaker for election to the Council of the University of Wollongong. In particular I acknowledge the fine contribution made by the honourable member for Fuller to the work of that council, and also the contributions of his parliamentary colleagues who served well and with distinction on the councils of other universities.

Motion agreed to.

LOCAL GOVERNMENT (RATING) FURTHER AMENDMENT BILL

Introduction

Mr JENSEN (Munmorah), Minister for Local Government [4.0]: I move:

That leave be given to bring in a bill with respect to rates for 1977 under the Local Government Act, 1919.

Honourable members will be aware that on Tuesday, 9th November, I introduced a bill entitled the Local Government (Standard Rates) Amendment Bill. On that occasion I referred to the undertaking given by the Premier prior to the last elections that upon election of a Labor Government the Minister for Local Government would be empowered to fix a maximum percentage by which rates could be increased in any given year. I stated also at that time that the bill then being introduced was designed to permit the Government to exercise some control, in the interests of ratepayers generally, over a council's rate-making powers.

For reasons which I will elaborate on at the second-reading stage it has now become apparent that although that bill would have operated in the desired manner and would have served as a brake on councils' rate-making powers, it would not have ensured that the rates paid by individual ratepayers did not increase by more than the percentage increase which was to be fixed under that bill. The Government has therefore decided not to proceed with the bill previously introduced but rather to bring in the present bill which will operate only for the 1977 rating year. This measure is therefore a temporary one which is designed to provide a respite from rate increases in 1977. At the second-reading stage I shall give an explanation of the provisions of the bill as well as some background to the measure.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [4.3]: During this session we have had some examples of the Wran Government's incompetence and inefficiency but this afternoon I must bestow the accolade upon the Minister for Local Government for being among those who have proved to be most bumble-footed. At the time of the election campaign last April we heard with a great fanfare of trumpets about how rates were to be pegged and ratepayers looked after. Then, on 9th November last with an equally loud fanfare of trumpets we heard in this House the first reading of a bill aimed at fulfilling the Government's election promise. On the following day we received the arithmetical treatise which the bill represented. It had most of us rushing for algebra books to try to interpret the meaning of the bill. However, most of us soon came to the conclusion that there was no need to go to that algebraic trouble, because the bill was not really necessary.

As I said on the occasion of the introduction of the previous bill, there will be a very small increase in local government rates for the year 1977. Indeed, I suggested then that it would probably be in the vicinity of 6 per cent. Obviously the fanfare of trumpets and all the other trappings that the Government indulged in were completely unnecessary and amounted to nothing more than a show on the part of the Minister and his colleagues with regard to rates which people might have to pay. The Government has held itself out as the champion of yet another holding-down of a price though in fact, as I think I said on the previous occasion, it was a bit like King Canute trying to hold back the tide and it did not matter what it did, nature would take its course.

Yesterday when I heard that there was to be a further amendment to the Local Government Act I wondered what had happened. I wondered whether the Government had forgotten something. I wondered had the Government realized that the previous bill was deficient or what other explanation there could be. Now we have heard it. The other bill is defective and will not work. I cannot imagine how much later the enactment of this measure could be left. Even now councils are preparing their estimates for 1977 and are doing calculations as to what the rate will have to be. Over the past few days I have taken the trouble just as a matter of curiosity whenever I have been talking to aldermen and councillors of metropolitan councils, to ask what is the likely increase in the rates next year. Those aldermen and councillors, whom I know to be responsible and interested in these matters, have given me estimates ranging between 5 per cent and 8 per cent, though obviously at this stage they are not certain what the increase might be. However, they have all assured me that the increase will not be much. Of course, those estimates have been made on the assumption that no legislation would be put through the Parliament.

Already we have seen two bills with a waste of money and time in the drafting office as well as in the Government Printing Office and also a waste of the time of this House, yet all that will be achieved is what would have happened in any event. If the Government does not get a wriggle on it will be too late for this legislation to be effective as some councils will hold their meetings to fix the rates for 1977 during next week. Meetings to determine rates for the ensuing year are held in December, some at the beginning of the month. This legislation is typical of the inefficiency and incompetence of the Wran Government. It is equally typical that the Government should pursue legislation aimed at fooling gullible people but which in their hearts they know will not fool knowledgable and intelligent people.

Mr WILDE (Parramatta) [4.7]: I have much pleasure in supporting the Minister and the bill he proposes to bring forward. Had the Leader of the Opposition been as diligent as he claims to be in reading the previous measure brought forward by the Government, perhaps he would have been well aware of the fact that the provisions of that bill would not have allowed the Government to fulfil its stated policy of limiting local government rates to a set level. This is because over the past year valuations in approximately 50 per cent of local government areas have been changed and therefore it is impossible to peg rates to a determined percentage increase. It is quite obvious to anyone associated with local government that some form of control is necessary to restrict rate increases. The burden of rates is becoming far too heavy upon the shoulders of property owners. In many instances aldermen and councillors have had no regard at all for the capacity of a ratepayer to withstand an increase in rates.

I have personal knowledge of my own electorate where the so-called independent group that was elected to council at the last elections increased rates by 38 per cent in 1975 and 17 per cent in 1976 despite the promise that they gave before the

election to keep rate increases below 10 per cent. Fortunately, as a result of strong opposition by the minority Labor Party group in the council, the 1976 increase was held down to 17 per cent. That was quite an achievement. For the Leader of the Opposition to speak of an average increase of 6 per cent in local government rates is completely unrealistic unless the areas of which he is speaking are relying upon local government grants received within the past few months. Some councils are relying on those grants because of the stated intention of this Government to limit the amount by which they might increase their rates. Had this policy not been stated councils, upon receipt of the grant, would have immediately set out to spend the money rather than take it into account in their estimates for 1977.

If any councils are contemplating moderate increases in rates, it is because they are taking local government grants into their estimates as revenue rather than spending the money on grandiose schemes. We have seen far too many instances of councils all too willing to indulge in spending money without any regard for the capacity of the local residents to pay. It is quite obvious that this year the CPI increase will be something of the order of 13 per cent, similar to increases experienced over the past two years. Had it not been for the indication by this Government that it would restrict rate increases, all these areas would have put rates up on an average of 20 per cent in line with what they had done over the past two years.

I commend the Minister for the prompt action he has taken in informing the House that the Government will implement its election promise to peg rates. As I indicated earlier, it is obvious that as a result of variations in valuations in the past year the previous bill was not workable. I trust that the deficiencies that have become apparent in that measure will be regulated by this new bill—and I am sure that they will be. As the Minister has said, this bill is designed to carry us over the next rating year and a definitive solution will be found for the following years.

Mr HATTON (South Coast) [4.10]: I support the concept of the bill, as one who has been involved in local government for nine years and held the presidency for two of those years of one of the largest all-purpose local government areas in the State. I have also been on the executive of the Shires Association of New South Wales. I support the concept of the bill despite the criticism of it by the Local Government and Shires associations to the effect that the Government is seeking to take some level of responsibility out of the hands of local councillors and aldermen. The problem is extraordinarily difficult and complex. If it were not, the former Liberal-Country party Government would have solved it a long time ago. I give credit to the former Government because it put in a lot of time attempting to solve this problem. That Government set up a Royal commission under the chairmanship of Mr Justice Else-Mitchell. A progressive step was taken in introducing preferential rating, which I personally did not think would work at the time. However, that system is working quite well in the Eurobodalla shire, in my electorate. I pay a compliment to the former Government for attempting to solve that problem, which nobody pretends is easy. Consequently, the present proposal is sure to contain some flaws.

Anybody who says in this Chamber that ratepayers will not agree that there needs to be restraint in rating does not understand the situation. The responsibilities of local government have grown so rapidly that they have completely outgrown the revenue base and, despite the impetus of money in the form of direct federal grants from the Whitlam Government, which have been carried on by the Fraser Government, this is still the case. The result is that we have a rating system that has little relationship to a person's ability to pay this tax, which is based on a land valuation that is, at best, a guesstimate. Therefore, I do not accept that many people would feel that this measure is not necessary. I certainly feel that it is necessary, and I should think that

the Country Party would think it was necessary, particularly in these times of falling farm incomes. I believe that the Liberal Party thinks that the measure is necessary. It supports the Fraser Government's concept of cutting capital expenditure and asking for moderation in all areas so that at least there is a tapering off in the level of taxation.

I should think that every member of this House would support the concept of trying to preserve the position of people on fixed incomes. The 1965 Royal commission showed quite clearly, under its limited terms of reference, that the unimproved capital value system was the best basis for rating. It is time that we looked at the situation. Though it may be fair enough to base the new rates on last year's valuation, it may be necessary to introduce a system of rateable values. We should not hide the issue because if we do, valuations will go up and down like a seesaw. A council can hide rate increases behind fluctuating valuations. I ask the Minister in his second-reading speech, to answer the questions I have raised. I ask him particularly to comment on the question whether this year is to be treated as a breathing period and whether the Government will stand off and look at the situation, analyse it and try to do something progressive next year. I should like to know whether the Government looks upon this as a holding period and does not intend to put the problem in the too-hard basket, as has been the tendency since 1919.

Mr JENSEN (Munmorah), Minister for Local Government [4.15], in reply: It has taken considerable ingenuity to devise a means whereby rates can be pegged and local government controlled to the extent that rate pegging can be performed and still leave local government in every part of the State in a position to continue to function effectively, which is the problem that confronts the Government. As the honourable member for South Coast has said, the former Government wrestled with this problem but oame to no firm conclusion about it. Though the former Government conducted more investigations into local government matters than had occurred in the history of this State, it did not do anything. The former Government did not bring measures into this Parliament to amend or improve legislation; it did nothing meaningful to assist local government or to advance the cause of local government.

The previous Government had boundaries commissions running up and down the State conducting investigations and making recommendations, but it hardly ever did anything about those recommendations. Commissions of inquiry, which cost millions of dollars, were established. Yet the Leader of the Opposition stands up here today and talks about the few dollars involved in the preparation of a bill. He does not say that his Government spent millions of dollars on Royal commissions about which it did nothing. The former Government set up a government committee—the Brooks committee—which conducted all kinds of investigations into many things but came to no conclusion—in fact it did nothing meaningful. I agree with the honourable member for South Coast that the differential rating system has been more effective than I thought it would be. However, it was a cowardly kind of thing to do; it put off on to local government a problem that the Government did not have the guts to tackle. The former Government said, "We are not game to do something about the valuation of land but we will let you decide what rates will apply to various properties."

That is the effect of differential rating. Some councils have adopted it and others have not, but a solution to the problem has not been found. The Government sought, by the bill I introduced into this House on 9th November, to restrict a council's right to increase its total income from general purpose rates by a percentage that would be nominated. We did that believing that it would redeem the Premier's undertaking given before the State election. However, further examination has shown that a completely different trend has occurred in 1976—different from any that occurred

in 1975 or any other year. There has been a reduction in the value of certain types of property and an increase in the valuation of other types of property. Therefore, the relative contribution by one property compared with another will change dramatically in 1977. The promise that we gave to the people, which we are genuinely endeavouring to redeem, would have been somewhat hollow if we had provided that rates in the most underprivileged areas of local government in New South Wales should not be increased by more than 12 per cent—which is the expectation of what the House will be told tomorrow—and subsequently rates had been increased by 25 per cent or 30 per cent. This realization has caused the Government to re-examine the matter. If the Opposition, when it was in government, had the courage—the guts—to stand up in the Parliament and say: "We promise to do this. We have examined this problem and decided there is a better way of doing it," it might still be in office. Opposition members think that people who are honest enough to admit faults in their first endeavour and make a second one to achieve the objective, should be ridiculed. Opposition members might have plenty of opportunity to ridicule me in the future because if I say something or adopt an attitude and after further investigation there is an indication that it can be improved upon, they can expect me to be doing again what I am doing here on this occasion. The bill represents a redemption of a promise; it will have effect more specifically for each individual ratepayer in New South Wales than the first proposal I had the honour to bring before this Parliament, which would have also redeemed that promise, but in different terms.

This is an imperfect measure. It does not correct those things that the Government intends to apply itself to, in an endeavour to correct them. It does not correct the problem related to people on marginal land, being non-urban land, the value of which has been influenced by speculators in anticipation of rezoning and the valuation of which has been increased. That problem needs to be correoted. The unhappy thing is that the measure perpetuates the inequitable system of local government rating that grew up when the former Government was in office.

That system remains for 1977 because the Government has not had the capacity to develop—in its six months in office—a means of overcoming the problems that the former Government could not overcome in a period of eleven years in office. It is applicable only to 1977 but when rating year 1978 comes, there will be a different system of valuation. There will be a different system of determining the rates that ratepayers will pay. That system will be more equitable and just than the system that the previous Government allowed to develop until 1976 and with which the present Government is burdened. The measure will redeem the promise made that the rates of no property owner in a less advantageous area of New South Wales will be more than 12 per cent more than they were in 1976. I commend the motion to the House.

Motion agreed to.

Bill presented and read a first time.

CONSUMER CLAIMS TRIBUNALS (AMENDMENT) BILL

Second Reading

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [4.22]: I move:

That this bill be now read a second time.

As most honourable members are aware, the Consumer Claims Tribunals Act was originally introduced in May, 1974, and the tribunals commenced operations later that year. Their purpose is to provide consumers with a quick and easy means of obtaining

arbitration on disputes in relation to the supply of goods and services. The tribunals have filled what was then an obvious and pressing need for a court of redress which did not involve the monetary and legal risks associated with the traditional court system. The measure of their success can be judged from the fact that they are now handling cases at the rate of about 3 000 a year and on present experience it can be expected that this figure will increase in the immediately foreseeable future at least. In fact, claims have increased so greatly that a full-time third referee has recently been appointed and he will commence sitting at the beginning of next month.

Immediately on taking office the Government took administrative action to increase the tribunals' effectiveness—first by increasing from $750 to $1,000 the limit on money orders which could be made and, second, by the introduction of night sittings. The second innovation has been a great boon to claimants and at least some defendants who would otherwise be seriously disadvantaged by having to attend hearings during normal working hours. At the time that the Act was originally introduced it obviously did not go far enough. In particular, it excluded one important and widespread area of consumer concern, the continuing allegations that withholding by landlords of tenants' bonds has occurred. This was a glaring anomaly which the former Government refused to recognize. Indeed, the former Minister, now the Leader of the Opposition, flatly rejected an amendment which I moved in the Committee stages to have this type of claim brought within the jurisdiction of the tribunals.

One of the purposes of this bill is to remedy this defect in the legislation. The next important amendment to the principal Act included in this bill will enable the tribunals to deal effectively with the difficult situation that arises when a trader fails to fulfil the terms of his contract with a consumer and at the same time demands full payment in settlement of the contract often under threat of or by the issue of a default summons. If a summons is issued, the consumer is precluded from taking his dispute to the tribunals. Otherwise the consumer is placed in a difficult situation of having to pay for shoddy goods or badly performed services, albeit under protest.

In the latter circumstances the consumer may lodge a claim againsa the trader but, in many instances, there is some doubt whether the tribunals have clear jurisdiction in dealing with such claims. These and other more complex situations will be encompassed by this amendment which will empower the tribunals to determine claims for relief from the payment of money arising out of consumer contracts for either goods or services. It should be mentioned here that in actual cases of this nature the effect of an order by a tribunal may mean that the consumer will be liable to meet the whole or part of the terms of the contract. In other words, the tribunals will be empowered, in the appropriate circumstances, to make an order requiring the consumer to pay the trader what he is properly entitled to receive.

The bill will also extend the lateral jurisdiction of the tribunals by adopting, with two important exceptions, the expanded definition of services which was incorporated in the most recent amendments to the Consumer Protection Act and include professional services and insurance. The two exceptions are contracts involving life assurance and contracts for the provision of credit. The reason for this is that there are significant differences in the powers of the Consumer Affairs Department to investigate complaints as compared with the powers of the tribunals to determine disputes and to make orders which, for all practical purposes, have the same effect as an order of a court of law. In addition, amounts which would be in dispute in contracts for life assurance would with few, if any, exceptions be well beyond present limits or limits likely to be allowed to the tribunals. Disputes involving the supply of credit have been excluded because they will be specifically provided for in the credit law reform legislation which is currently under preparation.

Mr Einfeld]

Another important area which is neglected by the Act as it stands relates to the situation of owners of home units under strata title or where the unit is part of a home unit company set-up. The Act as it stands excludes corporations from the definition of consumer and for this technical reason excludes consumers who fall into this class. The amendment contained in the bill will allow this class of persons who contract for goods or services in relation to their residence to have disputes that may arise in relation to those contracts determined by the tribunals as is the case with the owner of a normal residential dwelling. The amendment will also allow the body corporate of the strata title body to have a dispute resolved before the tribunal where that dispute relates to a contract for goods or services in relation to the home unit building.

Another amendment will resolve the problem that sometimes arises when the parties to a dispute before the tribunals agree to a settlement as provided by section 22 of the Act which places an obligation on a tribunal to endeavour first to resolve any dispute by way of conciliation. Though a claimant may, in these circumstances, request a tribunal to make an order which gives effect to the terms of the settlement, situations have arisen wherein the consumer has accepted a trader's offer in good faith and without requesting an effective order, only to find that the trader had no intention of abiding by all or part of the terms of his offer. As the Act stands, the consumer then has no option but to institute claim proceedings all over again. The bill overcomes this problem by imposing an obligation on the tribunal to make an order giving formal effect to any settlement which is arrived at during the conciliation process required under section 22.

One important feature of the consumer claims tribunals which needs to be maintained in the interests of all parties is that claims should be heard and determined without undue delay. At the present time, the Act makes provision only for full-time referees. This means that there is no way of clearing a temporary accumulation of claims other than by the appointment of an additional full-time referee in a situation where the overall volume of claims may not justify the outlay involved in such an appointment. Also, whereas referees do visit country centres as the need arises, undue delays in hearing claims in these centres may occur because of the need to allow a sufficient volume of claims to accumulate in any one area to justify time being spent there. These problems will be overcome by a provision in the bill which allows for the appointment of part-time referees.

I have dealt with all the substantial matters which are encompassed by the bill and do not propose to repeat the explanation of these provisions by dealing with the bill clause by clause. The only matters that I have not mentioned are entirely of a machinery or consequential nature. The bill represents an important step in the process of providing and increasing both all-round protection and effective avenues of redress for consumers in this State. It is personally satisfying to me to recommend it to the House, particularly as it was part of the policy presented to the people of New South Wales by the Premier and the Labor Party prior to the last State election. I commend the bill to the House.

Mr BROWN (Raleigh) [4.30]: At the introductory stage I said that I did not think the Opposition would find anything in the bill to which it could object. Having had the opportunity to study the bill, I find that to be the case. I was interested to hear the Minister praise the legislation and its success. That is most pleasing because I was sitting on the Government benches when it was introduced in 1974. I have said before and I repeat that the Opposition will not bow to anyone in its desire to protect the consumers of New South Wales. There is always a limit to how far one can go and there will always be some people who can never be protected from themselves. This afternoon the Minister for Local Government when seeking leave to

introduce a bill into the House, said that after only a few days something wrong was found with the bill and that it would be withdrawn, and a new bill introduced. That attitude was most commendable. I remind the House that the consumer protection legislation that the former Government introduced has stood the test of a couple of years: it has been tremendously successful. The Minister said that some 3 000 applicants a year were appearing before the consumer claims tribunal, which has required the appointment of a third referee. Now part-time referees we to be appointed.

I welcome the extension of the tribunal to cover corporate bodies and people in strata title units. They may need its assistance if they have problems with the supplier of a carpet or some similar service in a unit or a block of units. There is no reason why they should be deprived of the benefit of the consumer claims tribunal. The provisions in the bill relating to landlord and tenant will probably develop into a wide specialized field. One knows there are varying categories of landlords and of tenants. Today, with the much greater movement of people, it is quite common for tenants to change dwellings. This is why a bond has been imposed on tenants. Quite often damage far in excess of the amount of the bond is caused to a property. If no damage is caused, the tenant will have a right to appeal to the tribunal if the money is not returned to him.

I was interested to hear the Minister say that if a trader or the person dealing with the trader fails to fulfil the terms of a contract, a default summons may be issued. I understood him to say that if a default summons were issued, that would prevent the matter coming before the consumer claims tribunal. I ask the Minister to inform the House whether the bill will overcome that hindrance or whether it will still be competent for a trader to issue a default summons and thus prevent a claim being brought before the tribunal. I should expect that the insurance provisions will receive a certain amount of use. The main claims will be in respect of motor vehicles and they will often be for more than $1,000, the limit specified in the bill. So far as professional men are concerned—dentists, doctors, solicitors or even tradesmen such as plumbers and television repairmen, whose hourly rates today are possibly equal to the other professions--could well be saved losing income by attending night courts. Often they are called upon to defend vexacious claims brought before the consumer claims tribunals. I am pleased that the legislation introduced by the former Government has proved to be successful and I trust that it will continue to be so.

Mr DOWD (Lane Cove) [4.35]: It has become the fashion in our community to worship the god consumer. None of us is outside that definition. Whether one consumes goods, uses services or whatever, each is a consumer. In the rush to protect that almighty god the consumer it is often forgotten that most contracts of service, be they professional or otherwise, for work or goods, have two parties. We are all in favour of protecting tenants against unscrupulous landlords: that is a most fashionable attitude to adopt. However, one must remember that at present not enough housing accommodation is coming on the market for letting. The fact is that landlords have problems with tenants. The stage is being reached where people will not invest in buildings to create accommodation because too much protection is being given to tenants. All I can say in relation to bonds is that it is desirable that there should be some protection as provided in the bill; but let us not be carried away with that fact, for we are protecting only one party to the contract.

I come now to the alteration of the definition of services. It is often forgotten that in New South Wales the private employer does the bulk of employing. Professional men such as consulting engineers, doctors, dentists and lawyers have suffered a greater attrition in employment than probably those engaged in many other areas. Every time difficulty is placed in the way of people who produce

goods and services, the more difficult it becomes for the community to create employment and so provide the services that we want. I cannot see that the Minister has in any way made out a case for altering the definition of services. There has not been the public discussion on the issue that one would like to have seen.

At present the legal profession has available at least four different protections for consumers. I know that it is unfashionable to be on the side of professional people but if one harms those who provide a service to the community, ultimately the community suffers. It is important that this confidence trick be removed. The consumer is not protected by hurting the person who performs the service. Night courts may be more convenient for some professional people, but successful professional people usually work at night as well as during the day, or for a large part of the day, and there is no benefit to that party to the contract to be taken before a consumer claims court, to sit around without the right of representation and yet not be able to recover the costs of defending a frivolous claim. A case may take a couple of days and will inhibit the capacity of some professional people to earn an income, and thus inhibit their capacity to provide employment for other. Not all cases will go before night courts.

The bill oversteps the mark and expands the definition of services beyond the public need. The principal legislation has worked extremely well in the areas that it has covered. It is a tribute to the referees that they have been able to resolve difficulties quickly. I accept that if the Parliament agrees to the amendment of the definition of services, most of the claims will be resolved fairly expeditiously. If a dentist who may have three employees loses a day chasing a claim for $100, he loses the capacity to earn the money that entitles him to make a living and enable him to employ staff.

I wish to refer to one other matter. Although it is desirable that body corporates under the Strata Titles Act should be entitled to make a claim before the tribunal, it seems to me that as the Strata Titles Act covers a lot of commercial buildings such as offices, factories and Wynyard concourse-type constructions, it would have been desirable to include the words "only used for residential purposes" to qualify dwellings where they are mentioned in item (2) (b) of schedule 1 of the bill.

The Opposition accepts that this legislation is working. Many people cannot afford legal costs these days and will be happy to take their complaints to these tribunals. Nevertheless, the present high rate of unemployment cannot be allowed to continue in this State. We must not delude the consumer into thinking that he will get any great benefit out of some of the provisions of the bill. Affect the service, whether it is from a professional man, a tradesman or a businessman, and it is always the consumer who pays. Every bad debt of a professional man, a tradesman or businessman, is paid for by honest people who pay their debts. It is proper to point out that professional people and tradesmen in this State did not know that this legislation would be presented so speedily. The Government gave them no indication of this. They have not had the opportunity to present their case to Parliament. The Minister has not made out a case for widening the definition of service.

Mr GRIFFITH (Cronulla) [4.43]: I rise to save time in the Committee stages. I wish to ask the Minister a particular question. As has been said, the Opposition agrees to the measures put forward. I should like the Minister to clear up a point that is left in doubt. In the schedule there is a peculiar amendment that seeks to insert a new subsection (3A) to section 6. It provides that the Governor may, in the instrument of an appointment of a referee, insert terms that may negate or vary the effect of section 8 (2) in relation to the referee. All that section 8 (2) does is to

provide protection for a public servant appointed as a referee with regard to superannuation, long-service leave and other normal rights. Why, and in what circumstances, would the Governor vary the conditions that are laid down so clearly? The Minister is asking Parliament to give him power—after all, the Minister will do it—to appoint any referee under any conditions whatsoever, leaving aside the questions of superannuation and so on. Normally, the referees are public servants. Is it intended that people will be appointed as temporary referees other than the normal referees of the past? The Minister in his second-reading speech said that he wanted to provide for the appointment of temporary or part-time referees to get rid of the backlog of complaints. That is reasonable. Senior counsel are appointed as acting judges to clear up backlogs in law cases. That principle is acceptable to the Opposition. I should like the Minister in his reply to the second-reading debate to explain the purposes of this amendment. Will he say whether there is to be some other classification? I should like to know the sort of people that are envisaged in these circumstances.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [4.45], in reply: I am indebted to the honourable member for Raleigh, the honourable member for Lane Cove and the honourable member for Cronulla, each of whom had some praise for the bill, though they may have questioned some of the amendments in it. It is proper to say that the Act has been effective and is working well. The honourable member for Raleigh said that I had praised the legislation. I praised it in 1974 when it was introduced. The pattern has been set. I hope the Opposition will follow the pattern that we set when we were in opposition. We never opposed any consumer legislation that assisted the consumer, though on a number of occasions I moved amendments. Originally I moved an amendment designed to get bond disputations between landlords and tenants before the tribunal, but it was defeated by the Government of the day. The Government is introducing it now, and I have every confidence that Parliament will see the wisdom of this and support it.

The parent legislation was introduced by the former Government after members of my party had made representations for it for two years. I do not claim credit for that legislation. It was good that the former Government introduced it. The honourable member for Raleigh is right, as were the other two honourable members who spoke, in saying that the tribunals are working exceedingly well. This debate gives me the opportunity to pay tribute to the two referees who have been occupied in their task for some time—the senior referee, Mr Lynch, and the other referee who was appointed a little later. As I have said, I have already appointed another referee, who will start work on 1st December next.

In reply to the honourable member for Cronulla, provision is made in this bill for part-time referees. The amendment to which he refers relates only to public servants, say clerks of petty session, becoming part-time referees. Therefore section 8 (2) (i) will not operate; it would give a referee rights that he will not need because he is already a public servant with those rights, and he will be operating for only a short time.

Mr Brown: Why negate his conditions?

Mr EINFELD: As a public servant he will have his conditions.

Mr Griffith: The Government can negate those conditions.

Mr EINFELD: No, not his public servants' conditions; only the conditions of his being a part-time referee. The honourable member for Raleigh asked whether a trader will be able to issue a default summons. He will. The claimant against the trader will not be able to go to the tribunal once the default summons has been issued. This

legislation cannot stop that situation. That is the answer to that query. If the trader has issued a default summons against a claimant, that case must be heard in court, not by the tribunal.

The honourable member for Lane Cove talked about worshipping the god consumer. I know that he did not mean to be profane or to denigrate the consumer. He said that he himself was a consumer, and so were his wife and family. By the way, he has a charming wife. We are all consumers. When I am having difficulty in putting proposals to groups of manufacturers and others, perhaps on legislation that I have to introduce later, I say to them, "You might be a supplier in your field, but you are a consumer in others". It is a situation that must be respected. We have not forgotten that there are two parties to a contract. I do not see any difference between the supply of professional services and the supply of tradesmen's services. It is an archaic reaction to maintain that there is a difference. All services are services, whether given by a plumber, bricklayer or professional man. I am not denigrating the legal, dental or medical professions when I say that services provided by plumbers and bricklayers are just as valuable as those supplied by professional persons.

Mr Dowd: But that is taken out of a contract of service.

Mr EINFELD: No. I want to say something about service. Before the Labor Party became the Government—in fact, last year—the Government of which the honourable member for Lane Cove was a supporter introduced an amendment to the Consumer Protection Act in which service was defined as including all things that came under that Act. All that I have done is take that definition and include it in the Consumer Claims Tribunals (Amendment) Bill. I did not make the definition; the Liberal-Country party did. If one accepts that it was not innovative on our part—strangely, for this Government is innovative—but was introduced by members of the Opposition as an extension of the services that came under the Consumer Protection Act, it will be seen that the Government is merely adopting that definition for the purposes of the Consumer Claims Tribunals Act. That will enable all these services to come under the umbrella of those tribunals.

No secrecy is involved. We have been saying for a long time that what we are now proposing should have been done before. I have said so on many occasions. The president, vice-president and executive secretary of the Dental Association came to see me about this matter. The fact that lawyers did not come to see me is probably attributable to their ignorance of what was happening. The dentists said to me: "Thank goodness for what you are proposing. We are delighted about it because all professional organizations, which are supposed to deal with complaints, never deal with them properly." Even the lawyers would not object to my saying that the Law Society is dilatory in dealing with complaints. Justice delayed is justice denied. The consumer claims tribunals will deal with matters quickly.

By the way, serious matters, either in medicine or in law, involve claims far in excess of $1,000. In any event, it is not always a question of price. If a lawyer is engaged in a home-purchase transaction and forgets to allow for the payment of water rates or council rates, a complainant in future will be able to take that matter to a consumer claims tribunal, and have it dealt with quickly, easily and fairly. I am not suggesting that the Law Society would be unfair in dealing with such a complaint, but it is dilatory in dealing with all complaints. I do not pick out the Law Society especially: the same comment applies to most professional bodies.

The honourable member for Lane Cove is worried that we are worshipping at the feet of the consumer god. He talked about bonds and went on to say that not too many houses are coming on to the market for letting. What does that have

to do with bonds? Landlords find it difficult to get a decent return on the money they have invested, and that is why there are fewer dwellings available for rent, though one must keep in mind that landlords close a blind eye to the capital accretion that represents part of their eventual return anyway. There are disputes about bonds. A tenant is often required to lodge a bond with a landlord or with his agent. When the bond is lodged with the agent, it must go into the agent's trust account, and that is probably the better way to deal with the matter. When the bond is lodged direct with the landlord, it goes into the landlord's ordinary bank account, and if there is any interest paid on that amount, the landlord gets it. Whenever there is a problem about returning bond money, that is to the advantage of the landlord, not the tenant.

I say now, as I have said on hundreds of occasions, and as I said recently when addressing the Real Estate Institute of New South Wales, that all landlords are not devils and all tenants are not angels. Neither is the opposite true. What the Government is seeking to ensure is fair treatment for the landlord and for the tenant. If a landlord is willing to return bond money to a tenant when that tenant finishes his tenancy, that is good. If the landlord says, "You have destroyed my property," or "You have dealt harshly with my property, and therefore half of your bond money is to be retained by me because I shall have to spend money on the premises to make them acceptable to the next tenant", that might be fair, and if it is the referee will find accordingly.

The Government has received many complaints and many allegations about bonds. Whether they are true, I do not have to decide, thank goodness. If a tenant says that a landlord is treating him harshly by retaining bond money even though the tenant cleaned up the residence before he left, had the carpets dry cleaned, and the place painted so that everything would be nice for the next tenant, but the landlord will not return his bond money, what does he do? In future the tenant will be able to take his complaint to a tribunal. At the moment he has to go to a court and take out a default summons. Many people are frightened of doing that. They have no experience of litigation. They will now be able to go to a referee, who will make a judgment on whether the bond money should be retained.

Mr Dowd: There is no problem about going to a small debts court.

Mr EINFELD: At the moment a tenant has to take out a summons in the circumstances to which I have referred. What he will be able to do in future will be to go to a consumer claims tribunal, complete a form, pay $2 and have his case heard. There will be no other cost. No lawyers will be involved. I have no doubt that a man of the eminence in the legal profession of the honourable member for Lane Cove would not want to appear in a case like that, and if he did the costs would be more than the amount involved. A landlord, his solicitor or anybody else who goes to a small debts court is involved in more time, and that has to be paid for.

The consumer claims tribunals will hear matters quickly. In my view there is little basis for the arguments put forward by members of the Opposition on this matter. When the honourable member for Lane Cove says that the consumer always pays, he is right. That is one of the problems. The consumer always does pay. He does not mind paying for his fair share, but he does not want to be ripped off. The principle of *caveat emptor* is an old-fashioned one that some members of the Opposition still like to believe in. The fact is that today the principle is, let fair treatment be given to both sides in any dispute.

Motion agreed to.

Bill read a second time.

Third Reading

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [4.58]: I seek the leave of the House to move that the third reading of the bill be taken forthwith.

Mr DEPUTY-SPEAKER: Order! Is leave granted? Leave is granted.

Mr EINFELD: I move:

That this bill be now read a third time.

Mr DEPUTY-SPEAKER: The question is, That this bill be now read a third time.

Mr Fischer: On a point of order. I submit that you are putting the motion for the third reading of the bill without advising the House whether additional requirements, such as the issue of a certificate, have been **met.**

Mr DEPUTY-SPEAKER: No point of order is involved. The standing orders were amended by the Parliament on the recommendation of the previous Government, supported by the Opposition, though the previous Government did not always listen to members of the Opposition. The procedure so far is quite in order, and if it becomes disorderly, I shall require order to be observed.

Motion agreed to.

Bill read a third time.

ANTI-DISCRIMINATION BILL

Second Reading

Debate resumed (from 23 November, ***vide*** page 3357) on motion by Mr Wran:

That this bill be now read a second time.

Upon which Sir Eric Willis had moved:

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

Mr PACIULLO (Liverpool) [4.59]: I support the bill. Like the ethnic affairs legislation, this is another innovative measure that will put New South Wales ahead of all other Australian States in dealing with major areas of discrimination in our community. I should like to make a brief reference to the attitude expressed last night by members of the Opposition. If the previous Liberal-Country party Government had faced up to the problems of discrimination in the period during which it was in office—and I might add that there was enormous discrimination particularly against ethnic people in that time—this legislation would not have caught them unawares.

The Leader of the Opposition described the bill as "this catch-all of trendy catch-cries," yet he declared that his party was opposed to all forms of discrimination. If the Leader of the Opposition is not having 5c each way, I do not know what he is doing. He is displaying an attitude that exists in some other States where positive

action is not being taken on this problem of discrimination—and I propose to say something about that later. The Leader of the Opposition would like to delay the passage of this bill. Last night he told honourable members that all Opposition members are opposed to discrimination, as are the Premier and the Government. However, he went on to say—and I am quoting him from the ***Hansard*** report ——

> As history shows, we have managed to muddle along in this State for something like 121 years without anti-discrimination legislation.

He went on to say:

> Surely there is no reason why we should be now rushing this bill through.

The Government believes that it is time to stop muddling about. The State now has an action government that does not intend to pay lip-service to this matter.

Recently I attended a conference of State Ministers for Immigration and Ethnic Affairs. At that conference legislation to deal with discriminating practices in other States of the Commonwealth was the subject of discussion. As a result of that conference one can say without fear of contradiction that New South Wales is facing up more resolutely than any other State to the problem of discrimination in our society and in our business and community life. I do not think anyone would dispute that statement.

Anti-discrimination and the provision of equal opportunities in the work force, in professions—indeed in all areas of public and private life—are difficult matters to cover by legislation. Nevertheless, it is highly desirable that governments should not turn their backs on the problem of providing protection for their people merely because of the difficulties involved in providing adequate legislation. Last night the Leader of the Opposition admitted that community attitudes must be changed. I ask honourable members, what better way to initiate change than for a government to introduce an anti-discrimination board with a counselling service? Weaker sections of the community need the protection of legislation of this nature. These people will be the main beneficiaries of the measure. That attitude conforms to the basic philosophy of the Government and the Australian Labor Party that there should be equal opportunity for all people.

As it did in the preparation of the legislation to establish the Ethnic Affairs Commission, the Government called for submissions from the public. Contrary to the remarks of the Leader of the Opposition, the Government has consulted the community; it has considered the form of the bill carefully and there will be no botch as the Leader of the Opposition put it. The Government received about forty submissions from public institutions, representative groups and interested members of the general public. Those submissions concerned not only the need for such a measure and the way in which it could be implemented but also the very nature of the legislation. These submissions—as was the position in regard to a proposal to establish the Ethnic Affairs Commission—were overwhelmingly in favour of the introduction of legislation to deal with discriminatory practices. Many suggestions contained in those submissions will be included in the operations and functions of the Anti-Discrimination Board and the counselling service. The list of submissions and their contents were impressive. They came from a variety of groups, institutions and individuals who showed a close interest in this matter.

I wish to make special reference to a carefully prepared and well-documented submission on discrimination and the law, which was compiled by a senior lecturer and five students of the University of New South Wales. That submission is worthy of special mention because of its content and the thought and effort that obviously

went into it. The Government appreciates the public interest taken in response to its advertisements inviting suggestions. That response confirms the Government's belief in the awareness of the public to the need for this legislation. Many of the suggestions contained in the submissions will be incorporated in the functions of the proposed Anti-Discrimination Board. The good thing about this legislation is that it is clear and firm where discrimination is easy to define—that is on the grounds of race, sex or marital status—and it is flexible where discrimination is not so easy to distinguish and weed out. The bill will provide the Government with the machinery to move against this form of discrimination after the Anti-Discrimination Board has had the opportunity to consider the position and recommend to the Government the most appropriate way to deal with it.

The bill provides every opportunity for resolving complaints by conciliation. If everything else fails, it contains the teeth in the form of penalties and payment of damages to be able to take action in respect of any unlawful discrimination. The Premier made those points last night in his second-reading speech. It became obvious at the conference of Commonwealth and State Ministers for Ethnic Affairs, which was held in Melbourne in October, that this bill will be the most advanced legislation to be enacted—or even considered—by any State government. It was most enlightening to learn at the conference of the varying attitudes to discrimination of the State governments that were represented there. The Premier of South Australia, the Hon. D. A. Dunstan, told the conference that a Prohibition and Discrimination Act had been operating in South Australia since 1965. He said that though not many cases had been brought under that Act, the fact that it was there had undoubtedly ensured that people were wary of acting in a discriminatory manner. Mr Dunstan went on to say that a sex discrimination board and an equal opportunities commission operated separately in that State and that two social workers in the Premier's Department handled complaints from the ethnic community.

Mr W. Jona, the Minister for Immigration and Ethnic Affairs in Victoria, said that his Government did not propose to set up any racial discrimination legislation. However, since that conference a bill has been introduced in Victoria banning discrimination on the grounds of sex and marital status. That measure provides for the appointment of a commissioner for equal opportunity and an equal opportunity board. The Government of Western Australia is considering bringing in complementary legislation in respect of racial discrimination. Mr E. W. Barnard, the Minister for Agriculture and Lands in Tasmania, stated his Government's attitude in this way:

> As far as discrimination in Tasmania is concerned, I do not think it would exist there.

Mr Barnard went on to say:

> I have a good deal of contact with various groups and I have never yet found discrimination.

The parliamentary leader of the Queensland delegation, the Hon. J. W. Greenwood, stated that his Government had yet to be convinced that conferring a right of action at law was the correct way of solving the problem of discrimination. Mr Greenwood added:

> We have also seen a great deal of good coming from what would, at first sight, appear to be racial discrimination.

Mr Greenwood went on to say that racial discrimination can be good as well as bad. I commend the bill because it takes a realistic view of the whole spectrum of discrimination as it exists in this State. In this respect this Government does not bury its head in the sand as obviously do the governments of Tasmania and Queensland.

Australia has had discriminatory laws and attitudes since its earliest colonial days. Some of these laws and attitudes have been thought necessary for our survival and the survival of our institutions. The White Australia policy, and subsequently the pro-European immigration policy with its exclusion of Asiatics, was engendered by fear of the unknown consequences of free entry of Asians and South-East Asians into this country. The geographic isolation of Australia, our lack of communication, trade and cultural differences bred suspicion. However, since World War II, many of these barriers have been removed and our immigration entry laws have been modified. Nevertheless, prejudice exists and racial discrimination survives. In fact it has extended to immigrants of European ethnic origin since mass migration began after World War II. To continue to allow discrimination on racial or ethnic grounds is to deny a large proportion of our population equality of opportunity.

I think it is obvious, even to the harshest critic of this legislation, that in relation to providing equal opportunity on the grounds of sex and marital status justice should not only be done but also must appear to be done. Prejudice and discrimination on account of age or religious or political convictions should not be condoned if they affect the livelihood of citizens who are discriminated against. Equally important are other forms of discrimination in certain circumstances against the physically or mentally handicapped, or people suffering from other conditions. The proposed Anti-Discrimination Board will permit equal opportunity for all persons. Equal opportunity, for example, does not exist in employment and it is not always for obvious reasons. To support this contention I shall make a brief reference to a meeting held recently in my electorate. The purpose was to investigate the subject of the high level of unemployment, particularly among youths in the 15 to 20 years age group. The meeting was attended by citizens and business representatives, local government, departmental, educational, careers and employment officers and social workers. Two very young people present spoke of their own experience. They said they had been refused jobs because they came from Green Valley. This form of discrimination was confirmed by government officials at that meeting. Where a person lives, went to school, what that person's parents do and many similar factors are preventing some young people from taking their rightful place in the work force. This is a small example of the inequality of opportunity in this State.

Many other examples will no doubt be brought to light through the board and the counselling service that this legislation will bring into being. The real challenge to the community and to the Government is not only to bring in legislation to outlaw discrimination, but also to awaken public conscience to the injustices of discrimination, whether against a group of people or against an individual. The Government is aiming to set a standard with this legislation whereby discrimination which prevents equal opportunity for all persons is not only unlawful but also is unacceptable in the community. The implication of the legislation before us today is the first positive step in this direction. I strongly support the bill.

Mr CAMERON (Northcott) [5.13]: The deferring of this legislation is, I believe, an absolutely imperative need. I strongly support the amendment that the Leader of the Opposition has moved. Genuine discrimination, where it exists in any community, is a tremendously hateful, offensive and repugnant thing. In some respects the Australian community, by virtue of its openhearted, easygoing nature, is less prone to these evils

than some other communities in the world. I would, however, be the first to concede that discrimination within our community is a reality in many areas; that it lurks disguised in many attitudes which often do not surface but, when they do, have an unpleasant and most unattractive aspect. I believe, nonetheless, that although we all unite in wanting to see discrimination contained, the legislative approach is the one that is least effective and least likely overall to succeed. My firm view in relation to this bill is that it contains loopholes, which gape at anyone who studies the bill, of such magnitude that a coach and four could be driven through with ease. I believe the bill to be a farce and a charade. For those reasons it is imperative that its passage into law be deferred, as has been recommended by the Leader of the Opposition, for a period of three months.

The bill constitutes a gross form of statutory overreach. This is the classic kind of situation in which the Legislature is trying to go too far. It is being too intrusive into the lives of the people, and the evils it will generate in the process will be much more painful in some respects than the continuance of the evils at which it aims. It is legislation of the same doctrinaire character that is evident in a great deal of the residue of the Government's legislative proposals. It is akin to its attitude to things like price control, not only of commodities, but also in a new form of price control of local government services that are being introduced—akin to inflexible landlord and tenancy controls; akin to much of the spirit of the Government's Land Commission Bill; and akin to some aspects of its approach to the problems of consumers. They are classic cases where the Legislature is overreaching itself to move into the lives and freedoms of the citizen in a way that, far from resolving the problems of society, is counteractive and generates results that the community would be much better off without. I should like to refer to many aspects of the bill, and I impress upon the House the imperative need for there being adequate debate on as vital a bill as this one.

Anybody who studies the bill will be hesitant and concerned about accepting it. That hesitancy and concern will turn to hostility. A generalized aspect of that hostility flows from the fact that the bill can be seen to be an artificial charade pretending to be able to do things that it simply cannot do. Rather than eliminate genuine abuses, the bill will generate needless frictions, frustrations and costly irritations. Though a bill such as this one may inhibit some forms of discriminatory behaviour, it cannot change the discriminatory attitudes of mind which are the source of the evils towards which it directs itself. In my view there will be little amelioration of this problem in society until we get down to the root cause—until we get down to the attitudes of individual citizens. Overall I believe there is a slight amelioration going on in this general area.

The more specific aspect of this hostility concerns part V constituting clauses 56 to 60 inclusive of the bill. These provisions deal with discrimination on the grounds of age, religion or political conviction, physical handicap or condition or mental disability and homosexuality. The latter such grounds were not included in the draft proposals circulated by the Government for discussion purposes. Although conduct in relation to each of them constitutes discrimination as defined in the bill, none of the details of the circumstances in which such discrimination will be unlawful are given. It is intended that this will be detailed in regulations yet to be gazetted. It is fair to say that that is an unsatisfactory approach. Throughout the time the bill is being debated homosexual conduct will be unlawful, yet the bill proposes that in undefined circumstances it will be unlawful to discriminate against anyone who engages in that unlawful conduct. The matters proposed to be dealt with by regulation ought to be set forth in the bill upon the same basis that they are set forth in other parts of the bill.

Profound and relevant philosophical considerations underline the whole of the Government's approach to this area. The Opposition recognizes discrimination as an evil; the whole Parliament recognizes it as an evil. But one has to recognize that one cannot set out to attack it in this way without, in many respects, impingeing upon what are quite lawful, right, respectable and proper areas of choice that have to be left open to individual citizens. In a case of an employer running a business, he must be allowed his preference to choose one particular individual rather than another if he believes for sound reasons that this person will serve better the cause of his business than the other. Yet this kind of bill leaves open the prospect that whenever particular decisions are made preferring one employee to another, the whole vista of procedures under this bill will be opened up in a terrifying and most formidable manner.

I believe that philosophically the bill is in error in its continuous attempt in area after area, whether on the basis of race, sex, physical disability, mental disability, homosexuality, or whatever it is, to classify whole categories of people by terms of class and by group, and by trying to attribute general characteristics to all members of that class—to treat them all, as it were, as if they were the same. In fact, the shining glory of the individual man and woman, wherever he or she is, is that each one is unique and each one is different, none of them is the same and none is as readily or as facilely classified as the bill seeks to classify them. These are the respects in which the bill is philosophically repugnant. It runs contrary to a true individualistic view of the human being. It is at that point that I—and I feel many others like me—balk.

The plain fact is that in innumerable respects men and women are different from each other. In innumerable respects members of different races have distinctive characteristics that flow out of their particular racial experience, background and history. This is an area in which the whole of sociological writing—and that is some of the most trendy, if that word may be used, writing in the whole of our academic literature—runs contrary to the premise of the bill. The writings of modern liberal sociologists are continually identifying the respects and the areas in which conduct of particular groups of people differs from that of others. Yet this whole bill is acting upon the basis that human beings and groups of human beings are the same or interchangeable.

I wish to make direct reference to some specific areas of the bill. Some reference has been made already to paragraph (f) of subclause (1) of clause 4, which deals with the issue of marital status. Again this is another classic case where, as in the Children (Equality of Status) Bill, the Government is evidencing its approach to the standing of marriage. It is another classic case where the Government is equating mere cohabitation with the institution of marriage. Accordingly I believe that the Government should allow scope for an amendment to be moved that would delete paragraph (f) of subclause (1) of clause 4, which is one definition of marital status.

If one looks at clause 7 one sees immediately the kind of unreality that is inbuilt in the legislation. One has the proposition that a person discriminates against another person on the ground of his race if he segregates him from persons of a different race. We all have before our eyes the unattractive experience of apartheid in South Africa. The instinctive reaction of everyone is to react like the framers of the bill. Yet an employer who is wrestling with the reality of employing a multitude of different racial strains within his work force well knows that he should not require particular groups to work together. They have to be sent to different areas for the simple reason that the job cannot be performed while they meet in constant interaction with each other. That kind of position on a work site where there are Serbs, Croats or any of the multitude of central European races is too patent to need real elaboration.

Mr Cameron]

Subclause (2) of clause 21—another fascinating clause—makes it unlawful for a person to discriminate against another person on the ground of his race by refusing his application for accommodation. One finds in subclause (3) the following exceptions:

> Nothing in this section applies to or in respect of the provision of accommodation in premises if—
>
> (a) the person who provides or proposes to provide the accommodation or a near relative of that person resides, and intends to continue to reside, on those premises; and
>
> (b) the accommodation provided in those premises is for no more than six persons.

I put to the House an extremely simple illustration. Assume that a frail lady of advanced years owns two houses. She resides in one and wishes to let the adjoining cottage. In response to her advertisement for tenants she receives two replies, one from a Swedish family and the other from a Negro family. The bill goes forward on the basis that races are all the same, that they are interchangeable. By this bill it will be an offence for that lady to show a preference for either one of them. I submit to the House that the whole of criminological research has shown that the attributes of particular races, for example concerning violence, differ from race to race. There are attributes that sociologists have been able to distinguish which are at least relevant factors to be taken into account. Some ethnic groups have a profound tendency—I appreciate that there are innumerable individual exceptions to every rule—to give effect to violence internally. Other ethnic groups have a tendency to exhibit external violence. Criminologists will argue that there is really only one kill drive. In some ethnic groups it exhibits itself in a high suicide rate. In other ethnic groups it exhibits itself in a high murder rate. A race with a high murder rate invariably has a low suicide rate, and vice versa.

I put to the House that the frail old lady is thoroughly entitled to take cognizance of the fact that if she chooses as a tenant one of those families she is likely to have immediate neighbours who are less prone to be violent than would be the position if she chose the other applicant. Is it unreal to say that a person in any of those situations ought not to be able to take cognizance of that real kind of human reaction? Clause 26 states:

> It is unlawful for an employer to discriminate against a person on the ground of his sex—
>
> (a) in the arrangements he makes for the purpose of determining who should be offered employment;
>
> (b) in determining who should be offered employment; or
>
> (c) in the terms on which he offers employment.

There is a tremendous range of occupations that can be performed either by men or women, but for purely traditional reasons they have been performed by one sex rather than the other. The bill will encourage and foster a situation in which there will be industrial divisiveness and strained relations by reason of people trying to cross those lines in a way that will be disruptive and unpleasant. It will not be all one-way traffic in the sense of women trying, by virtue of the provisions of this bill, to move into employment that has traditionally been occupied by men. By way of illustration, take a class of people such as electoral secretaries. This is a classic example of a job that is traditionally performed by women, but it is well known that men with adequate shorthand and typing qualifications have applied for such positions.

On the basis of this bill, as I read it, there are certainly more than the specified number of people so the exception does not obtain. If an advertisement is put in the situations vacant column in the ***Sydney Morning Herald,*** and it appears only in the

women's and girls' seotion, it seems to me that the Legislature, which is the employer, may well be held to have committed an offence against the provisions of the bill. There is a multitude of cases. A young lady received a good deal of publicity arising from the fact that she wants to become an electric train driver. I put it that the bill assures her position, and that of any other young lady who wants to take on that employment. Nowadays many members of this House go to a barber's shop that once traditionally employed men to cut hair, but now attractive young ladies are cutting their locks. No doubt those members find them attractive. The bill will foster that kind of intrusive movement into such areas. Looking at the whole bill, one must recognize that these movements will be very evident. In my view the trade unions will find some aspects of it rather irksome.

The plain fact is that the bill will make it an offence to try to hold out members of one sex from moving into an area that has been catered for exclusively in the past by members of the other sex. Nevertheless it is important to draw the attention of the House to clause 136 (4) (e) which allows exemptions to be made in a widespread way. Taking the view that I have of the artificiality of the bill and its lack of reality, I am happy that exemptions will be available on as wide a basis as possible. I believe the community will find this bill extremely difficult to live with, and that those who can get out of it will do so with a feeling of great relief.

I should not be surprised to find that the provisions of clause 126 (4) (e), which exempts any person or class of persons, any activity or class of activity, or any other matter or circumstance from the provisions of the bill, are first used in favour of a trade union. In innumerable respects the position is absolutely unreal. Clause 58 deals with discrimination on the grounds of physical handicap or condition, or mental disability. This is part of the mysterious part V, which has no real content at all. It depends on the existence of regulations that are not within the knowledge of Parliament when the matter is debated. Clause 58 provides that a person discriminates against another person on the ground of his physical handicap or condition or mental disability in certain circumstances. Everyone knows that people have feelings of sympathy for a person in a wheelchair. Let us assume that a man in a wheelchair applies for a position as messenger in a factory where he would have to go up and down stairs to discharge his duties. In a range of areas the principle of efficiency in business will be prejudiced by the introduction of these absurd and unreal elements.

I point out to the House with as much strength as I can muster that I believe there should be a new clause 59A. I realize that such a new clause would be in this contentious past V, but it is the sort of clause that would provide some remedy against a very real form of discrimination—the discrimination that is meted out by unionists to people who choose not to belong to unions. We know of the victimization of that courageous family, the Hurseys, who ran into great trouble because of their courage and willingness to stand up to trade union victimization. With that kind of background in mind, I strongly urge that there be inserted a new clause 59A which would read:

(1) A person discriminates against another person on the grounds of his membership or non-membership respectively of a trade union if, on the ground of:

(a) such membership or non-membership of a trade union;

(b) a characteristic that appertains generally to such membership or non-membership of a trade union;

(c) a characteristic that is generally imputed to such members or non-members of a trade union,

Mr Cameron]

> he treats him less favourably than in the same circumstances, or in circumstances which are not materially different, he treats or would treat any person without having regard to his membership or non-membership respectively of a trade union.
>
> (2) Section 129B of the Industrial Arbitration Act, 1940, is and is hereby repealed.

That is the kind of wording introduced in the bill in respect of a long range of other classifications. I believe that the central omission is the omission dealing with this very real form of discrimination — trade union discrimination, and accordingly that the proposed new clause 59A should certainly be included in the bill. I believe that clause 118, standing alone, is perhaps the most offensive clause in the whole bill. It deals with the proof of exceptions. It provides:

> Where by any provision of this Act or the regulations, conduct is excepted from conduct that is unlawful under this Act or the regulations or that is a contravention of this Act or the regulations, the onus of proving the exception in any inquiry lies upon the respondent.

That is a substantial departure from the traditional procedures in the field of criminal liability. The Opposition firmly believes that the onus of proving all elements ought to lie with those who make the allegations. I should have thought that would have been so self-evident as to require virtually no comment. These are all, as it were, aspects that highlight the tremendously unsatisfactory nature of the bill. We have just had the experience of seeing the bumblefooted way in which the Government conceded that it had made a monstrous miscalculation with another piece of legislation, the Local Government (Standard Rates) Amendment Bill. Virtually before the Minister's breath had expired in introducing the measure he had to concede that it would not work, and that it should be withdrawn so that an entirely new measure could be brought forward. I believe that when the community has a real opportunity to analyse the implications of this extensive 65-page bill, it will realize how justified is the Opposition's proposal that the passage of the measure be deferred for three months. I believe that every member of the Opposition joins wholeheartedly in supporting that proposition. I reiterate my statement that the bill is artificial, that it is a charade, that it cannot do the things it purports to do, that it runs contrary to the basic realities of human nature, and that these facts will bring it down as soon as the realities are exposed to everybody who will have to live under it.

Mr TAYLOR (Temora) [5.41]: I join the Leader of the Opposition and other members of the Opposition in expressing my deep concern about this important piece of legislation. As other speakers have said, everybody hates discrimination, particularly if he is subjected to it. Probably most of us have suffered discrimination at some stage of our careers, and I am sure all of us have reacted violently. Many people in our community are in a situation where they can be discriminated against, and for that reason the Government is acting legitimately in trying to do something about it. All that I want to point out is that each of us has his fears, based mainly on ignorance. If we do not know another person, or understand his language or his ways, we tend to form opinions that influence us to discriminate against him. It may occur, for example, in selecting a person for a job. The discrimination is perhaps unconscious. None of us is innocent in that respect. Although it might be desirable to make discrimination unlawful, legislation will not cure discrimination. I emphasize strongly, despite what might have been said, that discrimination is less now that it was ten or twenty years ago. Discrimination thrives, for example, when large numbers of people come from one country to another for the first time. I submit that even if the bill were perfect — and it is not by any manner of means — it would still create problems. People will be

confused by it. It will lead to troubles between employers and employees. Questions will arise about what is lawful and what is unlawful. The result will be even greater discrimination.

The Commonwealth Parliament has enacted laws dealing with discrimination in some areas, and there are national and State committees administering that legislation. There is nothing in the bill to indicate any co-operation between those committees. The second annual report of the National Committee on Discrimination in Employment and Occupation for the year 1974–75 had this to say on page 19:

> The National Committee believes that proliferation of alternative machinery arrangements operating in the area of employment discrimination will result in confusion in people's minds as to which machinery to invoke in order to have a complaint investigated; that it is wasteful in terms of financial and human resources; and that it fosters a disjointed approach to a social problem which demands, essentially, a co-ordinated and uniform operation.

The annual report went on to deal with other matters in the same vein, and though they are not related to this bill, they certainly are related to other State legislation.

I see one ray of hope. The counsellor to be appointed under the bill will be involved in conciliation and co-ordination. I hope that he or she will take the opportunity of consulting the National Committee on Discrimination in Employment and Occupation so that we shall have some degree of uniformity and not utter confusion, with people reporting discrimination to two different organizations. Perhaps some cases may be reported to both. If an employer were involved, for example, he might have to attend two different inquiries. That would create between groups of people even more unhappiness than would exist if this bill did not become law. The Premier has said categorically to ethnic groups and others that he would introduce this measure, which deals with complex problems in our community. I cannot agree that it should be pushed through Parliament. Honourable members have had an opportunity of reading the bill, but not of studying it. I have discussed the measure with legally qualified persons, and there is already conflict about what some clauses mean.

Mr Wran: Lawyers are always like that.

Mr TAYLOR: That is true, and the higher the office they hold, the worse they get. I believe the bill will cause much concern to the community, and will not necessarily work as the Government hopes. The Opposition wants discrimination eliminated and the difficulties inflicted on people eased, if they cannot be done away with completely. For those reasons I support the amendment moved by the Leader of the Opposition. The bill should be deferred to enable a closer examination to be made of it. There is room for improvement in many of its clauses. I am sure the measure, unintentionally, will cause discrimination, for some people will look for a loophole in the law, and if they find it, use it to their own advantage. I support the amendment. The Government should allow the bill to lay on the table until the next session of the House in February.

Question—That the word stand—put.

The House divided.

Ayes, 48

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

Mr **Ferguson**	Mr Kearns	Mr Sheahan
Mr **Flaherty**	Mr Maher	Mr **Stewart**
Mr Gordon	Mr **Mallam**	Mr Wade
Mr Haigh	Mr **Mulock**	Mr F. **J.** Walker
Mr Hills	Mr **O'Connell**	Mr **Whelan**
Mr Hunter	Mr **Paciullo**	Mr **Wilde**
Mr **Jackson**	Mr Petersen	Mr Wran
Mr Jensen	Mr **Quinn**	
Mr **Johnson**	Mr **Ramsay**	
Mr **Johnstone**	Mr Renshaw	***Tellers,***
Mr Jones	Mr Rogan	Mr Brereton
Mr Keane	Mr Ryan	Mr **McGowan**

Noes, 48

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

Mr SPEAKER: The numbers being equal, I give my casting vote with the ayes. Therefore I declare the question resolved in the affirmative. The question is, That this bill be now read a second time.

[*Mr Speaker left the chair at 5.58 p.m. The House resumed at 7.30 p.m.*]

Mr **WRAN** (Bass Hill), Premier **[7.30],** in reply: The most notable contribution of the Leader of the Opposition on this measure was to complain time and again that he and his colleagues on the Opposition benches did not have much time to study the bill. The fact is that they did have plenty of time to study the general concept of the bill because it was actually made available on 18th September in advertisements that were placed in the ***Sydney Morning Herald,*** the ***Daily Telegraph,*** the ***Australian,*** and thirteen ethnic publications. At the same time a position paper was prepared and distributed to all those who sought a copy. It is interesting, despite the complaints of the Opposition over the past day or so in relation to this bill, that in fact ***350*** copies—as my colleague, the honourable member for Liverpool has mentioned—of the departmental position paper were distributed to various persons and groups in the community.

The Opposition did not seem to have much understanding of the legislation. The line that was adopted by the Leader of the Opposition was that the principal burden of the bill is one of punitive enforcement, whereas nothing could be further from the truth. Indeed, the Opposition has taken the classical conservative approach to

defer, decry and discredit reform. It must be bewildering to any member of the public who takes the trouble to read *Hansard* to see the comments of Opposition members, all of whom applaud the need for laws relating to discrimination though they all eschew this particular piece of legislation.

Mr Cameron: They did not say that.

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

Mr WRAN: I shall now review the way in which the Opposition—including the honourable member for Northcott who has just been quite vocal in his usual mid-Victorian way---did not even bother to make a submission in respect of the bill. The honourable member for Northcott has totally misconceived the intention of the bill, especially many of its legal provisions. I shall deal with them in due course. What does not seem to be understood by the Leader of the Opposition or the honourable member for Northcott is that the bill outlaws discrimination on three grounds—race, sex and marital relationship. The other grounds referred to in the bill—religious or political conviction, physical handicap or condition or mental disability, and homosexuality—are declared by it to be bases for discrimination. The whole concept of the bill is to do that which the Opposition urges, that is, to provide the mechanism by which these grounds of discrimination can be properly examined by the Anti-Discrimination Board that is to be established, and the criteria by which acts of discrimination on the grounds of age, and so on, will be determined on the recommendation of that impartial body.

It is all very well for the honourable member for Lane Cove to lift his eyebrows when I mention an impartial body. If a judge of the District Court of New South Wales is not impartial, it is impossible to know who in the community is impartial. The honourable member is again addressing me silently. If he wants to go through a whole series of silent histrionics rather than state what he means, he is bound to have people spell out what he is imputing.

What the bill envisages is that in respect of these various pieces of discrimination, until such time as the whole range of inquiries is completed by the Anti-Discrimination Board, the recommendations of the board will be considered by the Government. By virtue of clause 60 and clause 136 of the bill those recommendation will be embodied in regulations. Much that was said by the Opposition on this measure reveals either its misconception of the Government's intent or that the Opposition wants to mislead the public. The Opposition claims that the Government is seeking, in effect, a blank cheque for reference of matters to the board and for the subsequent enactment of legislation by regulation. If they bothered to look at the bill they would not see in it the provisions that usually appear in the statutes of New South Wales in respect of the regulation-making power—that regulations once made will take effect immediately but may be disallowed after lying for fourteen days upon the table of the House. By this measure no regulation will become effective until it is laid upon the table of the House. In other words, we are giving the Parliament—not only the members of the Government but also the members of the Opposition—the right before the regulations become effective to take exception to them in the House. Let us have none of this nonsense about the Government seeking a blank cheque in respect of regulations. As I have said, this statutory provision will give every member of the Parliament a chance to express his view when the regulations are brought into the Chamber.

Mr Dowd: You will not gag it?

Mr SPEAKER: Order!

Mr Cameron: Can you offer a reason why part V hinges entirely upon regulations?

Mr WRAN: Of course. The reason why part V hinges entirely upon regulations at this stage is that we do not expect the Anti-Discrimination Board to devour the whole beast in a mouthful. We expect the board to look at particular types of discrimination, for example age. In respect of that matter it will make a report back to the Government, which will either accept it or reject it. If the Government accepts the report and embodies the recommendations contained in the report in regulations, they will go before the House for its consideration. This would not require constant amending of the statute. In other words, the board, the constitution of which will be beyond reproach, will have not only power in respect of complaints by individuals and classes in the community in respect of discrimination which is declared unlawful in this legislation, but also power to conduct an on-going inquiry for the purpose of making periodical reports to the Government. It is hoped that in the twelve months that elapse from the time the board is constituted, regulations will have been looked at. Then we can compact the regulations into a statutory code which can be examined in detail by the Parliament.

The Leader of the Opposition said that clause 4 defined marital status as meaning married people, married people living separately, those divorced or widowed and that by paragraph (f) it embraced people in cohabitation otherwise than in marriage with a person of the opposite sex. He suggested that this was a gratuitous attack on the institution of marriage. The honourable member for Northcott in his own inimitable way objected also to the provision. He said that the Opposition took the view that paragraph (f) of the definition should not be included in the bill and that he would move in Committee for its deletion from the bill. It has taken the Opposition a long time to discover that men and women in considerable numbers live in a de facto status of marriage. It may not be desirable; it may be considered that the best permanent relationship between men and women is that of marriage. It is somewhat late in the day for the strength of their objection to be brought forward here. Since 1951 section 6 of the Workers' Compensation **Act** has included in the definition of dependants a woman who for not less than three years immediately before the death of a worker, although not legally married to him, lived with him as his wife on a permanent and bona fide domestic basis. In other words, already enshrined in the law of New South Wales is the concept of a status or condition that flows from a de facto relationship between a man and a woman.

Lest there be any doubt about it, for many years in New South Wales the disadvantaged position of the common law partner has been recognized administratively by some government departments. For example, the Housing Commission acknowledges the right of a person to continue occupying a Housing Commission home after the death of one partner. Similarly there is the granting of social security benefits to a woman who lives in a de facto relationship. Administrative arrangements are available for granting cash refunds of death duty to de facto wives receiving property as a result of a will. Let there be no nonsense about the marital status provision breaking new grounds. I repeat, from 1951 a similar provision has been embodied in the law of New South Wales. Might I say that compassionately and properly the concept has been endorsed administratively in the major government departments, irrespective of the political persuasion of the Government in office. Further, a similar provision in respect of marital status appears in the South Australian statute on which to some extent the bill is moulded. It has worked well there as it will work well here. The Government does not propose to brook any amendment of the bill in that respect. I shall have a little more to say about the proposed amendments later on.

I was pleased to see that the honourable member for Northcott did not fall into the same error as the Leader of the Opposition, who said that the bill contained no provision to prohibit discrimination in the obtaining of finance or credit. Over a long time I have had a lot to say about the discriminatory practices of financiers and credit providers in respect of women, particularly single women. The bill prohibits discrimination in relation to finance or credit. That is dealt with in clause 36, which relates to the provision of goods and services. In clause 4 the definition of services includes services relating to banking, insurance and the provision of grants, loans, credit or finance.

To highlight even further the lack of acquaintance of the Leader of the Opposition with the bill, I remind the House that it was widely publicized in substance, and details of it were available in a position paper from 18th September. He endeavoured to make some play of the fact that the bill does not deal with trade-union discrimination--or to put it the way he did, it does not deal with discrimination against those who do not wish to join a trade union. Although the bill does not deal with that position, it deals with a number of other situations in relation to trade unions. I think it was the honourable member for Northcott who said that some trade unions may well be peeved by some of the provisions in the bill. If they are, they will be as peeved as some other sections of the community. If the bill operates in a slow, plodding way to eliminate or to diminish the incidence of discrimination in the community, it will be worth the price paid by those who disagree with it.

The reason why the bill does not deal with discrimination against those who wish to join a trade union would be apparent to anyone who has a passing acquaintance with the industrial law. Section 129B of the Industrial Arbitration (Amendment) Act —and this is intrinsic to most industrial legislation—provides that persons who object on the grounds of concientious belief to being members of trade unions may apply for exemption from membership of the trade union in question. That provision has been in industrial law since at least 1959. Though there have been two Labor governments and two Liberal-Country party governments since then, no government has seen fit to amend section 129B of the Industrial Arbitration Act. Those governments have not seen fit to do so as the matter of membership of a trade union is peculiarly and intrinsically a matter for industrial tribunals. The matter is well covered in New South Wales by section 129B of the Industrial Arbitration Act. For the benefit of honourable members opposite who are interested in the involvement of trade unions as they are affected by the bill, I refer them to clauses 12, 30 and 48. Clause 4 defines a trade union as being a trade union within the meaning of the Industrial Arbitration Act, 1940, or a registered organization within the meaning of the Commonwealth Conciliation and Arbitration Act. In all sincerity I say that the Opposition is barking up the wrong tree when it endeavours to nail its flag to that mast.

The next matter that demonstrates the lack of real knowledge of the legislation by honourable members opposite is the attack made upon the inclusion in the bill of homosexuality as a ground for discrimination. They contended that homosexuality was an offence and, being an offence, the Government was seeking to give legal approbation or sanctity to something which the law regarded as an offence. With respect, I have never heard such convoluted bunkum. Homosexuality is not an offence. The commission of certain acts between persons of the same sex is an offence but homosexuality in itself is no offence at all.

Let me take the argument a step further. The Government is being careful in this legislation not to declare at this stage discriminatory acts involving homosexual acts to be unlawful. That part of the legislation is providing the Anti-Discrimination Board with a term of reference by which it will be permitted to make an investigation

and in due course, if it sees fit, to make a recommendation to the Government. In due course, if it sees fit, the Government can adopt in whole or in part or reject the recommendations of the board. If there is any acceptance in whole or in part, regulations will be enacted that will define the criteria by which discrimination against homosexuals will become unlawful in this State.

I can see more and more divisions appearing in the Opposition ranks. Perhaps the most revealing feature of the performance of Opposition members in this session has been that they do not seem to be able to agree on anything. Although they have only a few feet between them on the Opposition front bench, the honourable member for Lane Cove and the honourable member for Northcott oannot agree on the subject of homosexuality. The honourable member for Northcott has not shown much support for the honourable member for Lane Cove on the question of homosexuality. If he had, he would have been applauding and supporting the view of the honourable members for Lane Cove that is expressed in the notice of motion on the business paper standing in the name of the honourable member for Lane Cove. That motion reads:

> That this House (1) considers the law of New South Wales prohibiting homosexual acts between consenting adult males in private is unjust and causes severe hardship;

Mr Dowd: Will you read it all?

Mr WRAN: Of course. It continues:

> (2) calls on the Government to repeal that law; and (3) examine, and if necessary, strengthen the law (a) protecting minors from sexual assaults and interference and (b) providing penalties for those committing sexual acts on minors, particularly the law relating to persons having the care or control of minors.

Surely one of the ways in which the law will be strengthened in due course when the report of the Anti-Discrimination Board is received will be to get rid of the discrimination that is practised against people who apparently have the approbation of the honourable member for Lane Cove but the condemnation of the honourable member for Northcott. Let there be no misapprehension about it: this bill relates only to discrimination in the sense of making it unlawful in respect of the three categories I have mentioned—and homosexuality is not within them. I think all modern political parties in the western world are progressively moving towards reform in that field, but we prefer to move sensibly and cautiously and to have a comprehensive study by an independent tribunal presided over by a judge, and to have the report of that tribunal enshrined in regulations that can then be examined carefully by Parliament and accepted or rejected as the case may be. Whatever may be said of this legislation, it is designed in respect of other categories of discrimination, except the three to which I have referred, to provide the mechanism for full discussion and debate by the public and the Parliament. While this Government is in office there will be no legislation by stealth in respect of those matters affecting the rights of the individual.

The next matter to which I should like to refer is the trenchant criticism by the Leader of the Opposition—and it was adopted generally by the honourable member for Northcott—that it was not enough to condemn discrimination or to make it unlawful. He said that the Government should be endeavouring to prevent it, that it should be promoting positive action. In his view, education and promotional action were essential to complement this legislation. I can only say that the Leader of the Opposition did not bother to read the legislation or was deliberately endeavouring to

pervert its intention and meaning. He seemed to find some value in respect of education and promotion in the United Kingdom's Sex Discrimination Bill but if he had bothered to read the measure before the House he would have found that by virtue of clause 128 the Anti-Discrimination Board will have the widest possible powers in respect of education and promotional action. I do not think it would harm honourable members if I took a few moments to draw their attention to this provision. By this clause the board will be empowered for the purpose of eliminating discrimination and promoting equality and equal treatment of all human beings to——

(a) carry out investigations, research and inquiries relating to discrimination;

(b) acquire and disseminate knowledge on all matters relating to the elimination of discrimination and the achievement of equal rights;

What could be wider in its terms in respect of promotion of knowledge and education than the next provision in clause 128:

(c) arrange and co-ordinate consultations, discussions, seminars and conferences;

(d) review, from time to time, the laws of the State;

(e) consult with governmental, business, industrial and community groups and organisations in order to ascertain means of improving services and conditions affecting minority groups and other groups which are the subject of discrimination and inequality;

(f) hold public inquiries; and

(g) develop human rights programmes and policies.

Clause 128 of this bill makes the English provision look like a pale shadow in respect of educational and active promotional programmes in relation to the widening of public knowledge and community involvement in methods to eliminate and diminish levels of discrimination. I can only conclude that honourable members opposite really did not go to the trouble of reading the whole of this legislation but assumed that it was like much of the legislation that they used to bring forward—legislation which, although it affected the community, did not involve the community, did not give the community an opportunity to express their views; legislation which never gave the community the opportunity to participate with the Government and with interested organizations and bodies in the actual formulation of legislation that would find its way on to the statute book.

Perhaps the most extraordinary suggestion during the debate was one made by the Leader of the Opposition that the Opposition strongly opposes clause 118, which places on the respondent to proceedings before the Anti-Discrimination Board the onus of proving that the respondent falls within an exception. I am genuinely surprised that this objection was echoed, though not so enthusiastically but nonetheless just as positively, by the honourable member for Northcott. The legislation provides that certain discrimination is unlawful. It then provides that certain exceptions may be relied upon by respondents. The Leader of the Opposition waxed eloquent on this aspect. He said it was strange for the Labor Party to call upon a person to prove his innocence. The honourable member for Northcott, himself a lawyer, has associated himself with that remark.

Mr McDonald: An eminent lawyer.

Mr WRAN: They are your words.

Mr McDonald: No, yesterday they were used by the Attorney-General.

Mr SPEAKER: Order!

Mr WRAN: The honourable member for Northcott, himself a lawyer, has said that this provision runs counter to the general principles of law. A general principle of law, whether it be in a civil or criminal statute, or whether it be in the common law with civil or criminal connotations, is that a person who relies upon an exception must prove that he falls within that exception. That is an unchallengeable rule of the common law, and it has been enshrined in case after case in England, and later in this country, and it is enshrined in the statute law of New South Wales. For the benefit of the honourable member for Northcott I shall mention some of those statutes. It is enshrined in the Consumer Protection Act, 1969, which was introduced by a Liberal government; the Security Industries Act, also introduced by a Liberal government; the Liquor Act, 1912; the Crimes Act, 1900; and the State Pollution Control Commission Act, 1970, also introduced by a Liberal government. If I might say so again, not only are there innumerable statutes providing that the defendant or respondent to an action who relies upon an exception is called upon to prove that he falls within the exception, but indeed I should have thought that that rule was part of a first-year law student's ABC when it comes to understanding the rights of respective parties to any legal action.

The next matter to which I refer is the attack that was made by the Leader of the Opposition on clause 65. The Leader of the Opposition chose, in my view quite ignorantly or in a misleading way, to construe that provision to mean that all State legislation will be exempt from the bill. Nothing could be further from the truth. What has happened, of course, is that the bill is a long one. It contains 137 clauses. It is pretty obvious that the Leader of the Opposition and the honourable member for Northcott got knocked up when they were about half way through the bill. They did not bother to read the second half of it. If they had bothered to go past clause 65, they would have found that it is necessary to read clauses 129 and 130 together. If that is done, it is seen that there is a code providing that the Anti-Discrimination Board will review legislation. Those two clauses provide that as soon as possible after the day appointed, the board will undertake a review of the legislation of the State and of governmental policies and practices with a view to identifying circumstances where discrimination on a ground referred to in the legislation occurs, in substance or effect, against any person or class of persons, and shall furnish a report of its findings to the Minister within twelve months after that date.

In other words, what is intended is that there shall be an inquiry by the board, not in any haphazard or piecemeal manner, not in any hotch-potch way that could be effected by a piece of legislation, but a complete inquiry into the statutes of New South Wales. It is intended that the board will pinpoint for the benefit of this and successive governments where discrimination exists so that that discrimination can be eliminated. Just as the board will make reports to the Government, so will it assist in building up a total code in respect of discrimination generally. That code will be added to and completed by a review of discriminatory practices and incidents under the statutes of the State.

The measure has been referred to by the Leader of the Opposition as a botch of a bill. I can only say that that is a harsh reflection by the Leader of the Opposition and his colleagues upon the Parliamentary Counsel and his officers. The fact is that those honourable gentlemen have completely misread and misunderstood the purpose of the legislation. Just to take the first point on a specific matter made by the honourable member for Northcott—and I must say that some of his connotations sounded

as though they came straight from *Mein* Kampf—he looked at clause 7, read a few words in it, and something attracted his eye. He then said that that clause, which relates to racial discrimination, will make it unlawful to segregate another person or persons of a different race. He gave as an illustration of how this would operate in the work place and suggested that it would result in people of one ethnic group being segregated from people within their own ethnic group: that Italians would be segregated from Italians, and Greeks from Greeks. He did not mention either race, but that was the thread of his logic.

What the bill is concerned with is that people of one race should not be segregated from people of another race: in other words, that there shall not be segregation in the work place, with all Italians being put in one corner and all Maltese in another, but that in the development of the Australian community of nations we have a proper integration of our ethnic communities in the way in which the ethnic communities themselves desire. I mention that only because it shows a gross misunderstanding of the philosophy behind the bill and of the simple words of the bill in the interpretation accorded it by the honourable member for Northcott.

The final observation in respect of the lack of understanding by members of the Opposition in their curiously denigratory and negative approach to the bill is in respect of clause 56, which deals with discrimination based on age. That clause provides that a person discriminates against another person on the ground of his age if he treats him less favourably than in the same circumstances he treats or would treat a person of a different age. The example that the honourable member for Northcott gave was that of an aged person in a wheelchair coming along and having to be treated on the same basis as an able-bodied person when choosing someone to fill the position of messenger, which would require him to move swiftly on foot about the city. The very reason why that provision is included among the species of discrimination dealt with in part V is that it is part of the bases for reference to the Anti-Discrimination Board so that the simplistic approach and the ridiculous results adumbrated by the honourable member for Northcott cannot come about.

Everyone knows how stupid it would be to have a bill that provided that a person cannot discriminate against another person on the ground of age, so that if an 87-year-old man on a walking stick came along looking for a job as a steeplejack, he would rate equally with a man of 28 years. It is in order that proper tests and criteria can be established, so that such absurdities and ridiculous results can be avoided, that the provision has been drawn in this way. It is quite improper—improper in the sense of misunderstanding the legislation—of the honourable member for Northcott to suggest that the bill will have that effect. It will not have that effect at all.

I should just like to come back to this question of amending the bill. I have already intimated to honourable members opposite that the Government does not intend to accept any amendment to the definitions clause, clause 4. The Leader of the Opposition, who for the first time since question time today is now in the House, made great play of the fact that there is an exception in the bill in relation to membership of registered clubs. It is said that when the bill goes to the Legislative Council tonight, the upper House proposes to move an amendment to exclude clause *68* from the bill.

Sir Eric Willis: Did I say that?

Mr WRAN: I did not say that you said it; I am saying that it is common talk in the corridors of Parliament. I should just like to say to the Leader of the Opposition, who has now come back to the House in good spirits, that the Opposition would be wise to think twice before that amendment is moved—because in that event we may

well be here until Christmas. The Government is not going to brook any mutilation of this measure. We have in it the proper machinery for reference of this legislation to the Anti-Discrimination Board.

There is more than one provision by which the various provisions of the bill and various matters relating to discrimination can be considered. The reason there should be some caution on the part of the Leader of the Opposition in giving his instructions to members of his party in the upper House is that they should understand what they are about when they seek to amend the provisions relating to registered clubs. I propose to tell honourable members the effect of the provision until the Anti-Discrimination Board has an opportunity to look at all its implications. There is a registered club in Sydney called the Queens Club.

Sir Eric Willis: Do you belong to it?

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

Mr WRAN: The Queens Club is composed of women—and women only—of all walks of life. Are the Leader of the Opposition, the honourable member for Northcott and the honourable member for Temora suggesting that the Queens Club should be compelled to admit to its membership men, irrespective of their lack of mutuality of interests and their divisive attitudes on social, economic and other questions? That would be the effect at this stage of eliminating clause 68.

Sir Eric Willis: I am not interested in that.

Mr WRAN: The Leader of the Opposition says that he is not interested in clause 68 and I accept his assurance. I hope that his assurance will be given effect to in the Legislative Council. I assure the Leader of the Opposition that if that turns out not to be so, this bill will keep on going up and down to the Legislative Council until we are in a position to take the next step in relation to that unelected and highly undemocratic Chamber.

[Interruption]

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

Mr WRAN: Before I leave clause 68 I should like to reiterate what I said last night. The implications of this clause will be referred to the Anti-Discrimination Board, and to the extent that a proper mechanism can be devised to take away discrimination in relation to clubs we shall consider the recommendations of that board. At the moment the difficulty is that the very concept of clubs is discriminatory because they involve a certain qualification for membership. Some clubs cater for people of particular ethnic groups; others cater for people of certain sporting interests and aptitude. I am talking now about registered clubs, not the Australian Jockey Club. I am sure that the Leader of the Opposition would not want a change made to the rules of the Australian Jockey Club. I want to make it clear that nothing I am saying here relates to that body, because a person does not need special qualifications to be a member of the Australian Jockey Club. Although we are anxious to remove some of the discriminatory anomalies that exist in relation to clubs, we do not want to remove them at the expense of inconveniencing—and perhaps disturbing—the whole structure of the club movement in New South Wales. If that is the desire of members of the Opposition—if it wishes to pre-empt the Anti-Discrimination Board's recommendations—that is a matter for honourable members opposite.

I propose now to refer to clauses 39 and 40 because in their own way they present problems. They have been touched upon lightly in this debate, but again the corridors buzz with the rumour that these clauses are to be the subject of some attack in the Legislative Council. Clause 39 relates to salaries, wages and other remuneration. Clause 40 relates to superannuation. I repeat what I said last night——

[Znterruption]

Mr SPEAKER: Order! I call the honourable member for Ashfield to order for the first time and the honourable member for Kirribilli to order for the second time.

Mr WRAN: There are discriminatory practices in respect of wages, salaries and superannuation relating to women in the community. The Government intends to remove those anomalies and that discrimination. Superannuation, in particular, is a matter of great complexity which has immediate and long-term economic consequences. All that the Government seeks to do within the parameters of the bill is to have those two questions referred to the Anti-Discrimination Board in order that there may be an in-depth investigation. After that the Parliament can deal with those questions with the benefit of the result of that investigation and the report that will follow consultation, submissions and involvement of interested sections of the community.

Wages and salaries are industrial matters which are already covered by the industrial law. That position is made more complicated by the fact that as we have the dichotomy between State and federal industrial laws, the power of the Anti-Discrimination Board to deal with wages and salaries or discriminations in regard %heretomay well be needed. I should prefer to have legislation which is of permanent and lasting effect rather than to have a quick bite at the cherry, as has been suggested in relation to those two particular species of discrimination.

Mr Cameron: Will you give that assurance?

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

Mr Cameron: Can you assure us, Mr Premier——

Mr SPEAKER: Order! I call the honourable member for Northcott to order for the third time.

Mr WRAN: The position is that the Government recognizes the bill as a beginning in this important social field. The beginning is an important one. We know that it will not satisfy every need, but it provides the mechanism for such needs to be fulfilled. The bill puts an emphasis on conciliation and arbitration. It provides initiatives for promotion. It is true that at the same time it provides sanctions. It provides the first chance in New South Wales for government involvement and community participation for all citizens to achieve or experience equal opportunities.

Mr Webster: Like your rates bill——

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

Mr WRAN: Because we are all born equal, that does not mean we are all born identical—far from it. But there are still many discriminatory practices that need to be outlawed. I may say we do not expect a spate of complaints. The very fact that there is a Counsellor for Equal Opportunities and an Anti-Discrimination Board, plus the fact that there is a process of compromise coupled with a process of sanction,

will be enough substantially to discourage discrimination in the community. I make it clear that the Government proposes over the next twelve months to observe closely the operations of the two bodies that the bill proposes to set up, that is the Counsellor for Equal Opportunities and the Anti-Discrimination Board, and it proposes to have the implications of clauses 33, 39, 40 and 68 referred to the board and dealt with within twelve months after it is constituted. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clause 4

[Interpretation]

Mr CAMERON: Mr Chairman ——

Mr FLAHERTY (Granville), Government Whip [8.24]: I move:

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

The Committee divided.

Ayes, 48

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

Noes, 48

Mr Arblaster	Mr Cowan	Mr Healey
Mr Barraclough	Mr Darby	Mr Jackett
Mr Boyd	Mr Dowd	Mr Leitch
Mr Brewer	Mr Doyle	Mr McDonald
Mr Brown	Mr Duncan	Mr McGinty
Mr Bruxner	Mr Fischer	Mr Mackie
Mr Cameron	Mr Fisher	Mr Maddison
Mr Caterson	Mr Freudenstein	Mr Mason
Mr J. A. Clough	Mr Griffith	Mrs Meillon
Mr Coleman	Mr Hatton	Mr Morris

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

The CHAIRMAN: The numbers being equal, I give my casting vote with the ayes and declare the question to be resolved in the affirmative.

Mr Webster: Put it in the hands of the public.

The CHAIRMAN: Order! I call the honourable member for Pittwater to order for the first time. It being after the time specified under standing order 175B for the completion of the second reading, Committee and report stages and adoption of report——

Mr Webster: Where is democracy?

The CHAIRMAN: Order! I call the honourable member for Pittwater to order for the second time. The question now is, That clause 4 stand part of the bill. All those in favour say aye, to the contrary no. I think the ayes have it.

Clause agreed to.

The CHAIRMAN: The question now is, That clauses 5 to 137 stand part of the bill.

Mr Webster: Parliament is a farce.

The CHAIRMAN: Order! I call the honourable member for Pittwater to order for the third time.

Question—That the clauses stand—put.

The Committee divided.

Ayes, 49

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

Noes, 47

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

Question so resolved in the affirmative.

Clauses agreed to.

Report Received

Bill reported from Committee without amendment.

Adoption of Report

Question—That the report be now adopted—put.

The House divided.

Ayes, 49

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

Noes, 47

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

Question so resolved in the affirmative.

Report adopted.

Third Reading

Mr WRAN (Bass Hill), Premier [8.40]: Mr Speaker, in view of the urgent need to have this bill forwarded to the Legislative Council, I ask you to permit the third reading to be taken forthwith.

[Interruption]

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

Sir Eric Willis: On a point of order. I wonder whether you can ask the Premier to explain to the House what——

Mr SPEAKER: Order! The Leader of the Opposition is being frivolous in the point of order that he has taken. Consent is granted.

Mr WRAN: I move:

That this bill be now read a third time.

Mr SPEAKER: I have a certificate under Standing Order 281 that the bill is in accordance with the bill agreed to in Committee and reported. The question is, That this bill be now read a third time.

Motion agreed to.

Bill read a third time.

BILLS RETURNED

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

Consumer Claims Tribunals (Amendment) Bill
Ethnic Affairs Commission Bill
Loan Fund Companies Bill
Police Regulation (Amendment) Bill
Police Regulation (Appeals) Amendment Bill

STAMP DUTIES (AMENDMENT) BILL

Second Reading

Debate resumed (from 17th November, *vide* page 3114) on motion by Mr F. J. Walker on behalf of Mr Renshaw:

That this bill be now read a second time.

Mr MADDISON (Ku-ring-gai), Deputy Leader of the Opposition [8.45]: This gag-and-guillotine Government excelled itself with the previous measure. Apparently on this important measure, which will have serious economic effects on the State of New South Wales, it will act in somewhat the same manner. I have been told that we have an hour to debate this most important bill which affects many people in the community. As I said a moment ago, it will have dire economic consequences for the State of New South Wales. Let me make it quite clear that there can be no argument whatsoever that the political parties are agreed that death duties on an estate passing from a husband or wife to the surviving spouse should be abolished.

Mr Day: You did not say that when you were in office.

Mr SPEAKER: Order!

Mr MADDISON: The facts of the matter are well known. Both political parties went to the general elections with the same promise that death duties in those circumstances would be abolished. Schedule 1 of the bill will achieve this, but not completely as I shall show later. The Opposition, however, condemns the Government for the delay of over 6 months in introducing this exemption. Many surviving spouses have suffered duty imposts while the Government has bumbled around drawing up its complex, harsh and controversial provisions contained in schedule 2 which are designed, so the Government says, to close so-called gaps in the death duty law. Quite properly, many ordinary citizens have arranged their affairs within the law to avoid the harsh incidence of death duty. Let me make it clear that such arrangements are within the law and have been recognized by the courts since death duties were first introduced. But the Government has been so intent on trying to pick up all arrangements that death duty relief to surviving spouses has been unmercifully delayed. The bill provides that exemption will apply only in respect of the estate of a spouse who dies on or after the date of assent to the bill which presumably will be some time in December. To effect such a change would have required a relatively simple piece of legislation introduced perhaps at or about the same time as the Government introduced its legislation to increase motor vehicle registration charges in October. Indeed, it could have provided this much-needed relief from death duty earlier still, in August or September. The public itself will be the judge of whether the Government acted efficiently and expeditiously in this matter. The Attorney-General in his second-reading speech said

that the change in the law in relation to the surviving spouse is to apply to all property which passes under a will or under an intestacy. He went on: "It will also cover what is known as notional property". The Law Society of New South Wales taxation committee has told me, and has also told the Attorney-General, that it disagrees with his statement, and with this I agree.

Certainly the bill is not as comprehensive in schedule 1 as it was claimed to be. What does the Attorney-General propose to do about it? Presumably, nothing. Amendments that he has circulated this evening do not touch this matter. I have prepared an amendment that I have circulated, and if the Government permits and does not apply the guillotine I shall move it in Committee. The relevant law in relation to notional property is to be found in subsection 2 (b) of section 102. Included in the dutiable estate is any property comprised in any gift made by the deceased within three years prior to death. If the subject of the gift is from spouse to spouse and the recipient sells or exchanges the gift, it cannot be said with certainty that that is property which is vested in the surviving spouse at the date of death of the deceased donor. It appears that the vesting in the donee will have taken place not at the date of death but well prior to death. It will be noted that schedule 1 inserts a new subsection (6) into section 101 D of the Act. I refer particularly to subclause (a) (ii), which provides that no death duty is payable on property which "is vested in or passes to the widow or widower of the deceased". A gift which has been dealt with as I have said is not vested in the donee at date of death and the amendment that I propose to move in Committee makes it clear that in those circumstances the gift will not be included in the dutiable estate. Further doubts have arisen as to whether the item in the schedule excludes property which passes to a spouse being a joint tenant with the deceased. This has also been put beyond doubt by the amendment that I have circulated.

Two further difficulties have arisen as to whether or not the amendment in the bill catches for duty money payable to a widow or widower under a policy of assurance on the life of the deceased spouse which would at the moment be caught for duty under section 102 (a) (h). Similarly, a doubt has been expressed as to whether there is caught for duty a benefit that accrues to a widow or widower of the deceased or an amount of money paid or payable to such widow or widower on or after the death of the deceased as is at present provided under section 102 (2) (n). I have also included a clearing up provision in the amendment that I propose to move in order to put these matters beyond doubt. Schedule 1 is a most important one in that it provides exemption from duty of property passing from husband or wife to a surviving spouse.

It is quite clear that the Attorney-General gave a categorical assurance that the amendments contained in this bill would give complete protection from death duty where property passed to a spouse. I am suggesting that, on the present state of the law, if his assurance is to be given full effect, it will be necessary for the amendments I have circulated to be included in the measure. If the price the community has to pay for the removal of death duty on estates passing from spouse to spouse is the acceptance of the devasting provisions in schedule 2, the price is too high. The State and its citizens just cannot afford the consequences that will flow from these authoritarian, reckless, oppressive, and complex measures ostensibly designed to catch up with citizens who have already organized their affairs within the law and with those who wish to organize their affairs within the law in the future to reduce to a minimum the effect of death duties for the benefit of their spouses and their families.

In the guise of closing loopholes in the death duties law from which it is said that only the wealthy are benefiting, the Government proposes a new law that will have the following effects. First, the net cast by the bill will be so tight that many

bona fide, private, family trading companies formed, for example, simply between husband and wife and perhaps working children, will be caught up even though the only purpose of forming the company was to benefit from limited liability. One has to look only at small businesses organized on a private company basis in trade commerce, on the land, or in industry, to see that the bill in this respect will present some real problems to those private companies. The same law will catch up within its tentacles a private company that consists of five or fewer independent persons—five persons not related in any way by birth or marriage—even though the company had been formed as a bona fide business or commercial activity and not designed in any way to prevent the incidence of death duties payable by individual members of the company. The consequences are that business expansion and development in this State through the limited liability company of the small private sort will be impeded. The whole of the State's economy will suffer. The work force of the State will lose job opportunities. However, as the taxation committee of the New South Wales Law Society has pointed out to both the Attorney-General and the members of the Opposition, the effects on business activity from this legislation will go even further. The committee in its submission said:

> In the legislation as drafted it draws within the net persons who are only artificially deemed to be the controllers——

That is, of controlled companies, a new concept introduced into the legislation:

> ——and does not have that real, open or hidden control at which the legislation is primarily striking. This will cause unnecessary complication, expense and delay and render it difficult for families to obtain the benefits of genuine outside directors, or services of genuine nominee shareholders in proper circumstances. To this extent it would appear to impede the proper conduct of business in New South Wales to an extent considerably exceeding what is necessary to properly protect against undesirable avoidance of death duty. The above objections also have serious foreign investment implioations.
>
> The amendments seek to operate, after all, on companies which may have their head office and majority beneficial control abroad, and which may be incorporated outside this State. Any link of a controlled company with New South Wales may be quite tenuous.

Here is an objective statement of the effects of the legislation indicating that the development of the State will suffer and that the cost of these amendments is too high for the State to bear.

Mr F. J. Walker: The same laws have applied in Victoria for fourteen years.

Mr MADDISON: That is not right, and the Attorney-General knows it is not right. It the Attorney-General has been told that, he has been misinformed.

Mr F. J. Walker: I can read.

Mr MADDISON: The Attorney-General is not reading correctly. The second effect of the legislation flows from the fact that Queensland has now abolished all death duties, and that law will have effect from 1st January next, contrary to the view expressed by the honourable member for Hurstville by way of interjection at the introductory stage. A death duty haven has thus been created in Queensland. Clearly this legislation will drive investment out of New South Wales, and certainly will drive people out of this State. The main beneficiary from the legislation will be the State of Queensland. Growth in New South Wales, so essential for job opportunities in the current economic climate, will suffer as a result of the flow away of

large investment resources. The New South Wales community will suffer. I said at the introductory stage of the bill that once Queensland had abolished all death duties, as it has done, no State, not even New South Wales, could afford to stand back and not follow suit—but I shall say more about that later.

The third effect of the legislation will be that despite the tortuous and circuitous provisions contained in clause 2 of the bill, gaps or loopholes in the law on death duties will still remain. Thus, as I said a few moments ago, although in many respect the net has been drawn too tight, in other respects it is too loose and seems clear on advice given to us by a leading Queen's counsel who practices in this field that it will still be possible to appoint executors in Queensland, and to take advantage of the decision in Finlayson's case, thus avoiding death duty. On that basis the State must inevitably suffer. The present economic climate in New South Wales is such—and I cannot overemphasize this point—that this is an ill-chosen time indeed to cause people to arrange or rearrange their affairs and thus distract concentration from the vital task of achieving productivity and the job opportunities that only greater productivity can create.

The fourth effect of the legislation will be to provide a bonanza for the legal profession and for the accountancy profession. The proposed law is highly complex. Indeed, I doubt whether in my time in this Parliament I have seen a law drawn so confusedly and in such a complex way. A Queen's counsel, who was approached last week to advise on the bill, has stated that it would take at least a week full time to give close consideration to its full implications. Remember, the bill was given its first reading on Tuesday, 16th November, which was yesterday week. The bill itself became available on Wednesday, 17th November, a mere week ago. It is now being rushed through the House under a guillotine notice to expire at 8 p.m. We have passed that time and the Attorney-General has been gracious enough to give honourable members an hour in which to debate this important matter. What a way to treat a bill with such wide-ranging and devastating implications for this State.

The bill will open a Pandora's box for the legal and accountancy advisers, and hundreds of thousands of dollars will be spent by the community in obtaining legal advice about existing schemes, and about what they should do in view of the legal implications of many of what otherwise would have been straightforward commercial and business transactions that in normal circumstances could not be regarded as in any way sinister or seeking to avoid the incidence of death duties. Be that as it may, legal and accountancy advice will now be an absolute necessity in even the simplest transaction. Because of the adverse effects of schedule 2 of the bill on the State of New South Wales, the Opposition will not have a bar of that schedule.

I now turn to some of the most objectionable features of schedule 2 to show the oppression that the Government will create if allowed to go on its way unimpeded. Time will not permit an exhaustive clause-by-clause survey of this measure but I propose to show the House how, if it passes this bill, it will be completely abdicating its role as a responsible legislature. Never before have I seen a law which vests in a statutory authority—in this case the Commissioner of Stamp Duties—such discretion to determine adversely to the citizen the question whether a disposition or arrangement is caught up in monetary imposts or penal sanctions. But it is not merely a discretion.

The words used time and time again are absolute discretion—the phrase is used no fewer than nine times in the bill. Other sections of the Stamp Duties Act contain a reference to the commissioner's discretion, but in this bill there has been imported a spanking new phrase to the law—absolute discretion. No reference in any

other legislation in Australia or in England can be found to this phrase. There must be a strong presumption that the draftsman intended to achieve an additional meaning by the use of the words absolute discretion.

Mr F. J. Walker: Precisely.

Mr MADDISON: One logical meaning is that the determination of the commissioner is not subject to review by the court. The Minister says precisely.

Mr F. J. Walker: I did not say precisely to your last remark.

Mr MADDISON: It is clear that absolute discretion has a sinister connotation in the sense in which it is used so many times in the bill. I would argue that such a concept is untenable and quite unacceptable, indeed quite contrary to the principles of natural justice in that decisions of the commissioner should be reviewable by the court. Time and time again, the bill provides either no criteria or inadequate criteria on which the commissioner is required to base his determination. Policy, therefore, is not spelled out in the bill but left to the commissioner. Remember, too, that it will obviously be not the commissioner personally who will make the decision in each and every case. Officers down the line will be making decisions in his name. The concept of absolute discretion is totally unacceptable and the phrase should be withdrawn wherever it appears in the bill.

I turn now to another provision that is obnoxious and relates to new found powers for the commissioner. I refer to proposed new section 137 of the Act. This is equivalent to the notorious section 260 of the Commonwealth Income Tax Assessment Act, which has been the subject of confrontations between taxpayer and the Income Tax Commissioner that are too numerous to mention and the subject of continuous, long and expensive litigation over a long time. Proposed new section 137 really has to be read in its entirety to recognize and appreciate its enormity, and I want to read it because it is important that it be drawn to the attention of honourable members. It provides:

> 137. (1) Every contract, agreement or arrangement made or entered into orally or in writing whether on, before or after the date of assent to the Stamp Duties (Amendment) Act, 1976, so far as it has or purports to have the purpose or effect of in any way directly or indirectly—
>
> (a) relieving any person from liability to pay any death duty or file any statement;
>
> (b) defeating, evading or avoiding any death duty or liability imposed on any person by this Act;
>
> (c) affecting the value of any property which forms or is deemed to form part of the dutiable estate of any person under this Act; or
>
> (d) preventing the operation of Part IV or V in any respect,
>
> shall be absolutely void for the purposes of this Act or in regard to any proceedings under this Act but without prejudice to such validity as it may have in any other respect or for any other purpose.
>
> (2) Where under subsection (1) a contract, agreement or arrangement is avoided, the property the subject-matter of the contract, agreement or arrangement shall be deemed to form part of the dutiable estate of the deceased person.

Honourable members will note that the first subsection of proposed new section 137 provides that any contract agreement or arrangement—oral or written—is to be caught,

whether it is entered into before or after the date of assent to this bill. Therefore it has a retrospective operation which needs to be looked at very closely when one comes to importing into the law provisions affecting people in regard to their past affairs or arrangements.

It is a bit like saying now that the new speed limit is 30 miles an hour and has operated for the past twelve months, so that everybody who has exceeded the existing speed limit of 35 miles an hour should be brought before the court. The provision is objectionable in that respect; it is a catch-all provision similar to section 260 of the Income Tax Assessment Act. Like that section, it will lead to drawn-out disputation in the courts, and all this at a time when death duties are to be abolished completely in Queensland from 1st January next. What fool is going to subject himself to the problem which this provision poses for his family? This provision should certainly go.

If schedule 2 were to give effect to the major schemes of death duty avoidance and nothing further, it would be a different proposition. By major schemes I refer to option schemes and those commonly referred to as Gorton-type and Robertson-type schemes. To give effect to this proposition it would be sufficient if virtually all that remained of schedule 2 were the concepts in the new subsections 11, 12, 13 and 14 of section 100 of the **Ad.** Consequential amendments would be required in the definition section and no time has been allowed to ensure the effectiveness of such amendments. Central to the provisions of schedule 2 are new concepts to New South Wales law. I refer to the definition of controlled company, associate, associated operation, and the widened definition of disposition of property. Controlled company in relation to a disposition of property includes a corporation which, on before or after the date of assent, is under the control of not more than five persons. It does not include a corporation listed on the stock exchange or a corporation in which the public is substantially interested.

The bill provides that a corporation shall be deemed to be under the control of not more than five persons if certain criteria exist. One of the criteria is if five or fewer persons together possess, or possess a right the exercise of which directly or indirectly enables them to acquire, the majority of the voting power in relation to any matter at a general meeting of the corporation. ***Prima*** *facie*, in a five-shareholder private company with each shareholder being unrelated to any of the others, all would find themselves in a controlled corporation.

In the bill, associate by definition in relation to a controlled company means, among others, a director or member of that company. When one looks at the definition of disposition of property one finds a much expanded definition which includes a conveyance, transfer, assignment, mortgage, delivery, payment or other alienation of property. Any disposition of property is caught by the definition, whether made before or after the date of assent to the bill.

When one looks at new subsection (19) of section 100 of the principal Act one gets some perspective of the extent to which this new law applies. Subsection (19) provides that where a person dies and within three years before his death he was an associate of a controlled company who by the constitution of that company has either alone or together with any other person or persons a right to appoint or remove any director of that company, or a right to veto or vary a decision at any meeting of or in relation to that company, his estate is at risk in respect of any disposition of property made by that company. The risk to his estate is that the deceased will be deemed to be possessed of an interest in the company, and that interest is deemed to be property of which he shall be deemed to have made a disposition. The bill is full of

deeming provisions which refers to the onus of proof on the commissioner in a way that the Liberal Party has criticized in other legislation up hill and down dale, because of the way in which the onus of proof has been reversed.

Subsection (19) goes on to deem the value of the property in the disposition to be an amount equal to the net value of the assets of the company. That is the net value of the total assets of the company, irrespective of what the interests of the shareholder or the controller or the associate is in that company. This provision goes back to my statement earlier, that this law extends far beyond catching up with company schemes devised to avoid death duties. It means that an associate in a five-member company being a private trading company who holds one of five ordinary shares, being the total issued capital, can be held to be able to combine with two other directors or shareholders and using their three votes in total remove a director. Thus, such an associate is at risk if he dies within three years of his being an associate with a controlled company which has at any time made a disposition as defined.

If one looks at new subsection (21), a further deeming provision is provided. It deems a disposition of property under that subsection to be made without consideration. An absolute discretion is given to the commissioner here to determine that it would not be just and reasonable to regard the disposition as having been made without consideration. Certain factors are set out to which the commissioner must have regard. The last paragraph of subsection (21), paragraph (d), provides that the commissioner may have regard—and wait for it—to any other matters that he thinks relevant.

It is within the commissioner's absolute discretion to take such action as he thinks relevant. That view is not examinable by a court because of the use of the phrase, absolute discretion. As the Law Society taxation committee said to the Attorney-General and to the Opposition in the submission to which I referred earlier:

> It is believed that this will include every shareholder in the company as an associate even though that shareholder may not have any real and substantial control over the company and its affairs and it is further believed that this result may not have been intended and that if it was intended that it is an unreasonable result.

That is a view expressed by the taxation committee of the Law Society as to the effect of this concept of a controlled company and associate as a result of this legislation. Undoubtedly this is certainly going too far and has ramifications for the New South Wales community which I believe are not warranted by the Government's stated intentions as to the purpose of schedule 2.

As I have said repeatedly during these remarks, time will not permit me to canvass all the extravagances and complexities of schedule 2. Might I however draw attention to subsection (3) of proposed new section 120A which creates in certain circumstances a floating charge in priority to all other charges on the New South Wales assets owned by a controlled company in respect of death duty payable by an associate of such company where such company has made a disposition of property. The effects of this floating charge provision on financing arrangements for private companies are hard to predict, but it places on finance institutions a heavy onus in making financial provisions for proprietary companies. If the full force and effect of that clause is to take priority over all other charges in respect of the company assets, it is a monstrous provision to suddenly foist on to the business and commercial community of this State. Business in New South Wales could well be inhibited by this provision.

The task of drawing up meaningful and effective amendments to schedule 2 is enormous and has proved impossible in the short time of a week since this bill came to light. The Opposition therefore is unable to advance amendments to bring some reality, sanity and, indeed, justice, to schedule 2. Regrettably it has no alternative other than to vote against the schedule. Undoubtedly, this is an important matter and regrettably one finds benefits in schedule 1 and restictive and obnoxious provisions in schedule 2 which go far beyond those necessary and reasonable. More particularly is it unfortunate to have schedule 2 in the bill because of the consequences for the State of New South Wales itself and more particularly because of the death duty haven now created in Queensland.

Why, in the name of goodness, did this Government not bring forward a single piece of legislation to give death duty relief on estates passing between spouses? This could have been done much earlier in the year, thus giving relief to people who have suffered death duty imposts which have come about as a result of the Government's gross negligence in the delay that has preceeded the introduction of this bill. If that legislation had been kept separate from this obnoxious schedule 2, clearly there could not have been any problem. There are substantial problems the way this bill has been drawn.

The Opposition parties have concluded that schedule 2 is a monumental exercise in futility and that the only way to restore the balance in this State is to remove death duties altogether. The Liberal and Country parties therefore undertake that within their first term on return to government they will abolish all death duties in this State. This is a decision that has been made rationally and in the cool light of what this bill will do to the economy of New South Wales. It has been brought to light as a result of the deliberate decision of the Queensland Government to remove all death duties in that State from first January next. There is no alternative left to any government in New South Wales, if it wishes to retain the State's economic stability, its investment capacity and its commercial and industrial capacity, with all that that means in increased job opportunities. Indeed, if the State wishes to retain its people, it must act to remove all death duties from the statute book. The abolition of all death duties in Queensland requires a reappraisal of the situation here. I am delighted to be able to inform the House and the public at large that the Liberal and Country parties, in their first term after re-election to government, will abolish all death duties in this State. The Opposition does not intend to oppose the second reading of this bill but will oppose schedule 2 because it has been unable at this point of time to devise satisfactory amendments to it.

Mr PUNCH (Gloucester), Leader of the Country Party [9.18]: I appreciate the opportunity to support the Deputy Leader of the Opposition tonight on this vital measure. It is a tremendous indictment on the Government of this State that it should indicate to the Opposition, by the form of the guillotine, that honourable members have one hour to debate this most complicated and vital measure. Immediately preceeding this debate we saw the Premier prancing around like a ballerina taking just under an hour to reply to a less important bill—but still an important one. This complicated bill is vital to the whole future of the people, to industry in New South Wales and to employment. The Attorney-General sneers and laughs. He is not really interested in reducing unemployment. He is not worried if people go to another State. Providing that the amendment indicated by the Deputy Leader of the Opposition is made, the Opposition agrees with the spouse-to-spouse provisions. The other portion of the bill is disastrous in the extreme. It is a total fraud.

Mr F. J. Walker: It will cost the honourable member a quid.

Mr PUNCH: I do not know that. The Minister should tell me if it will. The bill is a great fraud on the public. It will cause hardship, increase unemployment and result in loss of business to New South Wales. The measure is vindictive, regressive and objectionable and it is communist legislation. Even in Russia today they accept the concept of inheritance. The one aim of the Attorney-General in this bill is to stop inheritances and I shall show the House why. The honourable member for Murrumbidgee might not laugh so much when he informs his constituents what the bill will do to them. It will affect all business people, including the private business of the honourable member for Murrumbidgee.

I am the first to admit that I am far removed from being a lawyer. I do not wish to compete in the field of law with the Attorney-General or with the Deputy Leader of the Opposition. I am not competent to debate points of law with them. Nevertheless I am a realist and a practical person who tries to be objective and constructive. This bill is dynamite. A few days ago when I was at a function I was speaking to the managing director of a big New South Wales business. His first comments to me were, "Do you fellows realize the implications of the Stamp Duties (Amendment) Bill?" I said, "Yes." He said: "That is the end of my business and of my 1500 employees in New South Wales. I am off to another State. There is no way I shall stay here." The Attorney-General may laugh—that is typical of his attitude.

[*Interruption*]

Mr SPEAKER: Order! There is far too much interjection from both sides of the House. This afternoon I gave a stern warning that any time I call for order it applies to those honourable members who are contributing to the disorder at the time, even though I do not mention them by name. I give a further warning to honourable members on both sides of the House that they may lose some of their number if they continue to behave in the manner in which they are behaving at present.

Mr PUNCH: I spoke also to a solicitor who had studied the bill. He commented to me, "I have five years' work without doing anything else but interpreting the bill and carrying out remedial or other work resulting from the complexities of the bill and its bad drafting." I shall refer later to the bad drafting. I have spoken to leaders of primary industry in New South Wales. They have telephoned me expressing their grave concern that the bill may well sound the death knell of a large section of primary industry and wreck many people in the State. It will wreck employers and their employees, whether they be in business, on the land or engaged in any other activity. The measure will cause tremendous unemployment and loss of business to New South Wales.

I said earlier that the Opposition supports the concept of the spouse-to-spouse provision. It is overdue and will relieve a lot of the worry and anxiety suffered by many people. It is not satisfactory for the Government to introduce these concessions and at the same time introduce these new, harsh measures. Is there anything wrong with families wishing their sons or daughters to receive an inheritance? There are many genuine family companies who wish their family members to receive the estate or a business. Is there anything wrong in a family wishing to set up in business a son or a daughter? These are the people who will be penalized by the bill. Many family companies are not established for the purpose of avoiding tax and duty. They are established in accordance with the present law. The family company arrangements are perfectly reasonable, sensible and lawful. Most such arrangements have been entered into in good faith.

I observe that the Attorney-General is smiling. I wonder whether during the time he was practising in the law he was a member of a legal firm that had a shell company. Many reputable legal firms are involved with shell companies. I instance the sale by a solicitor of a shell company to a person who pays a lot of money into it and expands it into a big business. If the solicitor who sold that company dies within three years his estate is assessed on the total value of the company that he has sold, even if it by then has acquired large assets—subject to the discretion of the commissioner. Can that be regarded as fair, reasonable or sensible?

Mr F. J. Walker: You are a bush lawyer.

Mr PUNCH: I may be a bush lawyer but I am telling you something that you would not understand. The Minister does not understand the bill and that is why he is trying to push it through the House. I ask the House to consider the position of primary industries in New South Wales. The bill is vital as far as any property passing from one generation to another is concerned. If the measure is accepted, it will virtually kill that procedure. If there is no family company, the payment of huge probate will mean that no estate will be left after more than one or two generations. If a property is held by a husband, wife and two children, be they two sons or a son and a daughter, and a family company is formed, if one of the children is killed in, say, a car accident, his estate is assessed on the total value of the property, even though he might only have a small share in it, subject to the commissioner's discretion.

Mr F. J. Walker: That is nonsense.

Mr PUNCH: It is not nonsense.

Mr F. J. Walker: It is.

Mr SPEAKER: Order! The Attorney-General will have a right of reply and I ask him to refrain from interjecting while the honourable member for Gloucester is speaking.

Mr PUNCH: I suggest that the Attorney-General speak to his advisers about the bill. He is not too clued up on it. I give the House another example. If two brothers in partnership conduct businesses on adjoining properties, whether they be commercial or pastoral businesses—and I take pastoral businesses—and if one brother dies his estate is assessed on the total size of the properties. I observe the Attorney-General shaking his head. I add that it is subject only to the discretion of the Commissioner for Stamp Duties. I shall refer later to that discretion and how vital it is. I refer now to a family company that is taken over by another company. The honourable member for Murrumbidgee may have his own business in a small family company.

Mr Gordon: I am too smart for that.

Mr PUNCH: Well, take somebody with a bit of sense who has a small family company that was taken over by a public or a private company and expanded. If any member of the original family company dies within three years, duty would be payable on the whole estate, subject again to the absolute discretion of the commissioner. Over a period of three years, eight or ten members of an enlarged family company may die. An assessment is then made each time on the total value of the estate. That is not fair. I shall give the House some other examples that show the stupidity of the Attorney-General and of the Government in bringing forward a measure of this type.

By virtue of proposed subsection 19, upon the death of any shareholder, whether holding beneficially or as nominee, in virtually any unlisted company, the net assets of the company will be included in his dutiable estate, unless the commissioner exercises

a discretion in his favour. Take a director of a company or shareholder of a company who has even one share in a company that is owned and controlled by another person. Although the director or shareholder may be a non-resident of this State, upon the death of the director or shareholder, the net assets of the company will, unless the commissioner otherwise determines, be included in the dutiable estate of the director or shareholder. How far need one go with such examples?

The directors of a private company may declare interim dividends. Many years later the company may be taken over by a public company and the directors die within three years of the take-over. The amount of those dividends is included in the dutiable estate of each of the directors, unless the commissioner otherwise exercises his discretion, and the duty constitutes a floating charge over the assets of the company, which can be sued for the payment of the amount of the duty. These examples indicate the extraordinary problems that will be met by any person or company wishing to acquire shares in a proprietary company. In fact, it will be impossible for the purchasers to be properly protected, as not only will inquiry have to be made of charges and liability arising as a result of the death of each deceased former director or shareholder, but also the effect of the deaths within three years of all persons living at the date of the take-over, who at any time since the incorporation of the company were direotors or shareholders of the company, must also be examined.

These are not legal problems, they are human problems. They will kill business enterprise in New South Wales. They will kill the intentions of people to direct companies or to hold shares in companies. These measures will cause the greatest outflow of funds to Queensland ever envisaged in anyone's wildest dreams. The bill may be traced back to the Labor Party's policy of destroying inheritability. It will have far-reaching effects because of its retrospectivity. The Deputy Leader of the Opposition gave some figures, but I shall not go through them in detail. Subsection (1) of proposed new section 137 provides:

> Every contract, agreement or arrangement made or entered into orally or in writing whether on, before or after the date of assent to the Stamp Duties (Amendment) Act, 1976, so far as it has or purports to have the purpose or effect of in any way directly or indirectly—
>
> (a) relieving any person from liability to pay any death duty or file any statement;
>
> (b) defeating, evading or avoiding any death duty or liability imposed on any person by this Act;
>
> (c) affecting the value of any property which forms or is deemed to form part of the dutiable estate of any person under this Act; or
>
> (d) preventing the operation of Part IV or V in any respect,
>
> shall be absolutely void for the purposes of this Act or in regard to any proceedings under this Act but without prejudice to such validity as it may have in any other respect or for any other purpose.

That provision will cover any person who may have made any gift at any time in his lifetime. Consider the provision relating to transmogrification. When this was explained to me, it rocked me that in these times such a measure could be included in legislation. It shows clearly the mentality of the Government that has introduced it. Transmogrification relates to the change in character of an asset that may have previously been the subject of a gift. For example, thirty or forty years ago a father may have given his son a property, either in the country or the city, worth £1,000. Forty years ago a good property could be bought for that figure. Let us assume that the

property is now worth $100,000. Say that the father is still alive and is perhaps a pensioner. If he derived any benefit from that land within three years of death, if he has agisted stock on it, when he, the donor, dies, the whole value of the property is included in his estate.

Mr F. J. Walker: That is the present law today.

Mr PUNCH: That will be the law under the provisions of this bill. It is not the present situation of the donor of the property. If a man sets up his son in a plumbing business and the business expands into a huge concern, though the father dies as a retired pensioner, if he had received any benfit from that business—even the mere repair by the son of pipes in the house—the whole value of the business will be included in the father's estate, subject to the commissioner's discretion. If over a period of years a son buys a house from his father and the father continues to live in it, when the father dies the whole value of the house is included in the father's estate. This is not uncommon. Some members of this House could have bought a house in these circumstances.

If that is a fair indication of what the bill will do, I do not know what the Attorney-General and the Government are looking for. Under all these schemes the people involved may have acted quite legally and reasonably, having paid duty and carried out reasonable estate planning, but under this bill all that planning will be wiped out completely by schedule 2 of the bill. This terribly savage, complex bill is shockingly drafted. All the eminent legal men who have looked at it in the past few days have been staggered by its complexity and bad drafting. One man with many years experience in this field of the law said that it would take him three weeks to understand the bill properly, and it would take years of litigation before its provisions were understood.

I have one other point to make in regard to the Commissioner of Stamp Duties. This bill places on him a most unreasonable burden and an extraordinary discretion and should not be imposed on any public servant. I believe that no stamp commissioner would wish to have it placed upon him. The New South Wales Commissioner of Stamp Duties is a most able and capable person, a dedicated officer. I do not believe he would want this burden placed upon his shoulders; he would not want the absolute discretion to make those decisions. This bill will make him the most powerful man in this State. There is no provision for absolute discretion like this in Australia or any other country. There is no measure like this in any other State, including Victoria. I suggest that the Attorney-General speak to someone versed in Victorian law and learn something about it. Once again he is wrong.

Staggering powers are to be given to the Commissioner of Stamp Duties. There will be no right of appeal against the commissioner's decision on matters such as double duty, notification of detail, inclusion of assets, retrospectivity or transmodification. As the Deputy Leader of the Opposition intimated, the Liberal-Country party coalition intends, in the first Parliament after its re-election, which will certainly be at the next elections, to eliminate death duties completely in this State. We must do it. With the situation as it is in Queensland, we believe that it should be done. We believe that perhaps we erred in not doing it before. Now, particularly in view of the situation since Queensland abolished death duties, if death duties are not abolished in New South Wales, who will retire to Tweed Heads when a person can go a mile over the border and be free of duty?

Tweed Heads is one of the most beautiful places in the State, and the same can be said about the whole of the North Coast. There will be an exodus of people, and of businesses particularly, from the North Coast to Queensland to take advantage

of the abolition of death duties in that State. The Opposition cannot support such a regressive measure. The bill is a monstrosity and contrary to any democratic action that one might expect from a parliament in Australia. Perhaps we are expecting the wrong things from the Government of New South Wales. The bill is clearly the work of a dispossessed fanatic and radical socialist. It must be amended, and by that I mean schedule 2 must be thrown out. For that reason we shall vote against it in Committee.

Mr F. J. WALKER (Georges River), Attorney-General [9.42], in reply: I remind the House that the Premier in his successful policy speech made two promises about death duties. One was to abolish death duties between surviving spouses and the other was to close the loophole disclosed by the Gorton and Robertson schemes.

Mr McGinty: Was that in the Premier's policy speech?

Mr F. J. WALKER: Yes. The Premier made it perfectly clear that that was the position when he was asked on a television programme how he intended to fund these promises. He said he would close the gaps disclosed by the Gorton and Robertson schemes. The Leader of the Opposition challenged the Premier, saying that he would not get enough from closing those gaps to fund his promises. Therefore, the members of the Opposition cannot say that the bill is not precisely in a form designed to honour the promises made to the people, and if the members of the Opposition vote against the measure they will be voting against a money bill. If the members of the Opposition in another place vote against it they will be voting directly against government policy announced at the time of the election.

I make one other comment about the absurd statement by the Leader of the Country Party. Talk about a bush lawyer. He called this communist legislation. In fact it has been taken almost in its entirety from a Victorian statute that has existed since 1962.

Mr Punch: That is not right.

Mr F. J. WALKER: The Victorians found an effective way of closing these gaps, though not completely. We have put a slight gloss on what they did to make sure that more cases are caught up. The position is that the Victorians in their death duty legislation and later in their gift duty legislation have enacted measures similar to those contained in the bill. Sir Henry Bolte could hardly be described as a communist.

Let us deal with the more logical, rational and sensible propositions put forward by the Opposition. The first is the argument that there will be an exodus from New South Wales to Queensland of wealthy supporters of the Liberal and Country parties.

Mr Barraclough: And by wealthy supporters of the Labor Party.

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

Mr F. J. WALKER: I should like to see it happen, but it will not. The Queensland Government's proposal to abolish death duty from 1st January, 1977, will no doubt lead to schemes being devised to help taxpayers in the other States take advantage of this situation. Although estates of persons domiciled in Queensland will not be liable to any death duty under Queensland laws, the continuing Commonwealth laws will lead generally to a higher assessment of federal estate duty. Mr Fraser will make a fortune out of the abolition of death duties in Queensland. Queenslanders will, of course, have to pay duty on any New South Wales assets they hold, and persons domiciled in New South Wales will remain liable to duty on personal property held in Queensland. There is no constitutional bar to any one State, such as New South

Wales, introducing a death duty on or related to the value of Queensland real estate owned by a person in New South Wales at the time of his death. It is of interest to note that in the United Kingdom some few years ago a person's dutiable estate did include real estate outside the country.

In Australia this approach has never been applied under any individual State's death duty laws, although certain States, until recent years, did require that real estate owned by the deceased which was outside the State had to be valued. Regard was had to that value, together with the values of any dutiable assets, to determine the rate of duty applicable. It has been suggested that many New South Wales residents will move to Queensland. That is highly unlikely, to say the least. For an elderly couple, who would be more likely to be concerned with death duty, nothing would be gained by going to Queensland if each intended to pass on his or her property to the surviving spouse. The fact is that the provisions of the bill will grant them full exemption. It is likely that a parent widow or widower would have more desire to remain in close contact with his or her children and grandchildren than to be overconcerned with death duties problems and to move hundreds of miles away from the rest of the family.

Mr Punch: And leave nothing to the children and grandchildren?

Mr F. J. WALKER: What a ridiculous statement. Death duties do not take everything. It is absurd to suggest otherwise. Avoidance schemes are certain to be concocted, but at this stage it would seem preferable to note what does eventuate and then to seek to legislate to overcome the problems. To attempt to legislate in the dark without any knowledge of the devices that will be used might well be regarded as putting the cart before the horse.

On the question of retrospectivity, the first argument concerns exemptions for spouses. On budgetary grounds it would not be practicable to backdate the operation of the legislation. The major financial effect of the measure will not be reflected until 1977–78, after allowing time to obtain probate and to process estates to completion. On the other retrospectivity argument, a rather devious one about anti-tax-avoidance measures, death duty becomes payable only at the time of death and no government is in a position to enact legislation that affects the liability to death duty before it becomes due. Taxpayers will seek advice, just as the Leader of the Country Party went to his lawyers last week and asked them to look after his interests. Their advisers will tell them that they may enter into certain arrangements, but will emphasize that those arrangements apply only to the law as it stands. Lawyers and accountants are responsible people and they always point out that whatever scheme is implemented, it is subject to changes in the law, and that changes in the law occur quite frequently. It would be necessary to unscramble the scheme if the law were changed to defeat its object. Amendments introduced in this Parliament in 1972 after Wayne's case affected numerous schemes and superannuation trusts set up with a discretion as to the choice of the beneficiary and applied on his or her death after the date of assent. It is ridiculous for the Leader of the Country Party to go on as though this has never happened before. He did the same thing himself in 1972.

Mr Punch: I did what?

Mr F. J. WALKER: He voted for a measure that has precisely the same effect as the bill he is criticizing tonight. On the intelligent submissions made by the taxation committee of the Law Society, and referring first to exemption for spouses, I deal with the question whether the exemption will cover certain notional property—for example gifts made to spouses within 3 years of the date of death. That matter was raised also by the Deputy Leader of the Opposition.

The taxation committee of the Law Society submits that the phrasing intended to cater for a complete and total exemption from death duty to the extent of any assessment related to the relationship of the beneficiary being the spouse of the deceased person has been reviewed by the Parliamentary Counsel who concedes that in the circumstances mentioned by the committee the concession would not apply. An amendment to clarify the position is being drafted for inclusion in the bill. Unfortunately once this was realized, it was seen that it could create a large loophole, and I am not in a position to put that amendment before the House tonight. No doubt it will be dealt with in another place.

The second point was that the exemption should not be restricted only to persons dying domiciled in New South Wales. This issue has been discussed at considerable length. The Government's stated intention was to provide the full exemption only to spouses in respect of whom the existing exemption for estates not exceeding $60,000 presently applied, that is, New South Wales domicile estates. It was approved that consideration be given to the aspect now raised should the existing exemption in respect of property passing to other than spouses and specified close relatives of locally domiciled deceased persons be increased above the longstanding $2,000. The structure of the legislation, at least since **1939,** has always differentiated against persons who die domiciled outside New South Wales and there is no general exemption for such estates in respect of the New South Wales assets owned at death. The submission by the society goes beyond the policy already determined by the Government and could be explored at a later point if the need arises.

The Law Society's objection to proposed new section **137,** concerned evasion and avoidance of duty. The repeal of the existing section and its replacement was specifically referred to in the second-reading speech. The existing provision has proved ineffective by virtue of having to prove intent to evade. The revised provision makes an agreement void only for the purpose of the Stamp Duties Act. As I intimated in my second-reading speech, a similar provision applies in the stamp duty, land tax and payroll tax laws in Victoria. The Law Society asked whether that would involve **a** powerful discretion on the part of the commissioner. No one would deny that it does involve such a discretion on the part of the commissioner. At the same time the provision on which it is based—section 260 of the Income Tax Assessment Act—has been considered by the courts and the decisions are ready terms of reference available to the commissioner.

The Law Society also asked whether the commissioner's decision should be appealable. The answer to that is that the drafting is similar to section 260 which has been considered by the courts. It could therefore be expected that the same opportunity will not be denied taxpayers in this instance. Anyone with any understanding of administrative law will certainly agree with that. The argument was put forward that proposed section **137** will lead to continuous litigation. Before answering that point, I might interpolate that all taxation laws lead to continuous litigation. It is inevitable that there will never be a taxation law passed by any government that will never lead to litigation. All provisions aiming to charge duty give rise to a similar result. Whatever the phrasing inserted in the legislation, litigation could be anticipated.

The fourth objection was that death duties are imposed once only and the decisions of the commissioner would not be known until after death. That point is conceded and the Government realizes that there is room for consideration of that issue. It is a matter of policy to decide what would be practicable in all the circumstances. It may be possible to make arrangements in this respect. For example, the federal income tax laws allow companies and other people to get advisory opinions

as to the application of particular laws to a particular scheme. Perhaps some regular legal advisory service can be set up, but that is an administrative matter, not one for legislation.

The fifth point raised by the Law Society was that as section 137 could be retrospective there should be some period of amnesity from application of the law. All I can say is that to the extent that problems in unscrambling schemes of duty avoidance previously entered into could involve more or further duty than would have been the position had any such schemes not been arranged, this is not regarded as warranting any special consideration or relief. Taxpayers enter into such arrangements fully realizing, on advice, that the law could change before a liability to death duty arises. It is not by any means possible to suggest at this point that some cases will be either free of or liable to duty at a later stage because no detailed specific situations have been submitted. The Government is, however, prepared to review the operative effects in the light of the decisions made in this area.

The next question was that a provision similar to section 260 was deleted from the Victorian death duties legislation as a result of an amendment made in 1962. I have not been able to discover that that was the position. Certainly, there are some fairly Draconian provisions in the Victorian legislation. On the question of controlled companies, the Law Society took the view that proposed subsection 19 is too wide in that it would include every shareholder. The provision is intentially wide to overcome the difficulty of valuing a controller's real control which could very well not be reflected in the value of that controller's shareholding, if any shares are held, in the company. The reference to the category of associate is to that person having powers to appoint or remove directors or to vary or veto decisions, alone or jointly. While the aim is to look to individual controllers as such and not to be concerned with other associates, the exclusion of the reference to joint action could lead to the amendment being circumvented by arrangements specially settled in conjunction with, or only able to be entered into with, one or other associates.

The provisions of subsection 15 under which gifts or dispositions are made directly by the controlled company, can produce a result similar to that claimed for subsection 19. However, the commissioner is vested with the discretion to take into account all the circumstances and there should be no need for concern in situations where avoidance of duty is not the objective. I do not think anyone would raise any questions about the integrity of the Commissioner of Stamp Duties. Even the Leader of the Country Party would agree that he is beyond reproach.

The other criticism was that any director could be faced with the inclusion of the company's assets in his estate. The provision refers to the right to appoint or remove directors or the right to veto or vary decisions. A right merely to vote on motions related to the appointment of directors, and so on, would not seem material. The Law Society raised the question whether a shareholder with controlling rights—but only as a nominee—should not be dutiable. In the context of the amending provisions, in relation to controlled companies the rights and powers of control are those in respect of a particular person or persons held beneficially. If the legislation gives rise to a differing interpretaion, the need to provide an amending provision is conceded—and no doubt that would be done.

The absolute discretion given to the commissioner is said to be undesirable. It is not inconceivable that the commissioner could have his discretionary decision in a matter overthrown by the court. The possibility that such an event could occur was not conceded by the committee's representatives in discussion, but it is not

conceivable that the commissioner would thereafter take any other decision than that put by the court. Of course the commissioner would follow the decision of the court.

Mr Punch: You do not sound convinced.

Mr F. J. WALKER: Why should I not be convinced that the Commissioner of Stamp Duties would obey the law? I do not think I need shout and scream that from the rooftops. It is axiomatic. It was argued that new section (19) of section 100 of the Act is territorially excessive. Presumably the reference is to the provision deeming the dutiable property to be personal property in New South Wales—dispositions of property under paragraph (e), referred to in new subsection 13 (g), are regarded in the same light. The Deputy Leader of the Opposition may have referred to that. There is no way of determining, in reality and as an overriding rule, the legal location of the property to which a person in these circumstances is deemed to have had and deemed to have disposed of. It is possible that other jurisdictions may make a charge on essentially the same property, in which case the commissioner may use his discretion to refund or offset the assessable duty under these amendments.

It is probable that the deceased person in question would have a New South Wales domicile and the discretion in the commissioner is pertinent, particularly where the application of another law imposes a similar liability and the net effect of that is to bring a charge on value or an amount which is calculated on a different basis, or by having regard to other aspects which could be distinguishable from the property included under the New South Wales provisions, although in part identical. The deemed property in the disposition cannot be really classified as real or personal property in the accepted sense, and it would be reasonable to take the line that any assessment should arise under the New South Wales legislation, if at all.

Then we had the matter of a prior sale of the company at arm's length but within three years of death and the submission that it could lead to excessive inclusion for death duty purposes if the business later expanded in the purchaser's hands. That argument was developed to a ludicrous extent by the Leader of the Countrv Party.

Mr Punch: It was right.

Mr F. J. WALKER: It was wrong. The discretionary provisions in the commissioner in subsections (21) and (22) are considered to cater for such situations. In the circumstances set out there would be no need to look further into the transaction as a general rule. However, consideration may need to be given to the proceeds and their distribution between pre-existing associates of the company at the time of sale.

Sir Eric Willis: In other words, you are admitting I was right.

Mr F. J. WALKER: I am not admitting you were right at all. Situations involving outside appointed directors, foreign investments and subsidiaries of overseas companies cause concern to the Law Society and the Opposition. The Government's view is that all genuine situations are capable of being properly and clearly considered in terms of the discretionary powers vested in the commissioner, just as discretionary powers vested in commissioners in other States are exercised fairly. There is no need for concern about those matters.

There are a number of other matters that I could answer but it would take a long time and other very important matters, such as the loan estimates, are yet to be debated. We are talking about only 2 per cent of the population of New South Wales—which might own more than 80 per cent of the wealth of this State. Many of these people sit on the benches opposite; some may even sit on the Government

benches. However, Government supporters are willing to legislate for the benefit and welfare of the overwhelming majority of the people of New South Wales and these tax avoidance measures, which honourable members opposite and their supporters use, are legal at present. We know about them and we are doing something about the matter. They cost this State something like $50 million a year in lost revenue.

It is hard to estimate how many of these documents are in existence because they are not public documents and there is no way of assessing them. Most of these matters never come to the attention of the commissioner so that he may assess their full effect. Certainly, tens of millions of dollars of tax are being avoided and that means people are out of work and roads are not being built. There are roads that should be built in the country areas of New South Wales but are not being built because of these tax avoidance schemes. There are men out of work in Sydney, Newcastle and other country areas who could use that $50 million a year. How many men could be given work with that amount of money? If the Government had it, there would be little or no unemployment. Just think of the homes that could be built for the 60 000 people in the State who need them.

Many wonderful things could be done with $50 million a year, and one of those wonderful things is abolition of death duty between spouses, so that widows do not have to suffer the indignity of selling their family home to pay death duties. In the present circumstances the Government has only one choice; it has to take from the rich, the filthy rich, the very rich, to give to the poor widows so they can live in their own homes. If the Opposition votes against this measure, it will make it impossible for this Government to give these poor widows a decent chance. Every widow in New South Wales who has to pay death duty if this legislation is stopped in the Upper House will take the Liberal and Country parties apart. If it does anything to the second schedule I will organize petitions in every shopping centre in every town. The people of New South Wales will know whom the Opposition is protecting—the very wealthy. It is against the interests of the majority. In the interests of justice this bill should pass through unamended.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr MADDISON: Mr Chairman ——

Mr FLAHERTY (Granville), Government Whip [10.9]: I move:

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

The Committee divided.

Ayes, 48

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

Mr Keane	Mr Petersen	Mr F. J. Walker
Mr Kearns	Mr Quinn	Mr Whelan
Mr L. B. Kelly	Mr Ramsay	Mr Wilde
Mr McGowan	Mr Renshaw	Mr Wran
Mr Maher	Mr Rogan	
Mr Mallam	Mr Ryan	
Mr Mulock	Mr Sheahan	*Tellers,*
Mr O'Connell	Mr Stewart	Mr Cleary
Mr Paciullo	Mr Wade	Mr Durick

Noes, 48

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

The CHAIRMAN: The numbers being equal, I give my casting vote with the ayes and declare the question to be resolved in the affirmative. It being after the time specified under Standing Order 175B for the completion of the second reading, Committee and report stages and adoption of report, the question is, That schedule 1 be agreed to.

Schedule agreed to.

Schedule 2

Question—That the amendments to schedule 2 as printed and circulated by the Minister be agreed to—put.

Circulated amendments:

Page 31, Schedule 2 (2) (b), lines 19–23. *Leave out* all words on these lines, insert "of an annuity to a person not prohibited by the Life Insurance Act 1945–1973 of the Parliament of the Commonwealth from carrying on life business within the meaning of that Act) by the value of that".

Page 37, Schedule 2 (S), line 20. *Leave* out "by whom", *insert* "to whom".

Page 37, Schedule 2 (6), line 29. *Leave* out "of" where firstly occurring, *insert* "or".

Amendments agreed to

Question—That schedule 2 as amended stand—put.

The Committee divided.

Ayes, 49

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

Noes, 47

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

Question so resolved in the affirmative.

Schedule as amended agreed to.

Adoption of Report

Bill reported from Committee with amendments and report adopted.

GENERAL LOAN ACCOUNT APPROPRIATION BILL

Second Reading

Debate resumed (from 12th October, *vide* page 1712) on motion by Mr Renshaw:

That this bill be now read a second time.

Sir ERIC WILLIS (Earlwood), Leader of the Opposition [10.21]: The derisive laughter that greeted the Clerk's announcement that the Order of the Day was the General Loan Account Appropriation Bill is indicative of the Government's attitude to Parliament as an institution. It would be easy to say that the Government had so mismanaged its business in the House that it was mcapable of bringing on this debate earlier, but when one looks at the facts it becomes apparent that the Government's actions show that it clearly regards Parliament as a rubber stamp in the most contemptuous way possible. It is now seven weeks and one day—if anybody is interested in what I am saying. I notice that the Minister for Health and other Ministers are shaking their heads to show that they are not interested. This is indicative of their general attitude to this kind of legislation. After all, in their opinion this bill is nothing more than a piece of legislation for which Parliament should be used as a rubber stamp to give its approval to the expenditure of about $600 million of the taxpayers' money in a way that the Labor Government has already decided in its Cabinet and caucus and in other places. Government supporters have not the courtesy to listen quietly, or to go outside if they do not want to listen.

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition has the call.

Sir ERIC WILLIS: I think it is about time somebody placed on record that this Parliament is being turned into a farce by this Government. I say a farce because bills are being put through without the Opposition being given any opportunity whatever to talk in the Committee stages about the details of a bill, and only a couple of members are being permitted to talk during the general debate on the second reading. On a bill like this, covering the Loan Estimates, the former Government invariably allowed one whole week of parliamentary time for debate, but this Government has curtailed debate on it to a couple of hours, for which I suppose we are expected to be grateful to the Premier and his Ministers. It is a wonder that the Government does not move the gag right here and now.

As a facade of courtesy and decency, the Government will probably wait at least until I have completed my speech, and perhaps until one or two other honourable members have spoken before applying the guillotine after some three or four hours of debate. I recall vividly that whenever the former Government gagged debate on the Loan Estimates after one week, there were howls of complaint from Labor Party members who now sit on the Government benches that we were stifling debate, that we were afraid of criticism and that we were treating Parliament with contempt. Now we are lucky if we can talk at all on anything. Even on a bill of this importance, we are being allowed only an hour or so to debate the second reading, and no time will be granted for discussion of the details of the bill in Committee.

I am wondering whether I shall be the only member of the Opposition allowed to speak in this debate on the Loan Estimates. I wonder whether the Premier, in his desire to get home early again tonight, has determined that no other members will be allowed to participate in the debate and say anything by way of praise or in condemnation of what the Government has done, except for the kookaburras who sit behind the Premier and echo whatever he or his Ministers have to say on various subjects. In all my years in this place I have never seen this institution treated in such a contemptuous way as it is now being treated by the members who sit on the Government benches. If they would like to hear what I have to say on the Loan Estimates I shall attempt to make a speech, but before I do so may I say that I have been carrying this speech around in my pocket for seven weeks.

Mr Renshaw: Seven years.

Sir ERIC WILLIS: I am glad to hear that the Treasurer is still alive. Where was he when the Stamp Duties (Amendment) Bill—a bill that concerns the Treasury —was being debated? He was in the grave. He was too decrepit and too incompetent to debate it. He had to get the up-and-coming member for Georges River, who is a little more active, to handle the bill for him. Now Lazarus has arisen and is prepared to say something in this debate after weeks of silence. He has said two words. I congratulate the Treasurer on the two words he has uttered. They made somebody behind him smile. His colleagues are pleased to hear that he is not dead after all. The people of Castlereagh will be interested to know that their local member is not laid to rest as they had feared when the Stamp Duties (Amendment) Bill came before the House. He has now come back and will make an inane interjection every so often.

If I can be spared the sort of interjection that I have just heard, let me proceed with the speech that I have been carrying around with me for six or seven weeks since the Treasurer made his loan estimates speech. Now, six weeks later, on 24th November, the debate on this bill is to continue, and presumably we shall be allowed a little time to debate it. Perhaps by the end of November the debate on the Loan Estimates will have been completed and the Governor will have had the bill presented to him for assent. It is an absolute disgrace that five months of the financial year have passed by, during which time all sorts of works have been undertaken, some perhaps completed, and huge sums of money amounting to hundreds of millions of dollars have been expended without this Government bothering to get parliamentary sanction for that expenditure. The contemptuous attitude of the Government supporters to Parliament shows that they do not really care whether Parliament debates the Loan Estimates or not. They know the law requires that this be done, and so they will put up with an hour or two of debate in order to have the bill passed. That is the only reason that they are allowing any debate on it at all.

The Treasurer's loan speech outlining the Government's public works programme for the current financial year admittedly was framed against a background of federal economic restraint. There was, therefore, little opportunity for bold new initiatives and, particularly as the Government had pledged itself to increase vastly spending on public transport, the opportunity for initiatives in other fields was severely limited. This loan works programme is not one that inspires; neither is it one that causes great despair. It pretty well holds the line, except in a couple of areas. It does not exactly make one wild with excitement and it has not made even the members of the Government ranks jump for joy, let alone the community in general.

The programme provides for a 9.8 per cent increase in spending—from $545 million to $598 million. Of course, an increase of that nature does not keep pace with inflation and on that score alone my original assessment of the loan speech still holds. That assessment was that, with a growth rate below the expected rate of inflation, the programme would not be a job generator. In fact, it is unlikely to maintain the work force at its existing level. Nevertheless, improvements are possible in selected areas, though I should warn that there must necessarily be compensatory retrogression in other areas. Of course it should not be overlooked that so generous were the Fraser Government's tax reimbursements for State budget purposes that the Government did not have to divert capital funds to the Budget this year, as previous State governments have had to do. In these circumstances the Government had $20 million or $30 million more for capital works purposes than it would have had if the Whitlam Government had still been in office. Accordingly, it should have been able to come up with a more impressive programme

Examination of the printed version of the loan estimates speech is an interesting exercise. The former Liberal-Country party Government is constantly attacked about its backlog of public works but the document that the Treasurer had prepared for public relations purposes is an interesting commentary on the extensive work programme of the previous Government. The Labor Government has not been at all reticent about including examples of Liberal Government programmes to make the Loan Estimates speech more acceptable visually. For example, in the middle of page 6, we see a photograph of a gleaming new Public Transport Commission train with the legend reading "One quarter of the P.T.C.'s suburban train fleet now consists of double-deck carriages". That indeed is a nice compliment to the stocking programmes of the previous Government. The adjacent page has an artist's impression of a Mercedes-Benz bus, the type soon to operate on Sydney services. I am delighted that the Treasurer decided to use that particular artist's impression because it was commissioned by me when I was Premier and Treasurer and I used it to illustrate the very same bus deal at a press conference eight months or more ago. Again a compliment.

As we go through the document, we see other examples of the progressive go-ahead policies of the previous Liberal-Country party Government. On page 9, major road works near Kempsey; on page 10, the Campbelltown hospital project; on page 11 the Inverell community health centre; on page 12 the new Darlington public school, one of only two new schools built in the city centre for more than a decade; on page 13 the impressive new school of hotel studies and catering management at Ryde. I had the pleasure of laying the foundation stone for that projeot only last year and it is good to see that this valuable installation is well under way. On page 15, we see an illustration of the massive Shoalhaven water supply scheme; on page 18 there are two examples of new police stations at Grafton and Maroubra, and so on. Page 21 has the new-look Burrendong sport and recreation centre, opened by the present Premier in July, 1976, but constructed by our Government. The document, therefore, hardly supports the contention that the previous Government slowed down public works, though certainly there will be a slow-down in the tempo of construction this financial year—one of the most pronounced slow-downs in the past decade.

There has never been a Utopian situation in public works in this State. No Government has, at least in recent decades, been able to undertake all the public works projects that are needed. This Government is being grossly dishonest if it now pretends to have found a magical formula for overcoming the backlog. Indeed, the backlog will grow to a log jam in the current year. In real terms this programme will not achieve as much as did the previous year's. As I pointed out, it provides for an increase in spending of 9.8 per cent. The inflation rate in the past year in the building industry has been 12 per cent, according to estimates of the Master Builders' Association. Therefore, in real terms 'there will be a decrease of 2 per cent at least. To put it another way, if we were to do the same amount of work this year as we did last year, a programme costing $610.4 million would have been required, that is, $12.4 million more than has been allocated. In particular categories the situation is far worse than that.

On the surface, the Government has presented a programme that seems reasonable but it has been able to achieve this only by shuffling the funds, particularly of the portfolios of education and health. The great regret about the loan works programme is that the big losers therein, education and health, were the same big losers in the Budget. One wonders how long it will be before the people of this State realize that the Labor Government is short-changing their children. No Liberal government would have had the temerity to launch such a persistent assault on education funds as Labor has done. Frankly, had a Liberal government brought down this public works programme, we would have been attacked from one end of the State to the

other, especially for such treatment of education. I shall deal with that aspect in greater detail later and I predict that the protests will mount as the real impact of the Government's sell-out of education becomes more and more widely known.

In general terms I endorse the principle incorporated in this programme of allowing direct borrowings by public hospitals and the Health Commission. I note that the Treasurer proudly says the Teacher Housing Authority is authorized to borrow up to $800,000. I should point out that the power that was given to that authority to raise loans on the open market was incorporated in the legislation that I introduced to establish the authority. This principle has now been adopted by the Labor Government and extended. Of course, I endorse that action.

The total allocation to public transport this financial year is $152 million, an increase of 24.6 per cent over the figure of $122 million last year or, allowing for inflation, an increase in real terms of 11.3 per cent. I should point out, however, that that figure of $122 million last year represented a 60 per cent increase on the previous year's figure. So the Government has not done all that much better this year but, to be honest, I cannot find much to criticize in the Government's public transport programme. And I shall say why. It has simply picked up our shopping list and has carried out the programme that we initiated. Let me explain.

On 30th March this year, I announced the purchase of 150 new double-deck rail carriages. On page 7 of the printed loan estimates speech we see that the Treasurer says "deliveries are proceeding under an existing order for the supply of fifty double-deck suburban rail carriages and an order has been placed for a further 100 carriages". That is, exactly the same programme as ours. I announced also at that time a leasing programme to permit accelerated expansion of the bus fleet by acquiring 200 Mercedes-Benz buses, thus releasing other capital funds. The Treasurer is less precise in his speech, merely saying, "In the case of buses we are looking closely at the question of further leasing arrangements in order to conserve other capital funds." With respect, I suggest there is no need for any more close looking because we fully investigated that proposition and accepted it when we were in Government.

Part of our programme was a proposal to spend $4 million on modernizing signalling equipment. The Treasurer is again less precise by merely saying, "action is also being taken to renew signalling systems". On 9th April this year I announced that thirty more community double-deck inter-urban carriages have been ordered for the Gosford and Blue Mountains rail services. On page 7 of his document, the Treasurer merely refers to these thirty units but does not maintain our undertaking that they will be used on the Gosford and Blue Mountains lines.

On 30th March I undertook early action to acquire new ferries. Only in this case is the Government being a little more precise—by planning for the two new ferries to come from the State Dockyard. On close scrutiny Labor's public transport shopping list is no different from ours, though a little more sketchy in detail. Commonsense dictates that the Government can proceed with such a programme at short notice only if plans are already in existence. These plans were in existence because they had been drawn up by the previous Government, and I had signalled that my Government was placing greater emphasis on solving public transport problems.

I should have thought that the Treasurer would have given some indication of the future of the URTAC report. He makes fleeting reference to the scrapping of freeways but gives no indication of the future of that very practical programme to solve transport problems in the metropolitan area for the next ten years. The Government is burying its head in the sand over the future of freeways. It is trying to pretend there will be no future need for freeways.

Sir Eric Willis]

I remind the Government of the attitude of the NRMA on this. I understand that organization speaks for more than a million motorists. In the October issue of the *Open Road* the NRMA had this to say:

> The evidence suggests that public transport improvements will have little real effect on the urgent need for a freeway network as part of a well planned arterial road system in the Sydney area.

It is obvious, even to the casual observer, that not only must our public transport services be improved but also better roadways must be provided for metropolitan motor vehicle users. Whatever the Government may wish for, the motor car is here to stay and we must provide for it in the modem manner.

Let me turn to the eastern suburbs railway. Major expenditure on this project has been deferred because the railway is yet again under sentence of death. I counsel the Government to judge the value of this rail link in the long term and not from the viewpoint of short-term political expediency. Uncertainty and delay about this project will eventually prove costly. As I predicted in June, the inquiry was mounted as an excuse to divert further expenditure this financial year so that the money which should have been apportioned to this project could be redirected to other departmental undertakings. I predict that the Government will shortly announce that, in the light of the report it commissioned, it has decided to continue construction of the Eastern Suburbs Railway, but only to Bondi Junction, which is what we decided nine months ago.

While speaking of public transport allocations special reference should be made to the Gosford to Newcastle rail electrification project. No doubt the Premier, the Minister for Transport and Minister for Highways and the Treasurer will try to give the impression that this project has a high priority with the Government. The fact is that only $411,000 has been granted for further design and planning for the electrification of this line. Obviously the Government is nowhere near to making the final decision to proceed with the scheme proper. At this rate it will be some years yet before the Government can commit itself to that project.

The main roads programme provides for an expenditure of almost $300 million on road and bridge works and this, too, is in line with our undertakings. Again there is no indication of how much of the URTAC report will be implemented and honourable members will look forward to the presentation of details for these projects by the Minister for Transport—that is, if we are to be told anything about them. I hope that the Government will continue with the 10-year programme outlined in the URTAC report and adopted by my Government earlier this year, but regrettably, as the Minister for Transport and Minister for Highways indicated, that appears to have gone out the window.

That programme provided for an expenditure of $400 million over the next ten years on the metropolitan road programme, but it seems that this is not to be the case. Now the Labor Government has attained office we are to see an entirely different —but carefully disguised, or shall I say concealed—programme.

Nothing that this Labor Government will do in the short term will detract from two of the biggest hospital projects in the history of this State, both of which were undertaken by the previous Government. I refer to the huge expansions to the Royal North Shore Hospital, now complete, and the massive $140 million Westmead Hospital. The Westmead project is the biggest Government project in the history of this State. Its cost, as all members know, will exceed that of the Sydney Opera House.

I am a little amazed at the condescending term used by the Treasurer when he said, "We have decided to press on with construction of the hospital complex at Westmead". This statement would suggest that at some stage the Government must have considered knocking that project on the head but, of course, had he done so there would have been a huge outcry, not only from the medical world but also from the hundreds of thousands of people living in the western suburbs who will derive considerable benefit from this hospital when it is completed. The estimate for health expenditure last year was $101.5 million.

The Auditor-General's report showed that last year expenditure on hospitals and health services eventually reached $101.2 million. The allocation this year is $110 million compared with $103 million last year, giving an increase of only 6.8 per cent. But taking into account inflation, in real terms there is a decrease of 4.8 per cent. Inevitably this means a reduced rate of construction in the current financial year compared with last financial year. A number of massive health projects were completed under the previous Government's programme. Ten such projects last year cost more than $1.2 million each. These projects ranged from $16.3 million on progressive expenditure at Westmead hospital to an outlay of $1.2 million on an accident and emergency unit at Parramatta District Hospital.

The expansion of the school dental service was initiated under the previous federal Labor Government with the co-operation of the previous State Liberal Government. Despite the change federally from Labor to Liberal and the change at State level from Liberal to Labor, it is good to see this scheme continued. The dental health of the children of this State is a matter of tremendous importance, and this programme deserves the support of both sides of this House.

I return to education with reluctance and sadness. The shuffling of funds cannot hide the real facts about the disastrous deal that has been handed out to education. Last year expenditure on new buildings and so on was an actual $183.8 million. This year the estimate is $158.9 million—a decrease of $24.9 million or 13.5 per cent. But to keep pace with inflation the figure this year should be $205.9 million. So in real terms, the decrease is a staggering 22.8 per cent or $47 million.

The Teachers Federation journal ***Education,*** in its report on Labor's first Budget, headlined its story "Renshaw Dumps Public Education". When they do their research on the Treasurer's loan speech, and assuming they want to print the honest story, I can see a story headed "He's done it again", or "Renshaw's disastrous double".

It is beyond my comprehension why Labor has singled out education for this parsimonious treatment. Despite the lame duck excuses that are being trotted out, the true facts cannot be hidden. The rationale for this cutback is the classic statement that "on present estimates an increase of only 10 000 is expected in enrolments next year compared with 13 000 in 1976".

What if all school-leavers cannot get jobs? Is there to be a higher retention rate in years 11, and especially year 12, if students decide that the job market is so competitive that they will return for another shot at the higher school certificate examination? The Government must clearly indicate to students and parents that there will be no pressure, covert or overt, applied to students to discourage them from returning to school next year. The Teachers Federation does not believe these figures either, for it has already publicly stated its concern that class sizes will increase next year, not decrease, as promised in Labor's election policy.

If this had been a threatened situation under a Liberal Government, the howls of protest would have been ringing from one end of the State to the other. Even if

new schools were not needed to cope with increased enrolments, what about renovations and improvements to old school buildings? When I was Minister for Education, I instituted a large programme of updating old schools, particularly in the inner-city areas of Sydney and Newcastle. Why has the Labor Government not carried on with this programme? If it does intend to continue it, where are the details? As it has not given any, we can only assume that they have decided to drop the programme.

The excuse for the slowdown in school works for this year has been attributed to the fact that there was "an unexpected increase last year in the school building programme". That gem should go into the sayings of the year—not the sayings of the week. What faint praise for the previous Government, which built more school buildings than Labor ever dreamed we could build. However, supporters of the Labor Party are now saying that they cannot keep up with the pace we set.

After being told for so long by these gentlemen on the other side what bad managers we were, we find the Labor Government now trotting out the most incredible reasons to excuse itself for not being able to do better than it has programmed for this financial year. They have in fact said, "Well, you know the previous Government did a lot more than they should have done last year, and you cannot expect us to keep up with that sort of pace." This is an admission that Labor cannot keep up the pace we set in the school-building programme. Again, this is a nice compliment, but it will not help the children of this State very much.

The Government continues to be chicken-hearted in its approach to the build-now pay-later scheme. With a minimum of fanfare and trumpeting, the previous Government launched a massive programme of school construction on this basis. By contrast, with a maximum of trumpeting and fanfare and prediction and anticipation, this Government has timidly followed suit, but on a much-reduced scale.

Actual expenditure on school buildings last year was $168.7 million. Another $15 million was spent on technical colleges. The $168.7 million compares with *an* allocation in the same category this year of $139 million, or a decrease of $29.8 million, equivalent to 17.6 per cent. But in real terms, allowing for inflation, the decrease is 26.4 per cent or $150 million.

Despite all the excuses, all the red herrings, and all the shufflings, these are the only figures on which a comparison can be made. When people evaluate Labor's education performance in its first year, the one issue that stands out above all others in their education performance is a $50 million decline in real terms. That is what Labor, in its first year, has done to school construction in the State of New South Wales, in contrast with what it said it would do during the election campaign. It stands out in stark contrast.

The real extent of the school-building programme cutback is not evident in the loan speech. I hope the Treasurer will be able to present to the House the list of new schools covered by this programme. In the last four years of the Liberal Government there were never fewer than sixteen new schools built each year. In 1974, when I was Minister for Education, the figure reached twenty-three. I wonder whether the Treasurer can list the sixteen new schools that are covered in this year's programme. In fact, I challenge him to name the sixteen new schools that will be ready for occupation on or before 1st July, 1977. It is a tragedy to see what is happening to education under this Government. Eventually its chickens will come home to roost when enough people realize how miserable is this Labor Government.

The exception in the loan speech is the part that refers to the allocation to the Teacher Housing Authority. I commend this allocation, and I urge the Government

to press on with the major technical college projects that are now under way and are desperately needed. I am pleased to see projects on the drawing board for Dubbo and Goulburn.

In the field of water supply and sewerage, I can offer no particular criticism of the programme, which involves a total capital outlay this year of $190 million. I must, however, make the observation that the Labor Government has no project on the drawing boards that can match *our* Shoalhaven water supply scheme now nearing completion. Since expenditure on the huge Shoalhaven project is now slowing down, there is surely an opportunity for funds that were previously applied to this scheme to be diverted to sewerage projects. Labor has not thought or said anything about it.

The Government quite properly highlighted the increased provision in the allocation to the Minister for Youth and Community Services. Spending on child welfare buildings will increase in the current financial year from $2 million to $3.2 million. I can only reiterate the comments I made during the budget debate—that the Minister for Youth and Community Services has again proved a strong advocate. The Opposition can make no criticism of the way in which the Minister has gone in to bat—or perhaps the term should be gone in to box—for the under-privileged young people of this State.

I am particularly pleased that provision is being made for major extensions to the Worimi shelter at Newcastle. As the chairman of a cabinet subcommittee I inspected this facility with fellow members of my committee last year. First, I want to say that the staff at that place were doing an excellent job and undoubtedly are continuing to do an excellent job, though the conditions under which they work are not the best. The extensions that will be made possible by this programme will be of considerable benefit to the young people who go to that institution, as well as the staff who work at it. The Opposition has nothing but the highest admiration for the men and women who staff these centres and do much more than their essential duties would suggest. They are in a position to exercise a most profound influence on the young people who have digressed in one way or another from the normal code of behaviour.

I have always been of the view that an investment in youth is an investment in the future. The investment the Labor Government is making in the Worimi shelter can be seen as an investment in an improved lot for the less fortunate young people of our society. I hope that the Government continues with this type of programme at other similar institutions.

The Minister's evident concern in this area contrasts with an apparent lack of concern in another area—the lot of the adult prisoner. There is to be a major cutback in this area. The Auditor General's report shows expenditure last year was $3.03 million. To maintain that rate it should have been $3.4 million this year. Instead, the allocation to corrective services this year is $2.8 million—a reduction in real terms of 21 per cent.

Mr Healey: There are no votes in prisons.

Sir ERIC WILLIS: That is right. There are no votes in prisons, and the Government knows it, even though it talks about what it proposes to do in this area. The Government it evidently using the excuse of the Royal commission to downgrade the importance of prison modernization.

This financial year the allocation to housing is $123.4 million, the same as for the two preceding years and, as the Government likes to use the term backlog, there is no prospect of any real progress this year in overtaking the housing backlog in this State. The Government has decided that the breakup of housing funds this year will

be $86.4 million for the Housing Commission and $37 million for terminating building societies—funds which in turn will flow through to individual homebuilders. There is no point in the Government's trying to sell itself as a hero to homebuilders for restoring the 30 per cent allocation to terminating building societies. The question that this Government and the previous Government had to determine was the division of housing funds between the Housing Commission and the terminating societies which cater for people on lower incomes.

This year the Government has decided to take funds away from the Housing Commission and apportion them to terminating societies. By increasing the allocation to terminating societies, the Government will ensure that the Housing Commission will employ fewer building tradesmen. Terminating society funds can be used to purchase homes already built, as well as new homes. Therefore, some of those funds will be used in simple commercial transactions—they will not end up in some bricklayer's or carpenter's pocket.

The previous Government had an outstanding record in lands administration, particularly in the extension of national parks. This year $3.2 million has been set aside for acquisition and development of new and existing areas. Most of the money will be spent on the acquisition of additional hectares for national parks throughout the State. Unfortunately this will create very little employment because the money will simply be extended on the purchase of the land—a process that involves little employment.

The Treasurer says that $36.4 million has been allocated this year for conservation and rural development, compared with about $30 million last year, giving a 10 per cent increase. One would expect, therefore, a moderate expansion of programmes in this category. However, the Auditor General's report shows that total expenditure on water conservation projects in 1975-76 reached $33 million. This indicates a real increase in allocations of only $3 million this year, or 9 per cent—insufficient to keep pace with inflation or, to put it another way, an effective cutback in real terms of 3 per cent. Why else would the Government admit that the Windamere Dam and Cudal Dam projects have been put on ice? Almost three months ago I made a statement that the Government had decided to stop work on Windamere Dam. The honourable members for Dubbo and Burrendong made similar statements. The Minister's office rejected these statements and said they were incorrect. All I can say is that someone is telling lies and it seems to me the honourable members for Dubbo and Burrendong have been proved correct, and the Minister who said they were incorrect has really got some explaining to do in respect of the expenditure on the building of new darns.

I am intrigued by the Treasurer's remark in his Financial Statement that "the availability of modern port facilities is essential to the State's economy". This is a direct contradiction of the Government's proposal on Botany Bay. Even the general secretary of the Waterside Workers Federation has advised the Government that the Botany Bay project is essential. The Treaurer's statement must surely be nothing more than a platitude prepared for him, perhaps in his department, without any contact with the department of his colleague the Deputy Premier, Minister for Public Works, Minister for Ports and Minister for Housing. But the fact is it is a platitude because if he and the Government believed it, the Botany Bay project would be proceeding along the lines outlined by the previous Government. In reality the Government is again up to its now familiar two-faced trickery. It says one thing, hoping to convince the gullible, but it does the very opposite.

In this regard I am reminded of the fact that the Government said two things, expecting to convince two lots of gullible people. What it said in Lithgow during the election campaign was precisely the opposite to what it said in electorates adjoining and

near Botany Bay. The Government hoped that during the election campaign nobody would hear in one area what it was saying in the other area. In the Blue Mountains electorate the Government was saying that the Botany Bay project would go ahead: it gave a solemn promise that it would go ahead, that the coal loader would be bnilt, and that the export outlet for the western coalmining field was assured. In electorates round Botany Bay, such as Hurstville, the Government was saying: "We are the people who believe in environment control and we will not stand for one moment for the construction of this Botany Bay project. We insist that environmental conditions be taken into account". It got all the hoorahs, but now that the election is over it has to find some way to reconcile the two statements. So it got a Queen's counsel and said: "These are your riding instructions, old boy. You are to bring in a report, but take your time. We do not want to include anything for the project in this year's budget. We do not want to be hasty. We do not want to give the impression that we have made up our minds. We want to give the impression that we are sincerely looking into this. Though you have to bring in a report recommending the completion of the Botany Bay project, you have to listen sincerely to the conservationists and all those other people who are opposed to it, and look sincere while you are listening to them because these are the people to whom we have given an undertaking in the Georges River electorate, the Hurstville electorate, the Kogarah electorate, and all the adjoining areas". This is what has been going on.

The Government found a lawyer who was willing to do this. Though he has been holding an inquiry for quite some time, I have not even bothered to make any submissions to him, because I know precisely what the outcome of the inquiry will be. I know also what the honourable member for Blue Mountains has been doing inside the caucus and the pressures he has been bringing to bear on various members. He has probably been saying to members like the honourable member for Ashfield and the honourable member for Hurstville—perhaps even the honourable member far Georges River—"You fellows are secure now. Give me a hand in the Blue Mountains by making sure that, whatever this man brings in in his report, the Botany Bay project will go ahead".

One of the senior Ministers in this Government, one of the more loquacious among a group of very loquacious gentlemen, said to me in a moment of confidence—I shall not mention his name as I do not wish to embarrass him—that there is only one possible answer that Mr Simblist can come up with and that is to go ahead with the Botany Bay port project because it is the only thing that can be done in all the circumstances. There is no doubt that that is what Mr Simblist will do. Therefore, I can do nothing but comment on the two-faced attitude of the Labor Government and the remarkable way in which it has been able to get away with this sort of jiggerypokery simply by telling two lots of people different stories and hoping like hell that they will never meet up with each other. However, one of these days the whole story will come out just as I have revealed it.

The honourable member of Blue Mountains lives in fear and trepidation that he will not be able to persuade his colleagues in caucus that Mr Simblist will make this recommendation. I do not think he has anything to worry about. The Simblist inquiry is a waste of public money and a complete waste of time.

Mr Whelan: That is a shameful thing for the Leader of the Opposition to say.

Sir ERIC WILLIS: The honourable member for Ashfield might think it is shameful, but it is not as disgraceful as the mayor of Ashfield using confidential council files to find out who were age pensioners in the Ashfield electorate and, prior to the May elections, writing a letter to them, telling them that as pensioners the Labor Party policy would be beneficial to them.

Mr Whelan: You know that is a lie,

Sir ERIC WILLIS: I know it to be the truth. I know that the matter was referred to the Privacy Committee for inquiry but after the new Government came to office the Attorney-General told the Privacy Committee not to investigate it.

Mr Whelan: You know that is not so.

Sir ERIC WILLIS: I know that to be the absolute truth. Constituents living in the honourable member's electorate have written to me asking why the Privacy Committee has not looked into this matter. Of course, the only reason is that the committee is under instructions not to do so. The committee has been told that this matter must be hushed up. That is the one and only blot on the escutcheon of the Privacy Committee.

There is no need for me to reveal the shortcomings of Government supporters by dealing with them one by one. However, should any other member who sits on the Government side of the House care to interject, I shall be glad to have a go at him. The secrets that I know about members on that side of the House are most interesting. I have dealt with the honourable member for Georges River and the honourable member for Ashfield. I now invite the honourable member for Balmain and the honourable member for Gosford to have a go. However, if they are happy to remain silent, I shall continue and address myself to the subject under debate.

The Treasurer referred to the Maritime Services Board's plan to call tenders for deepening Newcastle Harbour. That was an impressive statement but, of course, was nothing new. As anyone who reads newspapers would know, at the beginning of this year, when I was Premier and Treasurer, I announced a timetable for the deepening of Newcastle Harbour.

I have not discussed in detail every aspect of the Government's loan works programme, which will come under total scrutiny in the course of whatever there is to be in the way of an ensuing debate. I am delighted that the Treasurer has admitted that the capital works programme is a continuing process for the improvement of the quality of life for the people of New South Wales, a process which reached full momentum under the previous Government. I admit that constraints imposed upon the New South Wales Government by the federal Government have somewhat limited the scope of this Government's initiative. Notwithstanding that, I see little in this programme about which the Government may congratulate itself. I predict, therefore, that by the end of this financial year people from all over the State will be clamouring for urgent government works. Despite the fact that the Government is congratulating itself on what appears to be a reasonable and responsible programme, by 30th June, 1977, there will be many disappointed people in New South Wales.

Debate adjourned on motion by Mr Caterson.

ALLOCATION OF TIME FOR DISCUSSION

Mr F. J. WALKER: On behalf of the Premier I give notice under Standing Order 175B that it is the intention of the Government to deal with the following business: Superannuation ((Amendment) Bill, second reading, Committee and report stages and adoption of report by noon, Thursday, 25th November, 1976; Public Hospitals (Amendment) Bill, second reading, Committee and report stages and adoption of report by 1 p.m., Thursday, 25th November, 1976; Dairy Industry Authority (Amendment) Bill, second reading, Committee and report stages and adoption of report by 4 p.m., Thursday, 25th November, 1976; Local Government (Rating) Further Amendment Bill, second reading, Committee and report stages and adoption of report by 5 p.m., Thursday, 25th November, 1976.

ADJOURNMENT

Tamworth Freight Centre

Mr F. J. WALKER (Georges River), Attorney-General [11.17]: I move:

That this House do now adjourn.

Mr PARK (Tamworth) [11.17]: I bring forward a matter of considerable concern to me and to people of my eleotorate—a project known as Tamworth freight centre, completed on Tuesday, 26th October last at a cost of approximately $3 million. The keys of the centre were handed over by the contractor to the Public Transport Commission on the day of completion. I am aware that since approximately last April a demarcation dispute involving the Australian Railways Union and the Transport Workers Union has been in existence. I am aware also that this demarcation dispute was mooted some time before April. The dispute concerns who is to drive motor trucks in and out of the new freight centre.

I do not wish in any way to prejudice the outcome of any discussions or negotiations that might be in progress between the unions involved, or between the unions and the Minister or any other authority or organization. However, I am concerned that this vitally important transport facility which has cost the taxpayers of this State $3 million and was completed a month ago is not yet operating. I and the people of the north and northwest of New South Wales are anxiously awaiting the Minister's announcing that the freight centre at Tamworth is open and has commenced operations.

At the present time freight and parcels are handled by the Public Transport Commission in Tamworth at two freight yards approximately 2 kilometres apart. This split operation causes a great deal of waste and inconvenience and increases costs. The buildings at the two freight centres are small, congested and in disrepair. New facilities are urgently needed and it is vitally important for the efficient operation of the Public Transport Commission in the Tamworth area that the facilities be opened and operate as soon as possible. It is proposed that initially some thirty men will be employed in the new centre and that it will take six weeks to train them in their new jobs.

Fielders Limited enterprises in Tamworth employ 350 people. Fielders starch factory employs about 130 people. This latter enterprise is conducted on land that adjoins the land currently used as the East Tamworth rail freight yard. When the new centre is opened that freight yard will become vacant and the Fielders company is interested in buying the land to develop warehouse facilities. I should be grateful if the Minister could look at the question of making the land available for Fielders.

After the centre is opened I am concerned for the future of the Barraba–Manilla spur line, which is some 90 kilometres in length. This line handles wheat, wool and asbestos from the Woods Reef asbestos mine. They are the three principal freights involved. This year some *25* 000 hectares of wheat has been sown in the Barraba and Manilla districts. It is expected that some 40 000 tonnes of wheat will be harvested. This year wool production is expected to approximate 140 000 bales. In recent years one has seen a substantial portion of the wool clip moved by road to the wool stores. I understand that approximately 50 per cent of wool in New South Wales is at present moved by road. I know that 50 per cent of the wool going to the Yennora wool centre, which handles approximately 10 per cent of the total Australian wool clip, is delivered by road. I should like to see the whole of the Australian wool clip moved by rail. The Public Transport Commission should provide a service comparable to that offered by road transport. That means transporting wool from the growers' shed to the wool store.

The other freight from the Barraba area is asbestos. Production from the mine there is **7 000** to **8 000** tonnes a month, of which approximately **30** per cent is moved out of Barraba by rail **and 70** per cent by road. Nearly all the asbestos destined for overseas is moved out by rail in containers—except asbestos for those countries that do not have facilities for handling containers. Unfortunately, little of the asbestos destined for the intersbate and intrastate trades goes by rail; it nearly all goes by road. That movement along trunk road **63** is playing havoc with the road surface. I impress **upon** the Minister the need to have more **of** the asbestos produced transported by rail. To this end it may be necessary to design a container suitable for the interstate **and intrastate** trade.

If the asbestos in future is required to be railed from **Tamworth—I hope** that will not be the position—it will cost the Woods Reef mine considerably more. The company will have to invest in more road trucks. Instead of being able to travel ten or twelve trips daily from the mine to Barraba, those trucks would only be able to do two or three trips a day from the mine into Tamworth. The company is having a struggle to survive. The mine employs **430** men. The railways are designed to carry heavy loads over long **distances——**

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

Mr COX (Auburn), Minister for Transport and Minister for Highways [11.27]: The main matter raised by the honourable member for Tamworth relates to the freight centre at Tamworth. The matter is of great importance as it involves the question of demarcation disputes. Without being critical of former administrations, this is not a matter that has suddenly arisen. It was an issue that had not been determined. As the honourable member for Tamworth said, the question of who was to drive the motor trucks arose. That is the most important issue. When I took over as Minister for Transport and Minister for Highways I called for the file on the Tamworth freight centre and the first thing I looked for was whether there had been any proper discussions with the two unions, the Transport Workers Union and the Australian Railways Union. No discussions had taken place between the two unions and I immediately arranged for the Australïan Railways Union and the Transport Workers Union to have discussions. Those discussion took place over a period of four hours. At the end of that time virtually no concessions had been made by either union.

I then advised the Labor Council of New South Wales that there was a dispute on a demarcation issue. I asked the council whether it could assist me in the matter, but the council said that as its representatives had been present at the initial discussions between the Australian Railways Union and the Transport Workers Union, it could not help. I then arranged for the matter to go before the Commonwealth Conciliation and Arbitration Commission. One of the difficulties was that the Australian Railways Union is a federal union but the Transport Workers Union is a State union. Nevertheless I got it before the tribunal. Efforts by the Commonwealth Conciliation and Arbitration Commission were not very fruitful. Since then I have had discussions with the Transport Workers Union and with the Australian Railways Union separately.

I believe that a compromise solution in relation to the operation of the Tamworth freight centre is now being reached. If there is not a marriage between the two unions on the operation of a door-to-door service by country freight centres, there is no purpose in the commission's establishing other country freight centres. From the point of view of the Public Transport Commission and from an economic point of view, it would not be of any great financial advantage to establish regional freight centres in the country and then to hand them over to private enterprise.

I am sure honourable members will realize the situation. We all agree on it, including the former Minister. I have supported him on the need for a door-to-door service, but we do not want a door-to-door service arrangement that is handed over to private enterprise. When regional freight centres are established, it will be essential to have a happy arrangement between private enterprise and the public transport system. That is what I have endeavoured to get.

Mr Morris: I thought the Australian Railways Union members ought to do the driving because they are the men working——

Mr SPEAKER: Order!

Mr COX: That is what I thought, too, but there is a difficulty in getting the arrangement. I am working towards the goal and great advantages will flow to the Public Transport Commission. I have done everything possible to try to solve this problem, even to the extent of getting both unions before the federal court. I am hoping that we can get a solution to this most important matter. I assure the honourable member that I hope we can arrive at a reasonable solution and open the freight centre at Tamworth. I do not intend to apportion the blame to any quarter. I hope the honourable member will respect my judgment. I am trying to get the project going. I hope the honourable member will approach the matter on that basis. I do not want to read in the Tamworth newspaper a criticism that the centre has not opened. It is a most delicate operation. If we want a good operation, we shall have to co-operate and get it going.

The Barraba–Manilla spur line carries a fair quantity of wheat, wool and asbestos. I shall consider the arguments advanced by the honourable member on the need to keep this line open. I shall have a look at the Fielders company matter raised by him. He did not put his full arguments, but if he will give me further details of the matter, I shall give him an answer by correspondence. The other matter that he raised was that the whole wool clip should go by rail. I do not oppose that. I hope the whole clip will be carried by rail.

Motion agreed to.

House adjourned at 11.32 p.m.

QUESTIONS UPON NOTICE

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

DOG ACT

Mr MAHER asked the Minister for Local Government—

(1) What is the nature of complaints received from Local Government authorities concerning the provisions of the Dog Act?

(2) Does the Government intend to amend the Dog Act in the current Session?

Answer—

(1) Councils have complained that the present provisions of the Dog Act are not sufficient to enable them to effectively control the dog nuisance. In this regard, Councils have submitted that all dogs in public places should be leashed; heavier penalties should be imposed on owners of dogs causing nuisance; increased fees should be prescribed for the releasing of dogs from pounds, the registration of dogs and the maintenance of dogs detained by councils; and that action should be taken concerning the fouling by dogs of public places and the indiscriminate breeding of dogs.

(2) The Government does not intend to amend the Dog Act in the current Session. However, my Department has carried out a review of the Act and associated matters and a number of alternatives appear to be open to the Government. These include the amendment of the Act to provide strict control in the interests of public health, safety and convenience (including the compulsory leashing of all dogs while in a public place), making it an offence to allow dogs to foul any footpath or other prescribed place and requiring the de-sexing of bitches not used for breeding; whether to amend the Act to allow councils to set their own fees for registration, impounding, maintenance, etc., or to raise the fees and charges already prescribed, or whether to set up a committee to examine the broader question of pets in an urban society.

The matter involves questions of Government policy and is under consideration at the present time.

PACIFIC HIGHWAY MAINTENANCE

Mr BROWN asked the Minister for Transport and Minister for Highways—

The amount of money expended on maintenance on the Pacific Highway (roads and bridges) between Kempsey and Coffs Harbour for each of the years ending 30th June, 1973, 1974, 1975 and 1976?

Answer—

Expenditure on maintenance of the Pacific Highway, including bridges, between Kempsey and Coffs Harbour during the last four financial years was—

	$
1972–73	179,000
1973–74	337,000
1974–75	297,000
1975–76	722,000

The considerable increase in expenditure during 1975–76 was due to the abnormally wet weather experienced in that year.

ABANDONED/DERELICT MOTOR VEHICLES:

Mr BARRACLOUGH asked the Minister for Transport and Minister for Highways—

(1) How many abandoned/derelict motor vehicles have been removed from streets in the city of Sydney and municipality of Woollahra for the years 1973, 1974 and 1975?

(2) What were the costs of removal of these vehicles in each of these years?

Answer—

(1) ***Number of Vehicles Removed:***

	City of Sydney	*Municipality of Woollahra*
1973	415	229
1974	472	279
1975	465	306

(2) Cost of Removal of Vehicles:

	City of Sydney $	*Municipality of Woollahra* $
1973	5,878	6,870
1974	8,718	8,370
1975	14,157	9,180

It is mentioned that the cost figures for the Woollahra Municipality are an approximation only based on a per unit cost of $30. The exact figures are not available from Council.

TRAFFIC LIGHTS, CHATSWOOD TO PYMBLE

Mr MOORE asked the Minister for Transport and Minister for Highways—

(1) What are the locations of sets of traffic lights on the Pacific Highway between Mowbray Road, Chatswood, and Bobbin Head Road, Pymble?

(2) (a) What further sets of lights are proposed for this section of the Pacific Highway and (b) when is installation proposed in each case?

Answer—

(1) Traffic lights are located at the intersections of the following roads with the Pacific Highway—

Mowbray Road, Chatswood
Albert Avenue, Chatswood
Centennial Avenue, Chatswood
Victoria Avenue, Chatswood
Fullers Road and Help Street, Chatswood
Boundary Street, Roseville
Grosvenor Road, Lindfield
Balfour Street and Havilah Road, Lindfield
Highfield Road, Lindfield
Spencer Road and Lorne Avenue, Killara

Cecil Street, Gordon
St Johns Avenue, Gordon
Dumaresq Street, Gordon
Ryde Road and Mona Vale Road, Pymble
Telegraph Road, Pymble
Beechworth Road and Bobbin Head Road, Pymble

There are also pedestrian signals at the following locations—

Roseville Railway Station
Lindfield Railway Station
Gordon Public School
Pymble Railway Station

(2) (a) It is proposed that traffic lights be installed at the following locations—

Railway Street, Chatswood
Ashley Street, Chatswood
William Street and Wyvern Street, Chatswood
Shirley Road and Clanville Road, Roseville
Provincial Road, Lindfield
Marian Street and Buckingham Street, Killara
Livingstone Avenue, Pymble

In addition the intersection of Nelson Street and Moriarty Road, Chatswood, is under consideration by the Traffic Authority and Willoughby Municipal Council as a possible site for lights.

(b) It is not possible to give specific dates for the installation of these lights but they are included in the Traffic Lights Installation Programme for 1976–77.

MECHANICAL STAFF, PUBLIC TRANSPORT COMMISSION

Mr DEGEN asked the Minister for Transport and Minister for Highways—

(1) Is the Public Transport Commission experiencing difficulties in obtaining skilled mechanical staff to service the Public Transport Commission's bus fleet?

(2) (a) Have some bus services been cancelled due to a scarcity of spare parts?
(b) If so, what steps has the Government taken to overcome these difficulties?

Answer—

(1) While there has been difficulty in obtaining staff in some trade classifications, particularly motor mechanics and fitters, there has been an improvement in both quantity and quality of job applicant in recent weeks. Moreover, evidence suggests that applicants are staying in a job once they have gained it.

(2) (a) Yes.
(b) Purchase of more spare engines; replacement of certain unreliable and expensive-to-repair fuel pump equipment with more satisfactory parts; replacement of certain defective original equipment by the chassis supplier at no cost to the Public Transport Commission; replacement of old buses with new vehicles.

GRAZING IN KOSCIUSKO NATIONAL PARK

Mr ROZZOLI asked the Minister for **Lands—**

1. Where in Kosciusko National **Park** is **grazing allowed** under the plan of management?

2. Are grazing leases subject to a specific term and if so what are the expiry dates of present leases?

3. Is illegal grazing occurring in the Mt Pilot area of Kosciusko 'National Park?

4. Is commercial grazing unacceptable in a National Park?

Answer—

(1) The Plan of Management for Kosciusko National Park which was adopted in 1974 calls for the Service to "prohibit grazing within the park (except where required for specific management purposes)". No specific area is referred to.

(2) Commercial grazing has been progressively eliminated from the park as grazing leases expired, and there are now no grazing leases extant on the area.

(3) It is inevitable that some illegal grazing, either deliberate or accidental, will occur on a park of very large size with indefinite boundaries. No reports have been received on illegal grazing in the Mount Pilot area, but this is one section of the park which is patrolled by staff of the National Parks and Wildlife Service to endeavour to control illegal grazing.

(4) Commercial grazing is unacceptable in a national park under normal circumstances. The policy of the National Parks and Wildlife Service aims at the complete elimination of grazing from all national parks, except where a limited amount may be justified for specific management purposes such as the manipulation of habitat to assist in the propagation or protection of wildlife, but provision has been made for relief grazing to be permitted under extreme circumstances and subject to very strict controls.

SPEED LIMIT, PARRAMATTA RIVER

Mr **MAHER** asked the Deputy Premier, Minister for Public Works, Minister for Ports and Minister for **Housing—**

Does the Maritime Services Board propose to introduce a speed limit on power boats on the Parramatta River? If so, will the speed limit cover the traditional regatta **course?**

Answer—

Apart from maintaining current restrictions, including the requirement that the speed of vessels navigating in the commercial section of the Port of Sydney be limited to 8 knots per hour, the Board presently does not propose the introduction of further speed restrictions on the Parramatta River.

SUPERVISION OF SCHOOL PEDESTRIAN CROSSINGS

Mr MAHER asked the Minister for Education—

(1) Have any schoolchildren been injured while supervising school pedestrian crossings since 1965?

(2) If so, how many children were injured and when and where did each accident happen?

(3) Is there a minimum age limit for school crossing supervisors? If so, what is the limit?

(4) Are teachers always present to assist with the supervision of school crossings?

Answer—

(1) Records kept by the Department of Education indicate that there have been no accidents.

(2) (Not applicable).

(3) The minimum age limit is 10 years.

(4) The Department of Education requires that teachers be concerned with the safety and behaviour of children on their way to and from school. Supervision of the children while crossing a busy thoroughfare adjacent to the school gate is considered to be a reasonable procedure in the interest of the children's safety.

Where the principal of a school organizes a school safety patrol service run by teachers, it is considered to be part of their normal duties.

Whether teachers are always present at crossings is a matter for each school principal in accordance with local conditions.

EVENING COLLEGE, DRUMMOYNE

Mr MAHER asked the Minister for Education—

(1) Have inquiries shown a demand for evening college classes in Drummoyne electorate?

(2) Will an evening college be established at Drummoyne Boys' High School in 1977 as an annexe of Burwood Evening College?

(3) Will English be taught to non-English speaking migrants?

Answer—

(1) There has been no approach by any community group to Leichhardt, Ashfield, Hunters Hill or Burwood Evening Colleges for the establishment of an evening college annex at Dmmmoyne Boys' High School.

(2) As the information presently available to the Board of Adult Education indicates that the Drummoyne area is adequately served by evening colleges at Leichhardt, Ashfield, Hunters Hill and Burwood, it is not proposed to open an evening college annex at Drummoyne Boys' High School.

(3) Classes for non-English speaking migrants wishing to learn English are conducted by the Adult Migrant Education Service. This organization is located in Caltex House, 167 Kent Street, Sydney (Phone 27 6684).

HANG GLIDERS

Mr MAHER asked the Minister for Sport and Recreation and Minister for Tourism—

Does the Government propose to control or supervise equipment and apparatus used by hang gliders?

Answer—

The Government does not propose to control or supervise equipment and apparatus used in Hang Gliding.

In determining this policy, the Government has been mindful of the fact that amateur sporting organizations should be encouraged to manage their own affairs with assistance from the Government. Every effort will be made to ensure that intrusion is not substituted for assistance.

In my reply to a Question without Notice by the Honourable Member for Ashfield on 2nd November, 1976, I mentioned the report on Hang Gliding prepared by my Department. Basically, the report recommends unifying the sport, making The Australian Self Soar Association (TASSA) the appropriate controlling body. TASSA will be encouraged by the Government to issue air-worthiness certificates to every kite and only kites conforming with standards established by an independent group, which would include representatives of TASSA would be eligible for use at sites controlled by TASSA. It is proposed also that TASSA introduce a safety schedule incorporating the use of suitable footwear and headgear to be worn by all participants in the sport.